

July 5, 2022

West Des Moines City Council Proceedings
Tuesday, July 5, 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 Tuesday, July 5, 2022 at 5:30 PM. Council members present were: G. Hudson, D. Loots, and M. McKinney.

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

Vote 22-346: Hudson, Loots, McKinney...3 yes
Motion carried.

Council member Hardman arrived at 5:31 p.m. The attendance was re-taken. Council members present were: R. Hardman, G. Hudson, D. Loots, and M. McKinney.

On Item 2. Public Forum:

Randle Boyd, 1351 South 51st Street, expressed concerns about residents illegally using fireworks over the Independence Day weekend, and he requested that the City increase its enforcement.

Mayor Trimble directed staff to bring the issue to the next meeting of the Public Safety Subcommittee for discussion.

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

Council member Loots commended City staff for their efforts in coordinating the Independence Day parade.

Council member Hardman commended City staff for their efforts in coordinating the Independence Day parade. She also expressed appreciation to the Fire Department for letting her out-of-town guests see the department's new ladder truck.

Council member McKinney reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on a proposed commercial designation for land along 88th Street and two large senior housing facilities that are moving forward. He reported he also attended the celebration event for the public art "Progression", located on the City Hall campus. He commended City staff for their efforts in coordinating the Independence Day parade and fireworks.

Council member Hudson reported he attended a meeting of the of the Greater Des Moines Convention and Visitors Bureau, where information on hotel/motel tax revenue data was

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presented. He also commended City staff for their efforts in coordinating the Independence Day parade.

Mayor Trimble commended City staff for their efforts in coordinating the Independence Day parade.

On Item 4. Consent Agenda.

Council members pulled Items 4(g) and 4(h)1 for discussion. It was moved by Hudson, second by McKinney to approve the consent agenda as amended.

- a. Approval of Minutes of June 20, 2022 and June 24, 2022 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. BLH Acquisition Co, LLC d/b/a Bar Louie, 7105 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 2. KRC Partners d/b/a Blind Pig Cocktail Bodega, 222½ 5th Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
 3. The Cheesecake Factory Restaurants, Inc., d/b/a The Cheesecake Factory, 101 Jordan Creek Parkway #12550 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 4. Pepperoni Sausage, LLC d/b/a Coach's Pizza, 560 South Prairie View Drive, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 5. NVN WDM, LLC d/b/a Courtyard Des Moines West/Jordan Creek, 410 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
 6. OSI/Fleming's, LLC, d/b/a Fleming's Prime Steakhouse & Wine Bar, 150 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 7. Hana Ramen Sushi, Inc. d/b/a Hana Ramen Sushi, 7450 Bridgewood Boulevard, #205 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 8. Hy-Vee, Inc. d/b/a Hy-Vee Market Grille #4, 555 South 51st Street (Grille Area) - Class LC Liquor License with Sunday Sales - Renewal
 9. Jordan Creek Lodging, LLC, d/b/a Hyatt Place at Jordan Creek, 295 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 10. P. F. Chang's China Bistro, Inc., d/b/a P. F. Chang's China Bistro, 110 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 11. Cinderella Story, LLC, d/b/a Shotgun Betty's - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal

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12. Smash Park Des Moines, LLC d/b/a Smash Park, 6625 Coachlight Drive - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
13. Stu's Petroleum, LLC d/b/a Valley West Corner Store, 1400 Valley West Drive - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
14. Hy-Vee, Inc. d/b/a Wahlburgers, 7105 Mills Civic Parkway, Suite 160 - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
- d. Approval of Cigarette/Tobacco Permits
- e. Approval of Professional Services Agreement - School Crossing Guard Services
- f. Acceptance of Grant Funding from Prairie Meadows Community Betterment Program - West Des Moines Human Services
- h. Order Construction:
 2. Prairie View Drive and Ashworth Road Intersection Improvements
 3. Raccoon River Stormwater Pump Station Controls Replacement
 4. South Service Area Segment 8-2 Sewer
 5. Val-Gate District Signage
- i. Accept Work:
 1. 2020 Asphalt Trail Renovation
 2. 8th Street Reinforced Concrete Box Repairs
 3. Holiday Park Baseball Improvements, Phase 6A - Maintenance Building Renovation
 4. Raccoon River Park Boat Locker Expansion
 5. South 41st Street and Mills Civic Parkway HAWK Beacon
 6. Valley View Park North Loop Road Extension
- j. Approval of Professional Services Agreements:
 1. Law Enforcement Center Garage Conversion and HVAC Improvements
 2. Mitigation Bank Feasibility Study
- k. Authorize Construction of Public Improvements - The Reserve
- l. Approval and Acceptance of Traffic Signal Agreement - Jordan Creek Tower, 595 South 60th Street
- m. Approval and Acceptance of Buffer Easement - 485 South 19th Street
- n. Approval of Termination of 28E Agreement Between WestPet and Furry Friends Refuge for Animal Control Sheltering Services
- o. Approval of 28E Agreement with Furry Friends Refuge for Animal Control Sheltering Services
- p. Approval of First Amendment to Conduit Network License Agreement - Mi-Fiber, LLC

Vote 22-347: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 4(g) Approval of Agreement Addendum - MidAmerican Energy RecPlex Lease Agreement with Des Moines University

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

It was moved by Hudson, second by McKinney to approve Item 4(g) Approval of Agreement Addendum - MidAmerican Energy RecPlex Lease Agreement with Des Moines University.

Vote 22-348: Hudson, Loots, McKinney ... 3 yes
Hardman ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 4(h)1 Order Construction - 76th Street, Ashworth Road to Aspen Drive

Council member Hudson stated a number of the residents in this area are opposed to the construction of this street, therefore he will be voting no.

It was moved by Loots, second by Hardman to approve Item 4(h)1 Order Construction - 76th Street, Ashworth Road to Aspen Drive.

Vote 22-349: Hardman, Loots, McKinney ... 3 yes
Hudson ... 1 no

Motion carried.

On Item 5(a) 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

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

Vote 22-350: Hardman, Hudson, Loots, McKinney...4 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 22-351: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

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

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Vote 22-352: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider The Shoppes at Valley West, 3330 Westown Parkway - Amend the Comprehensive Plan Land Use Map and the Planned Unit Development (PUD) to Allow and Regulate Professional Commerce Park Development on the Middle and West PUD Parcels, initiated by West Bank (Continued from June 20, 2022). He asked for the date the notice was published and the City Clerk indicated the notice was published on June 6, 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 comprehensive plan amendment and PUD amendment.

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

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

Vote 22-353: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

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

Vote 22-354: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-355: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 6(b) 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 (Continued from June 20, 2022)

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

Vote 22-356: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

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On Item 6(c) Mayor Trimble indicated this was the time and place for a public hearing to consider Holiday Park, 1701 Railroad Avenue - Amend the Zoning Map to Establish Open Space and Light Industrial 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 June 17, 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; hearing none he declared the public hearing closed.

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

Vote 22-357: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-358: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

It was moved by Loots, second by Hardman to adopt Resolution - Approval of Lot Tie Agreement.

Vote 22-359: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 6(d) 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) - Allow Beauty Shops and Barbershops in the Professional Commerce Park Zoning District, initiated by Penta Partners, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 17, 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 Hudson, second by Loots to consider the first reading of the ordinance.

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Vote 22-360: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-361: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 6(e) Mayor Trimble indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 15 (Off-Street Parking and Loading) - Update Regulations Pertaining to Parking Requirements for Bars and Restaurants, 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 17, 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 Hardman, second by Loots to consider the first reading of the ordinance.

Vote 22-362: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-363: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 6(f) Mayor Trimble indicated this was the time and place for a public hearing to consider Lots 3 and 4, Delavan Plat 2 - Assignment of a Portion of a Permanent Storm Sewer Easement to Collins Engine Nozzles, Inc., 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 28, 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.

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It was moved by Hudson, second by McKinney to adopt Resolution - Approval of Assignment of Easement.

Vote 22-364: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(a) Mill Ridge Plat 6, northwest corner of Stagecoach Drive and South 88th Street - Approval of a Preliminary Plat to Create 60 Footprint Lots, Two Outlots, and One Street Lot for Multi-Family Residential Development and Approval of a Site Plan to Allow Construction of 60 Attached Townhomes with Associated Site Improvements, initiated by Mill Ridge Homes

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

Vote 22-365: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(b) Dave & Buster's, 190 South Jordan Creek Parkway - Approval of a Site Plan to Allow Construction of an approx. 22,000 sq. ft. Entertainment Facility, initiated by GGP Jordan Creek, 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.

The Mayor and City Council spoke in support of this project, as it will provide a great quality of life amenity for our residents and give an economic boost to other businesses in the area.

Vote 22-366: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(c) Farmers State Bank, southeast corner of University Avenue and 98th Street - Approval of a Phased Site Plan to Allow Construction of Private Utilities, Footings and Foundations, initiated by Farmers State Bank

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

Vote 22-367: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

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On Item 7(d) West Bank, 3330 Westown Parkway - Approval of a Phased Site Plan to Allow Construction of Private Utilities, Footings and Foundations, initiated by West Bank

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

Vote 22-368: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(e) Collins Building Addition, 2200 Delavan Drive - Approval of a Major Modification to Allow a 9,000 sq. ft. Building Addition, initiated by Collins Engine Nozzles, Inc.

It was moved by Hudson, 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 22-369: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(f) Microsoft DSM 14, 1475 SE Maffitt Lake Road - Approval of a Major Modification for a Site Logistics Plan for Construction of Microsoft Data Center Buildings, initiated by Microsoft Corporation

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 and the conditions of approval listed in the Resolution.

Vote 22-370: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(g) Issuance of \$10,200,000 General Obligation Capital Loan Notes, Series 2022D, initiated by the City of West Des Moines

It was moved by Hudson, second by Loots to adopt Resolution - Appoint Paying Agent, Registrar, and Transfer Agent, and Resolution - Approval and Authorization of a Loan Agreement, Authorizing the Issuance, Levying a Tax to Pay Said Bonds, and Approval of Tax Exemption Certificate.

Council member Loots commended staff for coordinating this bond issuance, which will save the City a significant amount of money during this time of rising interest rates.

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Vote 22-371: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(h) Amendment to City Code - Title 5 (Police Regulations), Chapter 3 (Animal Control) - Add Definitions and Regulations for Community Cats, initiated by the City of West Des Moines

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

Vote 22-372: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-373: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(i) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 5 (Rules of the Road), Article A (General Provisions) - Clarify the Prohibition of Golf Cart Operation on City Streets, initiated by the City of West Des Moines

Council member McKinney noted the Iowa Legislature recently passed a new law related to ATV's and UTV's. He expressed a desire for the Council to conduct a broader evaluation of all sorts of micro-mobility transportation.

It was moved by McKinney, second by Loots to continue Item 7(i) to July 18, 2022, to allow for further research and discussion regarding all forms of micro-mobility transportation.

The Mayor and Council held discussion on which Council Subcommittee would be appropriate for referring this matter to.

Brian Hemesath, City Engineer, responded to questions from the Council, stating two weeks will not allow sufficient time for staff to fully research the impacts of all forms of micro-mobility transportation.

Jamie Letzring, Deputy City Manager, suggested that staff could begin researching the matter, and the information could then be compiled into a memo distributed to the Council. At that time, it could be determined whether further discussion is needed at a Council Subcommittee.

Council member McKinney inquired if there is an urgent issue related to golf carts that needs to be resolved by the proposed ordinance.

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City Attorney Dick Scieszinski responded the proposed ordinance was intended to provide clarity, but there is no pending immediate issue.

Council member McKinney amended his motion so that it would continue Item 7(i) indefinitely, to allow sufficient time for staff to complete the research. Council member Loots agreed with the amendment to the motion, which he had previously seconded.

Vote 22-374: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 8(a) West Des Moines Water Works Audit - 2021- Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 6:33 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor