October 18, 2021

West Des Moines City Council Proceedings
Monday, October 18, 2021

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, October 18, 2021 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, K. Trevillyan and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to remove the executive session, because it is no longer needed.

On Item 1. Agenda. It was moved by Trimble, second by Hardman approve the agenda as amended.

Vote 21-499: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Sally Dix, Executive Director of Bravo Greater Des Moines, presented an update of the organization's activities and expressed appreciation to the City for its support.

Police Chief Chris Scott and Fire/EMS Chief Craig Leu reported that their departments have earned reaccreditation from CALEA and presented the certificates to the Mayor and Council.

Council member McKinney reported he attended a meeting of the Metropolitan Advisory Council, where discussion was held on the Metropolitan Waste Authority's new material recovery facility. He also attended a meeting of the Iowa Confluence Water Trails Board of Directors, where discussion was held on entities that have not yet determined whether they will participate in the group. He reported he attended the ribbon cutting ceremony for the Sugar Creek Greenway Trail. He also reported he attended a meeting of the Public Services Subcommittee, where discussion was held on how to address stormwater management in the Commerce area. He also attended a meeting of the Development and Planning Subcommittee, where discussion was held on a proposed redevelopment project at 111 5th Street and potential changes to the ordinance regulating solar energy systems.

Council member Hudson reported he attended a meeting of the Community Compliance Subcommittee, where discussion was held on several properties under review. He also attended a meeting of the City-School Committee, and he reported that enrollment has increased in both the West Des Moines Community School District and the Waukee Community School District.

Council member Hardman reported on the West Des Moines Chamber of Commerce, stating they are hosting a virtual West Des Moines School Board candidate forum this evening and membership numbers have increased despite the ongoing challenges with the COVID-19 pandemic. She also reported she attended a meeting of the Human Rights Commission, where Audrey Kennis, Diversity, Equity, and Inclusion Director, was introduced to the commission and discussion was held on the possibility of adopting a welcoming statement.

City Manager Tom Hadden reported there was a major fire at the Valley West Inn on October 5th, and he commended the public safety departments for their responsiveness and professionalism during that incident. He also reported the city directors held a strategic planning session a couple weeks ago and staff will be providing a summary to the Mayor and Council. He stated the Wastewater Reclamation Authority has been in existence for 20 years, and the leadership is discussing whether the City of Des Moines should continue to serve as its operating agency.

Mayor Gaer stated a letter was received earlier today from Mediacom objecting to Items 4(l).

On Item 4. Consent Agenda.

Council members pulled Items 4(f) and 4(l) for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

a. Approval of Minutes of October 4, 2021 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Thawee Wathana, LLC d/b/a BananaLeaf Asian Bistro, 5515 Mills Civic Parkway, Suite #140 - Class BW Permit with Sunday Sales - New
    2. Des Moines Golf and Country Club d/b/a Des Moines Golf and Country Club, 1600 Jordan Creek Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Outdoor Service Privileges - Renewal
    3. Firebirds of West Des Moines, LLC d/b/a Firebirds Wood Fired Grill, 440 South 68th Street, Suite 101 - Class LC Liquor License with Sunday Sales - Renewal
    4. Kiss My Grits, LLC, d/b/a The Irish, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales and Outdoor Services - Renewal
    5. 52 Gracedieu DBA Memory Lane Antiques, LLC d/b/a Memory Lane Antiques Collectibles & Gifts, 208 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
    6. Monterrey III, LLC, d/b/a Monterrey III, 6630 Mills Civic Parkway, Unit 3116 – Class LC Liquor License with Sunday Sales - Renewal
    7. Pho Shobu, LLC d/b/a Pho Shobu, 8950 University Avenue, Suite 103 - Class LC Liquor License with Sunday Sales - Renewal
    8. SA Petro Mart, Inc., d/b/a SA Petro Mart, 136 1st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal

9. Tallgrass Theatre Company d/b/a Tallgrass Theatre Company, 2019 Grand Avenue, Suite 100 - Class BW Permit with Sunday Sales - New
10. InterMountain Management, LLC d/b/a TownePlace Suites, 125 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
11. Shri Hari, LLC d/b/a West D Liquors, 5014 EP True Parkway - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal

d. Approval of Appointments:
   1. Bicycle Advisory Commission
   2. Library Board of Trustees
   3. Water Works Board of Trustees

e. Approval of Contract Agreement - Snow Removal and Ice Control Services for Sidewalks and Crossing Guard Areas

g. Approval of Change Orders:
   1. MidAmerican Energy RecPlex Technology and Services, #3
   2. MidAmerican Energy RecPlex Site Improvements, #8

h. Approval of Memorandum of Understanding - Central Iowa Code Consortium

i. Approval of Cooperative Agreement with the Iowa Department of Transportation – Crossroads Park Parking Lot and Water Quality Improvements

j. Approval of Interfund Transfers

k. Order Construction:
   1. 2021 Sewer Rehabilitation Program
   2. Raccoon River Drive Bridge over Realigned Johnson Creek

m. Approval of Professional Services Agreement - SE County Line Road, Veterans Parkway to SE Orilla Road

n. Approval to Release Lot 2 of Ginger West Plat 1 from the Development Agreement and Minimum Assessment Agreement with Microsoft Corporation for Project Ginger West

o. Proclamation - Extra Mile Day - November 1, 2021

Vote 21-500: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(f) Approval of Addendum to MidAmerican Energy RecPlex Lease and Hold Harmless Agreement - Des Moines University Osteopathic Medical Center

Council member Hardman stated she will abstain on this item due to a potential conflict of interest.

It was moved by Trimble, second by Hudson to approve Item 4(f) Approval of Addendum to MidAmerican Energy RecPlex Lease and Hold Harmless Agreement - Des Moines University Osteopathic Medical Center.

Vote 21-501: Hudson, McKinney, Trevillyan, Trimble … 4 yes
Hardman … 1 abstain due to potential conflict of interest

Motion carried.

On Item 4(l) Accept Work - Digital Enterprise 2021 Single Family Drop Conduit Installation

Council member McKinney stated he will abstain on this item due to a potential conflict of interest.

It was moved by Hardman, second by Hudson to approve Item 4(l) Accept Work - Digital Enterprise 2021 Single Family Drop Conduit Installation.

Vote 21-502: Hardman, Hudson, Trevillyan, Trimble … 4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) West Des Moines/Cumming Annexation Moratorium and Subdivision Review Agreement, initiated by the City of West Des Moines (Continued from September 7, 2021 and October 4, 2021)

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Agreement.

Vote 21-503: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) High Point, generally north and south of Stagecoach Drive between South 81st Street and South 85th Street - Amend Comprehensive Plan Land Use Map and Amend the Zoning Map to Establish the High Pointe Planned Unit Development (PUD) for Development of Attached and Detached Residential Dwellings, initiated by Coyote Ridge, LC

It was moved by McKinney, second by Hudson to adopt Motion - Acceptance of Withdrawal.

Vote 21-504: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Village at Sugar Creek, northeast corner of South 88th Street and Booneville Road - Amend Comprehensive Plan Land Use Map to Designate Medium Density Residential, Neighborhood Commercial and Open Space, Repeal the Midwest Technology Business Park Planned Unit Development (PUD) and Establish the Village at Sugar Creek PUD Regulating Development of Attached Townhomes and Apartments, Commercial Area and Open Space, initiated by DB Booneville, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 1, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member

absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and PUD ordinance.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by McKinney to adopt Resolution - Approval of Comprehensive Plan Amendment

Vote 21-505: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trimble, second by McKinney to consider the first reading of the ordinance.

Vote 21-506: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by McKinney to approve the first reading of the ordinance.

Vote 21-507: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #12 to the Amended & Restated Mills Parkway Urban Renewal Area, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 21-508: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 2020-2021 FY Community Development Block Grant Program - Consolidated Annual Performance Evaluation Report (CAPER), initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on

October 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hudson to adopt Resolution - Approval of CAPER.

Council member Trimble stated there haven't been any applications submitted for the rental rehabilitation program, so it will continue to be monitored to determine if any changes should be made to the program.

Council member Trevillyan inquired how staff is advertising the rental rehabilitation program.

Christine Gordon, Housing Planner, responded staff advertised a public meeting that was held, which was attended by six landlords. She noted she has received a number of emails and questions about the program, but no applications have been submitted as of yet. She stated she plans to follow up with those that have inquired about the program.

Vote 21-509: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2021-22 FY Operating and Capital Budget - Amendment #1, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 1, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hudson to adopt Resolution - Approval of Budget Amendment #1.

Vote 21-510: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue West Segment 3 Sewer Extension, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by McKinney, second by Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 21-511: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider South Service Area Segment 4 and 10 Sewers, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Hardman, second by Hudson to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 21-512: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Railroad Park Restrooms, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Motion to Defer Award Contract.

City Manager Tom Hadden reported the bids came in significantly higher than the estimate, but staff will evaluate the project and bring forth a recommendation on whether to award the contract or reject the bids at the November 1st City Council meeting.

Vote 21-513: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider 8th Street Reinforced Concrete Box (RCB) Repairs, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Henriksen Contracting, LLC.

Vote 21-514: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider 2021 Sewer Cleaning and Televising Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Hydro-Klean, LLC.

Vote 21-515: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Hy-Vee Fast and Fresh, 300 Grand Avenue - Approval of a Preliminary Plat to Create One Lot for Commercial Development and Approval of a Phased Site Plan to Allow Paving and Private Utilities Related to the Construction of a Convenience Store with Gas Pumps, initiated by Hy-Vee, Inc.

It was moved by Trimble, second by McKinney to adopt Resolution - Approval of Preliminary Plat and Phased Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 21-516: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) 4125 Westown Parkway Urban Renewal Area - Terminate the Urban Renewal Area and Repeal Ordinance No. 1990, initiated by the City of West Des Moines

It was moved by Hudson, second by Trimble to adopt Resolution - Approval to Terminate the Urban Renewal Area.

Vote 21-517: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Hudson, second by Trimble to consider the first reading of the ordinance.

Vote 21-518: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Hudson, second by Trimble to approve the first reading of the ordinance.

Vote 21-519: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Historic West Des Moines Housing Programs, initiated by the City of West Des Moines

Jay Hoag, 413 2nd Street, expressed concerns about Valley Junction homes in disrepair, and he stated he supports the City funding programs to improve those homes; however, he requested the City reconsider the proposed rental acquisition program, because he believes it could amount to a giveaway for house "flippers".

Council member Trimble explained the rental rehabilitation program is intended to assist landlords with properties in disrepair that want to retain their property. Landlords interested in selling their rental property could utilize this proposed rental acquisition program, which means the City would acquire the property and sell it to a non-profit builder, who would make improvements and then sell it to low and moderate income families.

It was moved by Trimble, second by Hudson to adopt Resolution - Approval of the Creation of the Historic West Des Moines Pilot Housing Programs.

Council member Hardman inquired about the rationale for the three to five year timeline for the pilot housing program.

Council member Trimble explained it will take some time to raise the funds, get the program up

and running, and process the initial set of applications, so the three to five year timeline is needed to allow for the desired review period of one to two years after the initial funds have been awarded.

Council member Hardman inquired how staff intends to market the pilot program.

Clyde Evans, Community and Economic Development Director, responded staff will target the marketing to specific users of each of the programs, so the rental rehabilitation program will be marketed to rental property owners in the Historic West Des Moines area. The marketing for the rental acquisition program will consist of reaching out directly to the rental property owners. He noted staff has already communicated with several non-profit builders that are very interested in partnering with the City on this pilot program. For the other two programs, staff will use all available social media channels, the City website, and the news media.

Council member Trevillyan noted the program guidelines specify the rental acquisition program properties would be sold to non-profit builders during the first year of the program only. He inquired about the intention for the years following.

Mr. Evans stated the Finance and Administration Subcommittee recommended that after the first year, the subcommittee would review the program and determine if the non-profit sector has the capacity to take on additional properties. If the subcommittee determines at that time the non-profit sector has maximized its capacity, then they could consider opening the program to private sector builders as well.

Council member Trevillyan suggested that the program guidelines be amended to specify those intentions for the one-year review. He also expressed concerns about the possibility of asbestos issues becoming the City's responsibility for properties acquired through the rental acquisition program.

Council member McKinney expressed concerns that property owners could bundle and receive funding from two or more of these housing programs.

Mayor Gaer suggested including a disclaimer on the application stating that property owners cannot receive funding from more than one housing program.

Council member Trevillyan requested that the motion be amended so that the rental acquisition program guidelines specify the qualifications for non-profits eligible to purchase the properties acquired by the City and remove the one-year timeline for non-profits only, with the understanding that if it becomes evident after a year that the program should be opened to include private sector builders, the Council could then amend the program guidelines to do so.

Council member Trimble rescinded his motion, and Council member Hudson rescinded his second to that motion.

It was moved by Trimble, second by Hudson to adopt Resolution - Approval of the Creation of the Historic West Des Moines Pilot Housing Programs, with amendments to the rental acquisition program guidelines to specify the qualifications for non-profits eligible to purchase the properties acquired by the City and remove the one-year timeline for non-profits only.

Vote 21-520: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - Delavan Drive, Grand Avenue to terminus of Delavan Drive (south side) and 56th Street, EP True Parkway to 85 feet south of Highland Court (east side), initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hudson to consider the first reading of the ordinance.

Vote 21-521: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hudson to approve the first reading of the ordinance.

Vote 21-522: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Grand Avenue, 680 feet west of west I-35 Ramp to western terminus of Grand Avenue, initiated by the City of West Des Moines

It was moved by Trevillyan, second by McKinney to consider the first reading of the ordinance.

Vote 21-523: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by McKinney to approve the first reading of the ordinance.

Vote 21-524: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 1 (Use of Public Ways Restricted) - Allow Approval of the Use

of City Property for Construction Staging, initiated by the City of West Des Moines

It was moved by McKinney, second by Hudson to consider the first reading of the ordinance.

Council member Trevillyan stated he doesn't support city parking lots being used for construction staging, and he expressed concerns it could open the City up to liability issues and other problems.

Council member McKinney stated the Public Services Subcommittee spent a lot of time discussing the concerns about potential liability and destruction of property, and he believes this proposed ordinance strikes the right balance of assuring protection of city property and encouraging redevelopment in locations where it is particularly challenging.

Vote 21-525: Hardman, Hudson, McKinney, Trimble … 4 yes
Trevillyan … 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by McKinney, second by Hudson to approve the first reading of the ordinance.

Vote 21-526: Hardman, Hudson, McKinney, Trimble … 4 yes
Trevillyan … 1 no
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters: none

The meeting was adjourned at 7:08 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor