

July 18, 2022

West Des Moines City Council Proceedings  
Monday, July 18, 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, July 18, 2022 at 5:30 PM. Council members present were: G. Hudson, D. Loots, and M. McKinney.

City Clerk Ryan Jacobson stated there are no changes to the agenda, but he noted there is a memorandum updating the Council on Item 6(b) Ashworth 88 Comprehensive Plan Amendment and PUD Ordinance.

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

Vote 22-375: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

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

Council member Hudson reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on economic development incentives in the Valley Junction area. He also reported the West Des Moines Firefighter Association is ending its 73-year run, and he expressed appreciation to all past and current association members for their contributions, which provided many great benefits to the West Des Moines Fire Department.

Council member McKinney reported he and his family recently rented kayaks from the Raccoon River Park Boathouse, and it was a fantastic experience.

Council member Loots noted the decision made by the Finance and Administration Subcommittee regarding economic development incentives was important because a wrong decision could distort market conditions in the Valley Junction area.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of July 5, 2022 Meeting
- b. Approval of Bill Lists

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- c. Approval of Liquor Licenses:
  - 1. Casey's Marketing Company, d/b/a Casey's General Store #2824, 6630 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
  - 2. Casey's Marketing Company, d/b/a Casey's General Store #2923, 1850 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
  - 3. Casey's Marketing Company d/b/a Casey's General Store #3098, 105 Grand Avenue - Class LE Liquor License with Carryout Beer, Native Wine, and Sunday Sales - Renewal
  - 4. 50th Street Sports, LLC d/b/a Grumpy Goat Tavern, 1300 50th Street, Suite 206 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 5. Trader Joe's East, Inc. d/b/a Trader Joe's #721, 6305 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
  - 6. Tea Time Two, LLC, d/b/a Wines of Iowa, 234 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
- d. Approval of Appointment - Human Rights Commission
- e. Approval of Change Orders:
  - 1. Fiber Optic Interconnect - Orange Route, Phase 2, #2
  - 2. MidAmerican Energy RecPlex - Site Improvements, #12
- f. Order Construction - Valley View Aquatic Center Toddler Slide and Three Meter Diving Platform
- g. Accept Work:
  - 1. Fiber Optic Interconnect - Pink Route
  - 2. Grand Avenue West Segment 3 Sewer Extension
- h. Approval of Professional Services Agreements:
  - 1. 2022 Channel Repair Program
  - 2. 2022 Parking Lot Repairs Program
  - 3. 2022 Pavement Markings and On-Street Bike Markings Program
  - 4. 2022 Sewer Cleaning and Televising Program
  - 5. 2022 Sewer Rehabilitation Program
  - 6. 2022 Stormwater Intake Repair Program
  - 7. 2023 HMA Resurfacing Program
  - 8. 2023 PCC Patching Program
  - 9. 2023 Street Reconstruction Program
  - 10. On-Call Miscellaneous Land Surveying Services
- j. Establish Consultation Meeting and Public Hearing - Amendment #1 to the Val-Gate Urban Renewal Area

Vote 22-376: Hudson, Loots, McKinney...3 yes  
Motion carried.

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On Item 4(i) Establish Just Compensation and Approve Acquisition of Property - Grand Avenue West Segment 6DB Sewer Extension

Council member McKinney noted the Development and Planning Subcommittee discussed potential street alignments for this area, and he inquired if the location for this sewer line could be impacted depending on which option for the street alignment is selected.

Brian Hemesath, City Engineer, responded the decision about the street alignment will not affect the location of this sewer line.

It was moved by McKinney, second by Hudson to approve Item 4(i) Establish Just Compensation and Approve Acquisition of Property - Grand Avenue West Segment 6DB Sewer Extension.

Vote 22-377: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 5(a) The Shoppes at Valley West, 3330 Westown Parkway - Amend the Planned Unit Development (PUD) to Allow and Regulate Professional Commerce Park Development on the Middle and West PUD Parcels, initiated by West Bank

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

Vote 22-378: Hudson, Loots, McKinney...3 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-379: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

Vote 22-380: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 5(b) 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

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

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Vote 22-381: Hudson, Loots, McKinney...3 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 22-382: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

Vote 22-383: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 5(c) 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

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

Vote 22-384: Hudson, Loots, McKinney...3 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-385: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

Vote 22-386: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 5(d) 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

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

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Council member McKinney stated he has verified with staff that this proposed ordinance would have no impact to parking requirements in the Valley Junction Business District. He also expressed a desire for the City to ensure residents do not park their vehicles on 5<sup>th</sup> Street overnight.

Mayor Trimble noted, in response to concerns expressed regarding parking in the Valley Junction Business District, staff conducted a study which determined there is no shortage of parking from a data standpoint. However, he stated some citizens believe there is a parking issue at certain times, so he requested that staff continue to look into the parking issue.

Vote 22-387: Hudson, Loots, McKinney...3 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-388: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

Vote 22-389: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 5(e) 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 McKinney, second by Hudson to consider the second reading of the ordinance.

Vote 22-390: Hudson, Loots, McKinney...3 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-391: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

Vote 22-392: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 6(a) 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 and July 5, 2022)

It was moved by Loots, second by McKinney to adopt Motion - Acceptance of Withdrawal.

Vote 22-393: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 6(b) Mayor Trimble indicated this was the time and place for a public hearing to consider Ashworth 88, southeast corner of Ashworth Road and 88th Street - Amend Comprehensive Plan Land Use Map to Designate High Density Residential and Community Commercial and Establish the Ashworth 88 Planned Unit Development (PUD) Regulating Development of Senior Apartments and Future Commercial and Office, initiated by Curly Top, LLC, David and Paula Sadler, MJM Real Estate Development, LLC, and 843 88th Street, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 5, 2022 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and PUD ordinance.

Mayor Trimble asked if there were any public comments.

Orrin Probst, 912 84<sup>th</sup> Street, spoke in opposition to the proposed development, stating he doesn't believe the proposed uses would be the best possible uses for this property. He noted the surrounding area is developed as single-family homes, so he suggested this property should be developed as a park and single-family homes. He expressed concerns that the proposed development could negatively impact the property values of the existing single-family homes.

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

Council member McKinney stated the Development and Planning Subcommittee discussed the neighboring property owners' perspectives, and staff confirmed that the immediately adjacent property owners to the east and south of the PUD boundary are comfortable with the proposed changes.

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Lynne Twedt, Development Services Director, stated this property is currently designated as office. She noted the preference of staff was for this entire area to be designated as commercial, because the nearest commercial areas are along Jordan Creek Parkway to the east or University Avenue to the north. The parcel in between this development and the homes along 84<sup>th</sup> Street, as well as Parcels C and D within this development, are remaining as office.

Council member Hudson thanked Mr. Probst for his comments. He spoke in support of the proposed development because he believes the parcels remaining as office will provide a sufficient buffer between the 84<sup>th</sup> Street homes and the proposed developments for Parcels A and B. He noted the proposed project for Parcel A would address a need for senior housing in our community. He expressed his preference that high-density residential would be an inappropriate use for Parcels C and D, due to their proximity to the existing single-family homes. He also noted he requested staff add language to the PUD ordinance prohibiting the Aspen Drive connection to 84<sup>th</sup> Street from being constructed until development occurs on Parcel C and connection to 88<sup>th</sup> Street is made.

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

Vote 22-394: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

Vote 22-395: Hudson, Loots, McKinney...3 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 22-396: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 6(c) Mayor Trimble indicated this was the time and place for a public hearing to consider Fiber Conduit Interconnect Project - Brown and Relocated Purple Routes, 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 July 1, 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 Loots to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Anderson Underground, Inc.

Council member Hudson expressed appreciation to staff for their due diligence with the bids for this project, considering there were some significant irregularities.

Vote 22-397: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 6(d) Mayor Trimble indicated this was the time and place for a public hearing to consider Blue Creek Stormwater Detention Facilities - Utility Relocations, 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 July 1, 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 McKinney, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to OnTrack Construction, LLC.

Vote 22-398: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 6(e) Mayor Trimble indicated this was the time and place for a public hearing to consider 2022 Street Repair Retainer Contract, 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 July 1, 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 McKinney, second by Loots to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Q3 Contracting.

Vote 22-399: Hudson, Loots, McKinney...3 yes  
Motion carried.



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On Item 7(a) Westown Crossing Plat 1, 2501 Westown Parkway and 1675 28th Street - Approval of Final Plat to Create Two Lots, initiated by Curly Top, LLC

It was moved by Loots, second by Hudson to adopt Resolution - Acceptance of Surety 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 22-400: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 7(b) Timber Knoll at the Preserve Plat 2, southwest corner of SW Grand Prairie Parkway and SW Meadow Rose Avenue - Approval of Preliminary Plat to Create 15 Lots for Single Family Residential Development, initiated by Tom Wittman, Raccoon River Land Co., LLC

It was moved by McKinney, second by Hudson 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 22-401: Hudson, Loots, McKinney...3 yes  
Motion carried.

On Item 7(c) Westown III Urban Renewal Area - Terminate the Urban Renewal Area and Repeal Ordinance No. 1327, initiated by the City of West Des Moines

It was moved by Hudson, second by Loots to adopt Resolution - Approval to Terminate the Urban Renewal Area.

Vote 22-402: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

Vicki Long-Hill, 136 10<sup>th</sup> Street, inquired about the reason this urban renewal area is being terminated.

Tim Stiles, Finance Director, explained the City has not used the Westown III Urban Renewal Area for anything since the mid-1990's, but it was recently brought to the attention of staff that the City Council had never adopted a Resolution to officially terminate it.

Vote 22-403: Hudson, Loots, McKinney...3 yes  
Motion carried.

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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 22-404: Hudson, Loots, McKinney...3 yes  
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Russ Trimble, Mayor