West Des Moines City Council Proceedings Monday, May 16, 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 16, 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 Loots approve the agenda as presented.

Vote 22-240: 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:

Bankers Trust representatives Emily Abbas, Senior Vice President-Chief Consumer Banking, Christina Jarck, Corporate Communications Specialist, and Joshua Kummer, Assistant Vice President, Fair Banking Officer, presented a check to the City for \$60,000 to support the Historic West Des Moines Pilot Housing Programs.

City Manager Tom Hadden reported there will be a Public Works Week celebration on Thursday, May 19th at the Valley Junction Farmers Market and a Police Week celebration at the Law Enforcement Center on Thursday, May 19th.

Council member Hudson reported he attended the Greater Des Moines Partnership trip to Washington D.C. and believed it was a great opportunity to build connections with other local leaders from the Des Moines metro area.

Council member McKinney expressed appreciation to staff for providing information he requested regarding building trends in West Des Moines. He reported he also attended the Greater Des Moines Partnership trip to Washington D.C., and he expressed appreciation to Mayor Trimble for establishing relationships with our Congressional delegation and arranging meetings with them in Washington D.C.

Mayor Trimble stated he believes it was a productive trip to Washington D.C., and he noted there were discussions about the potential designation of Iowa Highway 5 as an interstate highway, which he believes would have a potential impact on economic development in that area.

Council member Hardman expressed condolences to the families of the victims of the recent mass shooting incident in Buffalo, New York. She noted the victims were primarily people of color, and she urged everyone to embrace love over hate and seek to understand people that are different from ourselves.

Council member Loots reported he attended the Greater Des Moines Partnership trip to Washington D.C., and he expressed appreciation to those that helped organize the trip.

Council member Hudson expressed appreciation to Congresswoman Cindy Axne for her instrumental role in securing Federal funding for the Raccoon River Pedestrian Bridge project.

On Item 4. Consent Agenda.

Council members pulled Items 4(k)1, 4(l), and 4(p) for discussion. It was moved by Hudson, second by Hardman to approve the consent agenda as amended.

- a. Approval of Minutes of May 2, 2022 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. On The Rise West Des Moines, LLC d/b/a Blaze Pizza, 6305 Mills Civic Parkway, Suite 4100 Class BW Permit with Sunday Sales Renewal
 - 2. Midwest Ventures 6, LLC d/b/a The Breakfast Club, 5525 Mills Civic Parkway, Suite 100 Class LC Liquor License with Sunday Sales New
 - 3. Eat Thai, LLC d/b/a Eat Thai, Thai Eatery, 1821 22nd Street, #103 Class BW Permit with Sunday Sales Renewal
 - 4. Migliero Real Estate d/b/a G. Mig's 5th Street Pub, 128 5th Street Class LC Liquor License with Sunday Sales and Outdoor Service Renewal
 - 5. P2C2 Investments, LLC d/b/a Global Brew Tap House, 9500 University Avenue, Suite 1118 Class LC Liquor License with Sunday Sales and Outdoor Service New
 - 6. CTCC Rentals, LLC d/b/a Grand Junction Bar & Grill, 1970 Grand Avenue, #29 Class LC Liquor License with Sunday Sales, Brew Pub, Outdoor Service, and Catering Privileges Renewal
 - 7. BBMG Mills Civic Parkway, LLC d/b/a Grumpy Goat Tavern, 6420 Mills Civic Parkway Class LC Liquor License with Sunday Sales and Outdoor Service Renewal
 - 8. Hy-Vee, Inc., d/b/a Hy-Vee Clubroom, 555 South 51st Street, Clubroom Area Class BW Permit with Sunday Sales Renewal
 - 9. Hy-Vee, Inc. d/b/a Hy-Vee Fast and Fresh #2, 9150 University Avenue Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales New
 - 10. Hy-Vee, Inc. d/b/a Hy-Vee Fast and Fresh #3, 300 Grand Avenue Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales New

- 11. MM, LLC d/b/a Ladder #13, 1316 Grand Avenue Class LC Liquor License with Sunday Sales and Outdoor Service Renewal
- 12. Mega St. Kilda, LLC d/b/a St. Kilda Collective, 333 5th Street Class LC Liquor License with Sunday Sales and Catering Privileges Renewal
- 13. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive Class LB Liquor License with Sunday Sales Renewal
- 14. 3781 EP True, LLC d/b/a Valley Pub, 3781 EP True Parkway Class LC Liquor License Extension of Outdoor Service June 4, 2022
- 15. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales Renewal
- 16. Your Private Bartender, LLC d/b/a Your Private Bar, 4350 and 4400 Westown Parkway Five-Day Class LC Liquor License for a Private Event on May 17, 2022
- d. Approval of Special Event Lane Closures:
 - 1. Mustang Club of Central Iowa Car Show, June 5, 2022
 - 2. Henry Gregor Felsen Tribute Car Show, September 18, 2022
- e. Approval to Sell Surplus City Equipment
- f. Approval of Contract Agreements:
 - 1. Portland Cement Concrete
 - 2. MidAmerican Energy RecPlex Custodial Services
 - 3. MidAmerican Energy RecPlex Landscape Maintenance
- g. Approval of Title VI Non-Discrimination Agreement and Assurances
- h. Approval of Professional Services Agreement Interim Human Resources Consulting Services
- i. Approval of Purchase of Wetland and Stream Credits (McCorkle Mitigation Bank) Blue Creek Stormwater Detention Facilities
- j. Approval of Purchase of Wetland and Stream Credits (White Fox Mitigation Bank) Stagecoach Drive, South Jordan Creek Parkway to South 78th Street
- k. Approval of Change Orders:
 - 2. MidAmerican Energy RecPlex General Construction, #29
- m. Accept Public Improvements:
 - 1. Della Vita Plat EP True Parkway Improvements
 - 2. Della Vita Plat EP True Parkway Improvements, Phase 2
 - 3. Adams Street Elevated Water Storage Tank Sanitary Sewer
- n. Approval of Extensions of Entitlement:
 - 1. Alameda Office Building, 6770 Vista Drive
 - 2. Waterbury Office Building, 7765 Office Plaza Drive North
- o. Approval of Vacation Request Galleria at Jordan Creek Plat 9, Lot 1, 645 South 60th Street
- q. Approval of Proclamations:
 - 1. Police Officers Week, May 15-20, 2022
 - 2. Kids to Parks Day, May 21, 2022

Vote 22-241: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 4(k)1 Approval of Change Order #1 - Digital Enterprise Conduit Deployment Segment 3, Phase 3

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

It was moved by Hudson, second by Loots to approve Item 4(k)1 Approval of Change Order #1 - Digital Enterprise Conduit Deployment Segment 3, Phase 3.

Vote 22-242: Hardman, Hudson, Loots, Trevillyan ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(1) Order Construction - Digital Enterprise Conduit Deployment Segment 4, Phase 4

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

It was moved by Hudson, second by Loots to approve Item 4(l) Order Construction - Digital Enterprise Conduit Deployment Segment 4, Phase 4.

Vote 22-243: Hardman, Hudson, Loots, Trevillyan ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(p) Clarifying the Terms of the Temporary Moratorium Regarding Certain Development Activities in the Historic Valley Junction Business District

Council member Trevillyan requested clarification on the purpose of this item.

Clyde Evans, Community and Economic Development Director, stated staff is of the understanding that the Council's intent was for the moratorium to apply only to the properties identified by the consultant as historical or contributing properties.

Council member Trevillyan stated he does not believe that is correct, and he expressed concerns that the matter was never discussed with the Historic West Des Moines master plan steering committee.

Mayor Trimble suggested the item be continued to the next meeting so the intent of the Council can be clarified.

It was moved by Trevillyan, second by McKinney to continue Item 4(p) Clarifying the Terms of the Temporary Moratorium Regarding Certain Development Activities in the Historic Valley Junction Business District to June 6, 2022.

Council member Trevillyan requested that staff prepare a verbatim copy of the minutes from when the matter was discussed by the City Council.

Mr. Evans reported the City Council adopted a motion on February 21st to direct staff to proceed with extending the moratorium as recommended by the Historic West Des Moines master plan steering committee. Staff interpreted their recommendation to be the moratorium would apply on contributing building within the existing historic registered district, with exemptions for 111 5th Street and 113 5th Street; however, the Resolution that was subsequently adopted on March 7th did not clearly describe the steering committee recommendation. Staff brought this Resolution forward to clarify the specifics of what the Council had voted to approve.

Mayor Trimble stated he believes it would be best to continue this item to the June 6^{th} meeting to allow time for staff to determine what the Council had previously approved.

Vote 22-244: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 5(a) Silverwood, northeast corner of Mills Civic Parkway and South 88th Street - Amend the Planned Unit Development (PUD) Regulating Development of Medium Density Residential, initiated by Hurd Riverview, LLC

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

Vote 22-245: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-246: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

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

Vote 22-247: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes 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 - Paramount-Destination Homes, Inc. (Continued from April 4, 2022, April 18, 2022, and May 2, 2022)

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

Vote 22-248: 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 Sugar Creek Hills Lots 10 and 11, 32567 335th Street - Amend the Zoning Map to Establish Single-Family Residential Zoning, 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 29, 2022 in the Des Moines Register. Mayor Trimble 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 rezoning request.

Mayor Trimble asked if there were any public comments.

Chad Brewbaker, 1460 SE Bishop Drive, Waukee, expressed opposition to single-family zoning in general, stated he believe it is a violation of the First Amendment and freedom of association. He stated he believes property owners should not be restricted on who can live on their property.

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

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

Vote 22-249: 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 Hardman to approve the first reading of the ordinance.

Vote 22-250: 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 Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and

Industrial Zoning District) - Modify Zoning District Regulations Related to SIC 5961 (Catalog and Mail Order Houses), 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 29, 2022 in the Des Moines Register. Mayor Trimble 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 ordinance amendment.

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 consider the first reading of the ordinance.

Vote 22-251: 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 22-252: 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 Agreement for Private Development, initiated by 111 5th Street, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 6, 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 Hardman, second by Loots to adopt Resolution - Approval of Agreement.

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

Vote 22-253: Hardman, Hudson, Loots, Trevillyan ... 4 yes
McKinney ... 1 abstain 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 2021-22 FY Operating and Capital Budget - Amendment #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 29, 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.

Chad Brewbaker, 1460 SE Bishop Drive, Waukee, expressed concerns about a recent Iowa Supreme Court decision related to alleged tax bribes, which he believes destabilizes the City's tax base.

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

It was moved by Trevillyan, second by Loots to adopt Resolution - Approval of Budget Amendment #3.

Council member McKinney requested clarification on the court decision referenced by Mr. Brewbaker.

Assistant City Attorney Jessica Spoden reported Mr. Brewbaker filed a lawsuit against the State of Iowa, Apple, and the cities of Waukee and West Des Moines. The lawsuit was dismissed at the district court level, and Mr. Brewbaker appealed it to the Iowa Supreme Court, but it was dismissed there as well. She stated none of the actions the City Council is considering tonight would be contrary to anything that would affect any litigation.

Vote 22-254: 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 SE County Line Road, Veterans Parkway to SE Orilla Road, 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 29, 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 Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to McAninch Corporation.

Vote 22-255: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 6(g) Mayor Trimble indicated this was the time and place for a public hearing to consider Valley Junction Alley Improvements, Phase 6, 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 29, 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.

Mayor Trimble acknowledged the residents in this area have been waiting a long time for this alley to be paved and are getting anxious. He understands the explanation for why no bids were received, and he agrees with the staff recommendation to incorporate this project into the Valley Junction Alleys, Phase 7. He inquired about the timeline for that project.

Brian Hemesath, City Engineer, stated the project is in the budget for FY 2022-23, so staff could get the consultant working on the design as soon as July 1, 2022, and start construction sometime in spring 2023.

Mayor Trimble requested that staff do anything it can to expedite this project.

It was moved by Loots, second by Hardman to adopt Resolution - Approval of Plans and Specifications and Motion - Receive and File Report of Bids.

Vote 22-256: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(a) Cedar Ridge Plat 3, southwest corner of South 91st Street and Coachlight Drive - Approval of Final Plat to Create 26 Lots for Single-Family Residential Development, Two Outlots and One Street Lot, initiated by Chayse Holdings, LLC and Oakstone Homes, Inc.

It was moved by McKinney, second by Hudson to adopt Resolution - Acceptance of Surety for Public Improvements and 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 22-257: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(b) Grand Avenue Redevelopment Plan - Amend the Grand Avenue Redevelopment Plan Regarding Guidelines for Gateway Signage, initiated by the City of West Des Moines

It was moved by McKinney, second by Hudson to adopt Resolution - Approval of Amendment to Redevelopment Plan, subject to the applicant complying with all applicable City Code

requirements.

Vote 22-258: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(c) Fairmeadows Elementary School, 807 23rd Street - Approval of Major Modification to Site Plan to Allow a Building Addition and Parking Lot Updates, initiated by West Des Moines Community School District

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

Vote 22-259: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(d) Stillwell Junior High School, 1601 Vine Street - Approval of Major Modification to Site Plan to Allow a Building Addition and Outdoor Recreational Area, initiated by West Des Moines Community School District

Mayor Trimble expressed support for this major modification, as he believes the changes will help address the traffic issues that occur in the area during school drop-off and pick-up times.

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

Vote 22-260: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(e) Valley Southwoods Freshman High School, 625 South 35th Street - Approval of Major Modification to Site Plan to Allow approx. 42,000 sq. ft. of Building Additions, initiated by West Des Moines Community School District

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

Vote 22-261: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(f) Plat of Survey Parcel '21-45', 9126 South 91st Court - Approval of Plat of Survey to Create One Lot, initiated by Chayse Holdings, LLC

It was moved by McKinney, 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 22-262: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(g) Della Vita, southeast corner of Wendover Lane and EP True Parkway - Approval of Plat of Survey for Transfer of Ownership, initiated by Della Vita, LLC

It was moved by Hudson, second by McKinney 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 22-263: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(h) Issuance of \$5,915,000 General Obligation Urban Renewal Bonds, Series 2022A, initiated by the City of West Des Moines

It was moved by Loots, second by Trevillyan to adopt Resolution - Motion - Receive and File Report of Bids, and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds.

Chad Brewbaker, 1460 SE Bishop Drive, Waukee, expressed concerns that the City did not disclose the Iowa Supreme Court Case to the bond underwriters.

Susanne Gerlach, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulations of bids for Series 2022A. This bond series received five bids, which included 42 bidders that went in as syndicates. The low bid, submitted by Piper Sandler & Co. came in at a true interest rate of 2.83 percent.

Vote 22-264: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(i) Issuance of \$8,585,000 General Obligation Urban Renewal Bonds, Series 2022B, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Loots to adopt Resolution - Motion - Receive and File Report of Bids, and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds.

Susanne Gerlach, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulations of bids for Series 2022B. This bond series received five bids, which included 42 bidders that went in as syndicates. The low bid, submitted by Robert W. Baird & Co., Inc. came in at a true interest rate of 3.24 percent.

Vote 22-265: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 7(j) Issuance of \$1,760,000 Taxable General Obligation Urban Renewal Bonds, Series 2022C, initiated by the City of West Des Moines

It was moved by Loots, second by Trevillyan to adopt Resolution - Motion - Receive and File Report of Bids, and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds.

Susanne Gerlach, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulations of bids for Series 2022C. This bond series received only two bids. The low bid, submitted by Robert W. Baird & Co., Inc. came in at a true interest rate of 3.33 percent.

Tim Stiles, Finance Director, noted due to the trend of increasing interest rates, staff intends to expedite the bond issuances scheduled for August or September and move them up sooner in hopes of locking in lower rates. He also noted the City works with bond counsel to publish an official statement for every bond issuance, which discloses any pending litigation matters to all potential bondholders.

Vote 22-266: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes Motion carried.

On Item 8(a) Ann Warren Resignation - Library Board of Trustees - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 6:41 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC City Clerk

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ATTEST:	
Russ Trimble, Mayor	-