

June 20, 2022

West Des Moines City Council Proceedings
Monday, June 20, 2022

Mayor Pro tem Greg Hudson 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, June 20, 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 Trevillyan, second by McKinney approve the agenda as presented.

Vote 22-306: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 2. Public Forum:

Jack Hon, 212 7th Street, expressed concerns about the Vibing with Friends outdoor concert held on Saturday, June 18th at Railroad Park, which had a sound permit approved until 11:00 p.m. He felt the sound from the concert had a negative impact on his quality of life, and he suggested the event should be held at a different location in the future.

Council member Trevillyan also expressed concerns about the Vibing with Friends outdoor concert, and he stated he received a number of sound complaints from residents in the surrounding area. He stated he does not believe this event belongs in Valley Junction, and he suggested it should be held at a different location in the future.

Keith Acheson, 1609 SE Army Post Road, expressed concerns about a proposed bike trail that plans have indicated could be located on his property and require the removal of many substantial oak trees.

Sally Ortgies, Parks and Recreation Director, reported the master trails plan does show a trail connection as described by Mr. Acheson, but the actual trail alignment will be finalized when we are closer to construction. She noted the timeline for constructing trails in this area will be driven by private development. She stated staff is also considering alternate routes, such as a route to the west along a future street and a route to the east which would pose challenges with the topography.

Nathan Hon, 216 7th Street, inquired about the status of the citizen petition submitted during the previous council meeting that requested the 500 block of 5th Street be rezoned to single family residential.

Clyde Evans, Community and Economic Development Director, stated the petition will be discussed as part of the overall master plan.

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

Jenni Buchanan, Bank Iowa, presented a check to the City for \$30,000 to support the Historic West Des Moines Pilot Housing Programs.

Council member Hardman wished everyone a Happy Juneteenth, and she commended staff for coordinating a successful Juneteenth Jubilee, at which she was happy to read the proclamation and participate in the panel discussion.

Council member McKinney reported the Development and Planning Subcommittee met and discussed a proposed Valley Junction demolition ordinance. He noted a Council workshop will likely be scheduled in the future to discuss that ordinance. The subcommittee also discussed the future use of city-owned parcels near the Phenix Elementary property, which could be sold for residential development. He also reported that Bravo Greater Des Moines recently awarded three cultural enrichment grants to organizations based in West Des Moines.

Council member Trevillyan expressed concerns about the City potentially selling the parcel of the Phenix Commons, because the residents worked hard to get that as a mini park to serve their neighborhood.

Clyde Evans, Community and Economic Development Director, reported a member of the Historic West Des Moines Master Plan Steering Committee had inquired why the City was sitting on vacant parcels that could be developed as residential. Mayor Trimble had directed staff to bring the matter to the Development and Planning Subcommittee for discussion, and it will then be brought to the full Council for discussion at a future meeting.

Council member Hardman stated there are a plethora of opinions, and some believe the City-owned parcels would be better utilized for the development of affordable housing. She suggested the Council should consider all viewpoints, discuss the matter, and make the best possible decision.

Council member Hudson shared about the historical significance of Juneteenth, and he commended staff for coordinating a successful Juneteenth Jubilee.

City Manager Tom Hadden reported the City will host the Independence Day Parade on Sunday, July 3rd and the fireworks on the City Hall campus on Monday, July 4th. He noted the City is releasing a public service announcement regarding the illegal use of fireworks.

On Item 4. Consent Agenda.

Council members pulled Item 4(k)1 for discussion. It was moved by Hardman, second by Loots to approve the consent agenda as amended.

- a. Approval of Minutes of June 6, 2022 and June 13, 2022 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Midwest Ventures 6, LLC d/b/a The Breakfast Club, 5525 Mills Civic Parkway, Suite 100 - Addition of Outdoor Service Privileges to Existing Class LC Liquor License - New
 - 2. Fordad, Inc., d/b/a Cattoor's on Grand, 1306 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 3. CEC Entertainment, LLC d/b/a Chuck E. Cheese's #958, 1431 22nd Street - Class BW Permit with Sunday Sales - Renewal
 - 4. Blue Monday, LLC d/b/a Eggs & Jam, 1907 EP True Parkway, Suite 101 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 5. El Fogoncito, Inc. d/b/a El Fogon, 5465 Mills Civic Parkway, Suite 101 - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 6. Hy-Vee, Inc., d/b/a Hy-Vee Gas #3, 7280 University Avenue - Class LE Liquor License with Carryout Beer, Carryout Wine and Sunday Sales - Renewal
 - 7. OTB Acquisition, LLC d/b/a On The Border, 140 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 8. Red Lobster Restaurants, LLC d/b/a Red Lobster #0796, 3838 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
 - 9. Top it Off, LLC d/b/a Top it Off, LLC, 101 Jordan Creek Parkway (The Lake District at Jordan Creek) - Six-Month Class B Beer Permit with Sunday Sales - New
 - 10. West Des Moines Soccer Club d/b/a West Des Moines Soccer Club, 1875 SE Walnut Woods Drive - Six-Month Class B Beer Permit with Outdoor Service - New
- d. Approval of Cigarette/Tobacco Permits
- e. Approval of Special Event Lane Closure - Flatland Cup Triathlon, July 10, 2022
- f. Approval of Appointments:
 - 1. Human Services Advisory Board
 - 2. Library Board of Trustees
- g. Approval of Enterprise License Agreement and Payment - ESRI
- h. Approval of Expansion of 911 Telephone System at Westcom
- i. Approval of Memorandum of Understanding - IT Support Services for Westcom
- j. Approval of Extension of Professional Services Agreement - Meeting Facilitation - Dave Lyons, The Iowa Institute
- k. Approval of Amendments to Professional Services Agreements:
 - 2. Raccoon River Pedestrian Bridge at Raccoon River Park, #2
 - 3. South Area Trunk Sewer - Western Extension, #2
- l. Approval of Pay Plan - EMS Department
- m. Approval and/or Ratification of Fees and Charges Effective July 1, 2022

- n. Order Construction:
 - 1. 2022 Street Repair Retainer Contract
 - 2. Blue Creek Stormwater Detention Facilities - Utility Relocations
 - 3. Fiber Conduit Interconnect Project - Brown and Relocated Purple Routes
- o. Accept Work - 2021 HMA Resurfacing Program
- p. Approval of Professional Services Agreement - Construction Testing Services
- q. Approval of Deferral of Sewer Connection Requirement - Schulz Property, 9010 Wendover Road
- r. Approval of Vacation of Rear Yard Buffer Easement - Cedar Ridge Plat 2, Lots 19-23
- s. Approval of Resolutions of Support:
 - 1. Workforce Rental Housing Program - Greater Des Moines Supportive Housing Redevelopment of 3535 Westown Parkway
 - 2. Workforce Housing Tax Credit Program - Keystone Phase II, LLC
- t. Approval and Acceptance of Property Interests:
 - 1. 8th Street Reconstruction, I-235 to Clegg Road
 - 2. Prairie View Drive and Ashworth Road Intersection Improvements
 - 3. Woodland Hills Greenway Trail
- u. Approval of Reservation of Public Road Right-of-Way - SE County Line Road Improvements

Vote 22-307: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 4(k)1 Amendment #2 to Professional Services Agreement - Digital Enterprise Conduit Deployment Segment 4

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

It was moved by Hardman, second by Loots to approve Item 4(k)1 Amendment #2 to Professional Services Agreement - Digital Enterprise Conduit Deployment Segment 4.

Vote 22-308: Hardman, Hudson, Loots, Trevillyan ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) 1st Street Redevelopment, southwest corner of 1st Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Modify Wall Sign Requirements for Buildings Less Than 1,000 Square Feet, initiated by First Street Limited Partnership

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

June 20, 2022

Vote 22-309: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-310: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 22-311: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(b) 1700 Vine Street and 1710 Grand Avenue - Amend the Zoning Map to Establish Neighborhood Commercial Land Use and Zoning, initiated by K&E Limited Partnership

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

Vote 22-312: 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 Hardman to approve the second reading of the ordinance.

Vote 22-313: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 22-314: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(c) Holiday Park, 1701 Railroad Avenue - Vacate 19,625 sq. ft. of Right-of-Way Including an Excess of approx. 450 ft. of Public Alleys and 107 ft. of Maple Street Located Near the Intersection of Maple Street and 14th Street, initiated by the City of West Des Moines

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

June 20, 2022

Vote 22-315: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-316: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 22-317: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) and Chapter 15 (Off-Street Parking and Loading) - Modify Zoning District Regulations Related to 'SIC 7832' (Movie Picture Theaters, except Drive In), initiated by Tallgrass Theatre Company

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

Vote 22-318: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-319: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 22-320: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(e) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 12 (Library Regulations), Section 2 (Rules and Regulations) - Behavior of Library Patrons, initiated by Library Board of Trustees

June 20, 2022

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

Vote 22-321: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-322: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 22-323: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(f) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 8B (Stormwater Fees and Charges) - Modification of Fees and Charges, initiated by the City of West Des Moines

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

Vote 22-324: 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 Hardman to approve the second reading of the ordinance.

Vote 22-325: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 22-326: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 6(a) The Shoppes at Valley West, 3330 Westown Parkway - Amend the Comprehensive Plan Land Use Map and the Planned Unit Development (PUD) to Change the Zoning of the Western Two-Thirds of the Property from Regional Commercial to Professional Commerce Park

June 20, 2022

and Amend Current Regulations Applicable to that Portion of the Property to Accommodate an Office Building, initiated by West Bank, LLC

It was moved by Hardman, second by McKinney to adopt Motion - Continue Public Hearing to July 5, 2022.

Vote 22-327: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 6(b) Mayor Pro tem Hudson 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 Regulations Pertaining to Allowed Zoning Districts for Fireworks Sales, 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 June 3, 2022 in the Des Moines Register. Mayor Pro tem Hudson 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 ordinance amendment.

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

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

Vote 22-328: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
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 22-329: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

It was moved by Loots, second by Hudson, in accordance with Rule 36 of the City Council Procedural Rules, to waive the second and third readings of the ordinance.

Vote 22-330: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

It was moved by McKinney, second by Hudson to adopt the ordinance in final form.

Vote 22-331: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

June 20, 2022

On Item 6(c) Mayor Pro tem Hudson indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 2 (Boards and Commissions), Title 9 (Zoning), and Title 10 (Subdivision Regulations) - Modify or Remove Inaccurate Indications of Plan and Zoning Commission Decision and Appeal Authority of Development Related Applications and Matters, 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 June 3, 2022 in the Des Moines Register. Mayor Pro tem Hudson 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 ordinance amendment.

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

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

Council member Loots requested clarification on the purpose of this ordinance.

Lynne Twedt, Development Services Director, stated this is essentially a clean-up ordinance, as the Plan and Zoning Commission used to make final decisions on grading plans, but now only makes recommendations on all matters, so there are no longer any decisions that could be appealed.

Vote 22-332: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
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 22-333: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 6(d) Amendment to City Code - Title 9 (Zoning) - Address Regulations Pertaining to Accessory Structures Necessary for Recreational Facilities, initiated by the City of West Des Moines.

It was moved by Loots, second by Hudson to adopt Motion - Continue Public Hearing to July 5, 2022.

Vote 22-334: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

June 20, 2022

On Item 6(e) Mayor Pro tem Hudson indicated this was the time and place for a public hearing to consider Community Development Block Grant Program - Amended 2021-22 Annual Action Plan, 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 June 10, 2022 in the Des Moines Register. Mayor Pro tem Hudson asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Hudson 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 Amended Annual Action Plan.

Vote 22-335: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 6(f) Mayor Pro tem Hudson indicated this was the time and place for a public hearing to consider Community Development Block Grant Program - 2022-23 Annual Action Plan, 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 June 10, 2022 in the Des Moines Register. Mayor Pro tem Hudson asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Hudson 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 2022-23 Annual Action Plan.

Vote 22-336: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(a) Jordan Ridge, northwest corner of South Jordan Creek Parkway and Booneville Road - Approval of a Preliminary Plat to Create 28 Single Family Lots, Eight Outlots, and Four Street Lots, initiated by High Point Group, LLC and Jordan Ridge, LLC

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

Vote 22-337: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

June 20, 2022

On Item 7(b) 485 South 19th Street - Approval of a Site Plan to Allow Construction of a Two-Story Duplex Building, initiated by Silo 9 Plat 1, LLC

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

Vote 22-338: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(c) Della Vita Townhomes Plat 5, northeast corner of EP True Parkway and Wendover Lane - Approval of a Site Plan to Allow Construction of Attached and Detached Townhomes, initiated by Della Vita, LLC

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

Vote 22-339: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(d) Fountain Terrace Apartments, 655 South 88th Street - Approval of a Site Plan to Allow Construction of a 146-unit Apartment Complex, initiated by Fountain Terrace Apartments, LLC

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

Vote 22-340: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(e) Dowling Catholic High School, 1400 Buffalo Road - Approval of a Major Modification to Allow Construction of a 4,800 sq. ft. Bus Facility, initiated by Dowling College

It was moved by Loots, second by Hudson to adopt Resolution - Approval of Major Modification, subject to the applicant complying with all applicable City Code requirements.

Vote 22-341: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(f) Redevelopment Incentive Programs (Property Improvement Fund and Regulatory Compliance Fund), initiated by the City of West Des Moines

June 20, 2022

It was moved by Hardman, second by Hudson to adopt Resolution - Approval of Subcommittee Recommendations.

Vote 22-342: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(g) Inter-Fund Loan between the General Fund and the Westcom 911 Service Fund, initiated by the City of West Des Moines

It was moved by Hudson, second by Loots to adopt Resolution - Approval of Inter-Fund Loan.

Vote 22-343: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 8(a) Andrew O’Leary Resignation - Human Rights Commission - Received and Filed

Council member Hardman expressed appreciation to Mr. O’Leary for his service on the Human Rights Commission.

On Item 9 - Other Matters: no items

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Greg Hudson, Mayor Pro tem