December 20, 2021

West Des Moines City Council Proceedings
Monday, December 20, 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, December 20, 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 recommends one amendment to the agenda, as the Firefighter swearing in ceremony is now for Jeff Smith only.

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

Vote 21-586: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Wendy Lacina, 537 2nd Street, expressed appreciation to the Parks & Recreation Department and Public Services Department for being accommodating during her recent medical issues.

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

Fire Chief Craig Leu introduced Firefighter Jeff Smith, who was then sworn in by Mayor Gaer.

Dean Whitaker, Market President for First National Bank, and Jason Keigley, Branch Manager for First National Bank, presented a check to the City for $100,000 to support the Historic West Des Moines Pilot Housing Programs.

Council member McKinney reported the Development and Planning Subcommittee met and discussed two potential development projects. He also attended a meeting of the Public Services Subcommittee, where discussion was held on drainage issues in the Commerce Drive area.

Council member Trevillyan expressed appreciation to the West Des Moines Chamber of Commerce for hosting the President's Council dinner last night.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed a new workforce housing program, financial incentives for two affordable housing projects, a new urban renewal area, revisions to the rental rehabilitation program, funding for the Des Moines International Airport terminal project, and the lobbying services contract.

Council member Hudson wished everyone a happy holidays and happy New Year.

Council member Hardman reported she attended a meeting of the Historic West Des Moines Steering Committee. She also reported the City's third annual Martin Luther King Jr. Day celebration will be held on January 17th at the MidAmerican Energy RecPlex.

On Item 4. Consent Agenda.

Council members pulled Item 4(t) for discussion. It was moved by Trimble, second by Hardman to approve the consent agenda as amended.

a. Approval of Minutes of December 6, 2021 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Class BW Permit with Sunday Sales - Renewal
    2. Des Moines Traders, LLC d/b/a Bawarchi Indian Grill & Bar, 6630 Mills Civic Parkway, Suite 3102 - Class LC Liquor License - Renewal
    3. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    4. Concert Glen Oaks, LLC d/b/a Glen Oaks Country Club, 1401 Glen Oaks Drive – Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - New
    5. Hy-Vee, Inc., d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway, 2nd Floor Meeting Room - Class BW Permit with Sunday Sales - Renewal
    6. J.P. Parking Inc. d/b/a J.P. Parking Inc., 6220 Raccoon River Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    7. Kum & Go, L.C., d/b/a Kum & Go #3035, 7265 Vista Drive - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
    8. Scissors & Scotch WDM, LLC d/b/a Scissors & Scotch, 440 South 68th Street, Suite 105 - Class LC Liquor License with Sunday Sales - New
    9. 205 Corporation d/b/a The Tavern, 205 5th Street - Class LC Liquor License with Sunday Sales - Renewal
    10. 205 Corporation d/b/a The Tavern Pizza Pasta Grill, 1755 50th Street - Class LC Liquor License with Sunday Sales - Renewal
    11. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 – Class BC Beer Permit with Sunday Sales - Renewal
d. Approval of Appointment - Human Services Advisory Board
e. Approval of Microsoft Enterprise Agreement and Payment
f. Approval to Sell Surplus City Equipment
g. Approval of Contract for Lobbying Services
h. Approval of Professional Services Agreements:
    1. Raccoon River Greenway, Parking Lot and River Access at 1st Street
    2. American Legion Park and Meadowview Park Parking Lots

i. Approval of Change Orders:
   1. Booneville Road Reconstruction, South 100th Street to South 115th Street, #2
   2. Northeast Basin Storm Sewer Improvements - Connections to 4th Street and Ashworth Road, #7

j. Approval to Send Notice of Termination - WestPet 28E Agreement

k. Approval of 28E Agreement with City of Waukee - Joint Maintenance of Roads

l. Order Construction - Grand Avenue West Segment 3 Sewer Extension

m. Accept Work:
   1. Gas Detection and Bay Heat System Upgrades
   2. Library Interior Renovations
   3. Northeast Basin Storm Sewer Improvements - Connections to 4th Street and Ashworth Road
   4. South 88th Street and Mills Civic Parkway Reconstruction

n. Accept Public Improvements - Grand Ridge Plat 1

o. Authorize Application for Surface Transportation Block Grant (STBG) Program Funding - Des Moines Area Metropolitan Planning Organization

p. Establish Just Compensation and Approve Acquisition of Property - 8th Street Reconstruction, I-235 to Clegg Road

q. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement, Storm Sewer Easement, and Parkland Dedication Agreement - The Reserve Apartments

r. Approval to Initiate Affordable Housing Development Agreements:
   1. DB Booneville, LLC
   2. Silo 9 Plat 1, LLC

s. Approval to Initiate Infrastructure Development Agreements:
   1. Silo 9 Plat 1, LLC
   2. 9421 Ashworth Investors, LLC

u. Approval to Initiate Actions Regarding Urban Renewal Plans:
   1. Creation of 92nd Street Urban Renewal Area
   2. Amendment #5 to the Historic West Des Moines Urban Renewal Area

v. Approval of Revised Guidelines and Policies - Community Development Block Grant Rental Rehabilitation Program

w. Approval of Authorization to Join Mid-Iowa Planning Alliance for Community Development

x. Approval of Resolution of Support for New Des Moines International Airport Terminal Project

y. Approval and Acceptance of Property Interests - Grand Avenue West Segment 4 Sewer Extension

z. Approval of Iowa Opioid Allocation Memorandum of Understanding, Participation Agreement to the Distributors Settlement Agreement, and Participation Agreement to the Janssen Settlement Agreement

aa. Approval of Temporary Crossing Agreement with Microsoft Corporation for Access Across Iowa Interstate Railroad Crossing

Vote 21-587: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(t) Approval to Initiate Property Tax Rebate Development Agreement - 111 5th Street, LLC

Council member Trevillyan stated he is not supportive of this item.

It was moved by Trimble, second by Hudson to approve Item 4(t) Approval to Initiate Property Tax Rebate Development Agreement - 111 5th Street, LLC.

Vote 21-588: Hardman, Hudson, McKinney, Trimble … 4 yes
Trevillyan … 1 no
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning) - Modify Regulations Pertaining to Solar Energy Systems, initiated by the City of West Des Moines

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

Vote 21-21-589: 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 Trimble to approve the second reading of the ordinance.

Vote 21-590: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trevillyan, second by Trimble to waive the third reading and adopt the ordinance in final form.

Vote 21-591: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Amendment to City Code, Title 1, (Administrative), Chapter 9 (Municipal Elections) - Redistricting of City Council Wards and Precincts in Compliance with the 2020 Federal Census, initiated by the City of West Des Moines

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

Vote 21-592: 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 second reading of the ordinance.

Vote 21-593: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trevillyan, second by McKinney to waive the third reading and adopt the ordinance in final form.

Vote 21-594: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Wilder Pines Plat 1 - Vacation of a Storm Sewer Easement, Storm Sewer and Drainage Easement, Public Utility Easement, and Surface Water Flowage Easement, 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 December 10, 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 Trimble to adopt Resolution - Approval of Vacation of Easements.

Vote 21-595: 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 Ginger East Plat 1, Lot 1 - Vacation of a Storm Sewer Easement, Sanitary Sewer Easement, and Portions of Sanitary Sewer Easements, 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 December 16, 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 Vacation of Easements.

Vote 21-596: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(c) Eastern Parcel of the South Side of Formerly Vacated SE Army Post Road near the Intersection of SE Army Post Road and 42nd Street - Conveyance of Property to SBBP JV21, LLC, initiated by the City of West Des Moines

It was moved by Trevillyan, second by McKinney to adopt Motion - Continue Public Hearing Indefinitely.

Vote 21-597: 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 Grand Avenue Bridge over Johnson Creek, 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 December 10, 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 A.M. Cohron & Son, Inc.

Vote 21-598: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Silverwood, southeast corner of South 88th Street and Coachlight Drive - Plat of Survey to Create One Parcel for Transfer of Ownership, initiated by Hurd Riverview, LLC

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval and Release of Plat of Survey, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 21-599: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Rental Workforce Housing Program, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Creation of Rental Workforce Housing Program.

Vote 21-600: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) West Des Moines Water Works - 2022 Budget - Received Filed

On Item 9 - Other Matters: none

Mayor Gaer swore in Mayor-Elect Russ Trimble, At-Large Council Member Renee Hardman, First Ward Council Member Kevin Trevillyan, and Third Ward Council Member Doug Loots, all for four-year terms beginning January 1, 2022.

Mayor-Elect Trimble presented outgoing Mayor Gaer with a gavel plaque in appreciation for his 14-plus years of service as Mayor of West Des Moines.

The Council members each expressed their appreciation and well wishes to outgoing Mayor Gaer.

The meeting was adjourned at 6:23 p.m.

It was moved by Trevillyan, second by Trimble to go into Executive Session per Chapter 21 of the Iowa Code, to discuss contract negotiations.

Vote 21-601: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

Entered Executive Session at 6:39 p.m. with the following persons present in the Council Chambers of City Hall: Mayor Gaer, Council members Hardman, Hudson, McKinney, Trevillyan, and Trimble; Council member-elect Loots; City Manager, Assistant City Attorney, City Clerk, Human Resources Director, Finance Director, and retained legal counsel Mike Galloway of Ahlers & Cooney, P.C.

It was moved by Hardman, second by Trevillyan to adjourn from Executive Session.

Vote 21-602: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

Executive Session was adjourned at 7:09 p.m.

December 20, 2021

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor