

January 3, 2022

West Des Moines City Council Proceedings
Monday, January 3, 2022

Mayor Russ Trimble 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, January 3, 2022 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, D. Loots, M. McKinney, and K. Trevillyan.

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

Vote 22-001: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

Mayor Trimble stated a letter was received earlier today from Mediacom objecting to Item 4(e).

On Item 2. Public Forum:

Amy Buehrer, 8415 Mills Civic Parkway, expressed concerns about EMF radiation that she believes is emitted from the Sammons Financial Group building near her home. She also expressed concern about challenges she has experienced while trying to sell her property.

Kathy Beck, 3856 SE Orilla Road, expressed concerns that future roadway construction projects near her home could require her to convey portions of her property to the City for right-of-way. She stated she is opposed to doing that, as she would prefer to retain her property in its entirety.

M.J. Hoag, 413 2nd Street, expressed concerns about the American Legion Park Parking Lot Project, as he would prefer to see on-street angle parking stalls constructed around the perimeter of the park as opposed to a parking lot that would take away open space within the park.

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

David Nelson, President/CEO of West Bank, and Brad Winterbottom, Executive Vice President of West Bank presented a check to the City for \$350,000 to support the Historic West Des Moines Pilot Housing Programs.

Bret Hodne, Public Services Director, provided a presentation on the City's growth and its budget implications.

Council member Loots stated he is excited to serve on the City Council and to represent the citizens of Ward 3.

January 3, 2022

Council member Hardman expressed appreciation to the Public Services Department for their snow removal efforts following the recent winter weather. She also spoke in support of wearing face coverings as a means to prevent transmission of COVID-19, as the number of hospitalizations related to COVID-19 are currently very high.

Council member McKinney congratulated City staff for their efforts in making 2021 the highest year ever for building permit valuation.

Council member Hudson congratulated Mayor Trimble and Council members Hardman, Trevillyan, and Loots as they all begin new terms.

Mayor Trimble stated it is a great honor to serve as the Mayor of West Des Moines, and he shared about some of the priorities he will focus on as Mayor: cutting the property tax levy rate, game-changing quality of life projects, economic development incentives, revitalizing Valley Junction, revitalizing the Valley West Mall area, promoting affordable housing, maintaining decorum in the council chambers, and ensuring all voices are heard.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of December 20, 2021 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Bravo Brio Restaurants, LLC d/b/a Bravo!, 120 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 2. Cyd's Catering, LLC d/b/a Cyd's Catering, 4000 Turnberry Drive - Class LC Liquor License with Catering Privileges - Renewal
 3. First Fleet Concerts, LLC d/b/a First Fleet Concerts, 301 Ashworth Road (Val Air Ballroom) - Class LC Liquor License with Sunday Sales - New
 4. Lakes Venture, LLC d/b/a Fresh Thyme Farmers Market, 2900 University Avenue, Suite E - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
 5. Flatin Rusty Taco Des Moines, LLC d/b/a Rusty Taco, 9500 University Avenue, Unit 2108 - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 6. MAHAJAN 2, LLC d/b/a Superquick Liquor Wine, 2704 Vine Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New
 7. Thompson Hospitality, LLC d/b/a Urban Cellar, 640 South 50th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal

January 3, 2022

- d. Approval of Appointments - City Clerk and Deputy City Clerk
- f. Approval of Contract - Waste Collection and Disposal Services
- g. Accepting Public Improvements - The Preserve Estates Plat 2
- h. Approval and Acceptance of Property Interests - Ginger West
- i. Authorize Application for Transportation Alternatives Program Grant Funding - Des Moines Metropolitan Planning Organization

Vote 22-002: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 4(e) Approval of Change Order #1 - Digital Enterprise Conduit Deployment Segment 4, Phase 1

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

It was moved by Hardman second by Trevillyan to approve Item 4(e) Approval of Change Order #1 - Digital Enterprise Conduit Deployment Segment 4, Phase 1.

Vote 22-003: Hardman, Hudson, Loots, Trevillyan ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5 - Old Business: no items

On Item 6(a) Agreement for Private Development - Project Ginger East, initiated by Microsoft Corporation

It was moved by Trevillyan, second by Hudson to adopt Motion - Continue Public Hearing to January 18, 2022.

Vote 22-004: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(a) Fox Ridge Plat 1, south of Veterans Parkway and west of the Fox Valley Development - Subdivide Property into 33 Lots for Single-Family Development, One Outlot and Three Street Lots, initiated by Forestar (USA) Real Estate Group, Inc.

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

January 3, 2022

Vote 22-005: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(b) Fox Ridge Townhomes Plat 1, south of Veterans Parkway and west of the Fox Valley Development - Subdivide Property into 48 Footprint Lots for Multi-Family Development and Two Outlots, initiated by Forestar (USA) Real Estate Group, Inc.

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

Vote 22-006: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(c) Grand Valley Townhomes, Grand Avenue east of South 35th Street - Subdivide Property into 113 Lots for Attached Townhome Development and One Lot for Private Streets and Common Area, initiated by Grand Valley Townhomes, LLC.

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

Vote 22-007: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 6:32 p.m.

Council member McKinney indicated he will recuse himself from the Executive Session due to a potential conflict of interest.

It was moved by Hardman, second by Trevillyan to go into Executive Session per Chapter 21 of the Iowa Code, to discuss pending/threatened litigation.

Vote 22-008: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

Entered Executive Session at 6:36 p.m. with the following persons present in the Council Chambers of City Hall: Mayor Trimble, Council members Hardman, Hudson, Loots, and

January 3, 2022

Trevillyan; City Manager, Deputy City Manager, City Attorney, City Clerk, City Engineer, and retained legal counsel Nathan Overberg of Ahlers & Cooney, P.C.

Council member Hudson left the Executive Session at 6:49 p.m.

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

Vote 22-009: Hardman, Loots, Trevillyan...3 yes
Motion carried.

Executive Session was adjourned at 8:04 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor