May 2, 2022

West Des Moines City Council Proceedings
Monday, May 2, 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, May 2, 2022 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, D. Loots, M. McKinney, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to remove Item 9(a) Legislative Updates.

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

Vote 22-214: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

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

Mayor Trimble welcomed the sixth grade students from Fairmeadows Elementary School participating in Student Government Day. The following students were introduced and the role they were playing: Madi Peck, Mayor; Isla Brower, Council member First Ward; Ella Karr, Council member Second Ward; Carter Ross; Council member Third Ward; Isabelle Ploeger, Council member at Large; Raz Marquardt, Council member at Large; Fisher Khongmaly, City Manager; Rose Bigger, City Attorney; Nora Gibbens, City Clerk; and Kate Hoerr, Deputy City Clerk.

City Manager Tom Hadden reported the Fire Department recently acquired a new ladder truck with a 107-foot ladder and rear steering. He also reported there are celebrations coming up for Police Week and National Public Works Week.

Council member Hudson reported he attended meetings of the Greater Des Moines Convention and Visitors Bureau and the Finance and Administration Subcommittee.

Council member McKinney reported he attended a meeting of the Bravo Greater Des Moines Board, and the organization has awarded a grant to the City of West Des Moines for the installation of public art. He also reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on a proposed railway facility on unincorporated land that could be annexed into the city.

Council member Hardman reported she attended a meeting of the Library Board of Trustees, where discussion was held on the activities of the teen center. She also attended the Black and Brown Business Summit hosted by the West Des Moines Chamber of Commerce. She also reported she served as a judge for the selection of the West Des Moines citizen of the year, Steve Gaer, and emerging citizen of the year, Gianna Pugliese, and a ceremony will be held in the coming weeks to recognize those individuals.

Council member Trevillyan reported student government day is always a fun night, and he enjoys seeing the 6th graders be a part of the council meeting.

Council member Loots stated he is excited about the two feasibility studies on tonight's agenda for the proposed expansion of the MidAmerican Energy RecPlex and a proposed aquatic center facility.

Mayor Trimble stated he was proud to have the Black and Brown Business Summit held in West Des Moines again this year, and he commended the West Des Moines Chamber of Commerce for hosting such a great event.

On Item 4. Consent Agenda.

Council members pulled Items 4(q)1, 4(q)2, and 4(q)3 for discussion. It was moved by Trevillyan, second by Hardman to approve the consent agenda as amended.

a. Approval of Minutes of April 18, 2022 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Orilla Chicken Company, Inc. d/b/a The Chicken, 4221 SE Orilla Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    2. Bonsai Food Management, LLC d/b/a Dino's Bar & Grill, 5962 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
    3. El Fogon del Chivo, LLC d/b/a El Fogon, 1250 8th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    4. Foundry Distilling Company, LLC d/b/a Foundry Distilling Company, 111 South 11th Street, Suite 100 - Class C Native Distilled Spirits License with Sunday Sales and Outdoor Service - Renewal
    5. VPC West Des Moines Pizza, LLC d/b/a Giordano's of West Des Moines, 120 Jordan Creek Parkway - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    6. Kinseth Hotel Corporation d/b/a Hampton Inn, 6160 Mills Civic Parkway - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
    7. HD on the Go Big Screen, LLC d/b/a HD on the Go Big Screen, 1551 Valley West Drive (South Parking Lot) - Six-Month Class BW Permit with Sunday Sales

- New

8. Miranda Brothers Corporation d/b/a Mi Patria, 1410 22nd Street - Class LC Liquor License - New
9. The Operating Room, LLC d/b/a The Operating Room, 5515 Mills Civic Parkway, Suites 130 and 135 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
10. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, 6255 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
11. Pool IV TRS, LLC d/b/a Sheraton West Des Moines, 1800 50th Street - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service and Catering Privileges - Renewal
12. Pike VII Management Inc. d/b/a Smashburger, 1821 22nd Street, Suite #106 - Class B Beer Permit with Sunday Sales - Renewal
13. Texas Roadhouse Holdings, LLC d/b/a Texas Roadhouse, 6378 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
14. Willow Creek Golf Course, Inc. d/b/a Willow Creek Golf Course, 140 Army Post Road - Class LC Liquor License with Sunday Sales, Living Quarters, and Outdoor Service Privileges - Renewal

d. Approval of Acknowledgment/Settlement Agreements - Violation of Tobacco Laws
e. Approval of Purchase and Implementation of Updated Data Center Switches
f. Approval of Contract Agreement - Granular Deicer Product
g. Approval of Artist Agreements - 2022 WDMurals
h. Approval of Grant Project Cooperative Agreement - 2022 Emerald Ash Borer Community Forestry Grant Program
i. Approval of Professional Services Agreements:
   1. MidAmerican Energy RecPlex Market Study and Pro Forma Update
   2. Aquatics Facility Feasibility Study
j. Approval of Purchase of Wetland and Stream Credits (White Fox Mitigation Bank) - Johnson Creek Realignment
k. Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement - $5,915,000 General Obligation Urban Renewal Bonds, Series 2022A; $8,585,000 General Obligation Urban Renewal Bonds, Series 2022B; $1,760,000 Taxable General Obligation Urban Renewal Bonds, Taxable Series 2022C
l. Order Construction - 8th Street Joint Utility Trench, I-235 to Clegg Road
m. Acceptance of Iowa Department of Transportation Safety Improvement Program (TSIP) Funds - Prairie View Drive and Ashworth Road Intersection Improvements
n. Approval of 28E Agreement with City of Norwalk - SE County Line Road, Veterans Parkway to SE Soteria Avenue
o. Approval of Commitment of City Funding for Raccoon River Pedestrian Bridge
p. Approval of Extension of Entitlement - Office at the Galleria, 645 South 60th Street

q. Proclamation - Approval of Proclamations:
   1. National Small Business Week, May 1-7, 2022
   2. National Public Works Week, May 15-21, 2022
   3. Recognition of VFW Post 8879 75th Anniversary

Vote 22-215: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(q)1 Proclamation - National Small Business Week

Mayor Trimble read Proclamation - National Small Business Week.

Jayne Armstrong, Small Business Administration District Director for Iowa, announced that her district will be recognizing West Des Moines as Small Business Community of the Year.

It was moved by Hardman, second by Trevillyan to approve Item 4(q)1 Proclamation - National Small Business Week.

Vote 22-216: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(q)2 Proclamation - National Public Works Week

Mayor Trimble read Proclamation - National Public Works Week.

It was moved by Hudson, second by Loots to approve Item 4(q)2 Proclamation - National Public Works Week.

Vote 22-217: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(q)3 Proclamation - Recognition of VFW Post 8879 75th Anniversary

Mayor Trimble noted this proclamation will be presented during a ceremony on Wednesday, May 11th.

It was moved by Trevillyan second by Hardman to approve Item 4(q)3 Proclamation - Recognition of VFW Post 8879 75th Anniversary.

Vote 22-218: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning) - Modify Regulations Pertaining to Requirements for Garages in Single-Family and Medium-Density Zoning Districts, initiated by the City of West Des Moines

It was moved by Hardman, second by Loots to consider the third reading of the ordinance.

Vote 22-219: Hardman, Hudson, Loots, McKinney…4 yes
Trevillyan … 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Hardman, second by Loots to approve the third reading and adopt the ordinance in final form.

Vote 22-220: Hardman, Hudson, Loots, McKinney…4 yes
Trevillyan … 1 no
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning) - Modify Regulations Pertaining to Residential Building Form and Residential Uses, initiated by the City of West Des Moines

It was moved by Hudson, second by Hardman to consider the third reading of the ordinance.

Vote 22-221: Hardman, Hudson, Loots, McKinney…4 yes
Trevillyan … 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Hudson, second by Hardman to approve the third reading and adopt the ordinance in final form.

Vote 22-222: Hardman, Hudson, Loots, McKinney…4 yes
Trevillyan … 1 no
Motion carried.

On Item 5(c) Galleria, 6255 Mills Civic Parkway - Amend the Specific Plan Ordinance to Allow a Bank on Parcel A-4 of the Specific Plan, initiated by I.H.W.O.P., LLC and WCKLC-RED ROBIN, L.C.

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

Vote 22-223: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-224: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

Vote 22-225: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 5(d) Suite Shots, southwest corner of Interstate 35 and Grand Avenue - Establish the Suite Shots Planned Unit Development (PUD) Regulating Development of a Variety of Commercial and Offices Uses, initiated by Des Moines ND, LLC

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

Vote 22-226: Hardman, Hudson, Loots, Trevillyan…4 yes
McKinney … 1 abstention due to potential conflict of interest
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-227: Hardman, Hudson, Loots, Trevillyan…4 yes
McKinney … 1 abstention due to potential conflict of interest
Motion carried.

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

Vote 22-228: Hardman, Hudson, Loots, Trevillyan…4 yes
McKinney … 1 abstention due to potential conflict of interest
Motion carried.

On Item 6(a) Glen Oaks Rowhomes, southwest corner of I-35 and Mills Civic Parkway - Amend Comprehensive Plan Land Use Map to Establish Medium Density Residential Land Use and Amend the Glen Oaks Planned Unit Development (PUD) to Add Parcel M and Add Regulations Governing the Development of Medium Density Residential, initiated by Paramount-Destination Homes, Inc. (Continued from April 4, 2022 and April 18, 2022)

It was moved by Trevillyan, second by McKinney to adopt Motion - Continue Public Hearing to May 16, 2022.

Vote 22-229: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(b) Mayor Trimble indicated this was the time and place for a public hearing to consider Silverwood, northeast corner of Mills Civic Parkway and South 88th Street - Amend Comprehensive Plan Land Use Map to Designate Medium Density Residential and Amend the Planned Unit Development (PUD) Regulating Development of Medium Density Residential, initiated by Hurd Riverview, LLC (Continued from April 18, 2022). He asked for the date the notice was published and the City Clerk indicated the notice was published on April 4, 2022 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and PUD amendment, and there were several citizen correspondences received which are included with the council communication.

Mayor Trimble asked if there were any public comments.

Dan Manning, 317 6th Avenue, Des Moines, on behalf of the applicant, expressed appreciation to the Council and staff for their efforts throughout the development review process. He requested an amendment to the PUD ordinance to remove the berming requirement along South 88th Street and Mills Civic Parkway, as he believes the matter could be addressed during the site plan process.

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

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

Vote 22-230: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

Lynne Twedt, Development Services Director, explained that South 88th Street and Mills Civic Parkway are both higher classification roadways, and the city has been consistent in its buffer requirements along those roadways. She noted there can be flexibility to allow undulation in the berms, but staff is recommending the berming requirement remain in the PUD ordinance.

Council member McKinney stated he believes there is a distinction with this development having the front of the homes facing the roadway, so he would request that staff take that into consideration when determining the type of berming that should be required during the site plan process.

Vote 22-231: Hardman, Hudson, Loots, McKinney, Trevillyan…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 22-232: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(c) Mayor Trimble indicated this was the time and place for a public hearing to consider Replacement Agreement for Private Development - 1261 8th Street, initiated by Keystone Phase II, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 23, 2022 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Loots, second by McKinney to adopt Resolution - Approval of Agreement.

Vote 22-233: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(d) Mayor Trimble indicated this was the time and place for a public hearing to consider Digital Enterprise Last Mile Conduit Deployment Segment 5, Phase 3, 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 April 15, 2022 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trevillyan, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Kramer Service Group.

Vote 22-234: Hardman, Hudson, Loots, Trevillyan…4 yes
McKinney … 1 abstention due to potential conflict of interest
Motion carried.

On Item 6(e) Mayor Trimble indicated this was the time and place for a public hearing to consider Woodland Hills Greenway - Trail Construction and Drainage Improvements, 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 April 15, 2022 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trevillyan, second by McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Wenthold Excavating.

Vote 22-235: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(f) Mayor Trimble indicated this was the time and place for a public hearing to consider Valley Junction Business District Pavers and Sidewalk, Phase 2, 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 April 15, 2022 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Loots, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to MPS Engineers, PC.

Vote 22-236: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(a) Jordan Creek Point Plat 1, southwest corner of EP True Parkway and 68th Street - Approval of a Final Plat to Create Two Lots for Commercial Development, initiated by Jordan

Creek Point, LLC

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

Vote 22-237: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(b) Westown Crossing Plat 1, 2501 Westown Parkway and 1625 28th Street - Approval of a Preliminary Plat to Replat Seven Lots into Two Lots, One for Multi-Family Residential Development and Another to Continue Existing Office Land Uses and Approval of a Site Plan to Allow Construction of a Senior Living Facility, initiated by CT Development

It was moved by Trevillyan, second by Loots to adopt Resolution - Approval of Preliminary Plat and Site Plan, subject to the applicant complying with all applicable City Code requirements.

Vote 22-238: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(c) Subway/Dairy Queen Parking, 308 and 340 Grand Avenue - Approval of Minor Modification to Site Plan to Allow Modifications to the Parking Lot, initiated by Real Estate Holdings II, LLC

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

Vote 22-239: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Hudson expressed appreciation to the Fairmeadows 6th graders who participated in Student Government Day.

Mayor Trimble expressed appreciation to Hannah Guck, Executive Assistant, for her efforts in coordinating Student Government Day.

The meeting was adjourned at 6:45 p.m.

May 2, 2022

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Russ Trimble, Mayor