August 1, 2022

West Des Moines City Council Proceedings
Monday, August 1, 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, August 1, 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 Loots approve the agenda as presented.

Vote 22-405: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 2. Public Forum:

Robert Greenway, 417 7th Street, Menlo, stated he is moving to Granger, and he is running for Dallas County Supervisor. He also stated one of his objectives is a petition to increase the number of Dallas County Supervisors from three to five.

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

Bret Hodne, Public Services Director, introduced Paul Tauke, Urban Forestry Supervisor.

Paul Tauke, Urban Forestry Supervisor, presented an update on the impact of the emerald ash borer in the community.

Deputy City Manager Jamie Letzring reported she attended a meeting at Broadlawns Hospital regarding the possibility of establishing a sobering center that could serve the Des Moines metro area.

Council member Hudson reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on tax increment financing (TIF) districts. He also reported a resident had reached out to him inquiring about the conduit network contractor drilling a hole in their driveway, so he wanted to assure residents that this will need to be done for many properties, but the contractors will fill in the holes.

Council member McKinney reported he looked at the area in Valley Junction that has been recommended for a transition zoning, and he suggested the zoning for that area should be done in a comprehensive way. He also reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on a proposed ordinance regarding accessory structures for outdoor recreation facilities.

Council member Hardman congratulated Sally Ortgies, Parks and Recreation Director, for being featured in the cover article of a recent issue of the Business Record. She reported she attended the last meeting of the Valley Junction Steering Committee, and she expressed appreciation to Meredith Wells and Nate Hon for their service as co-chairs for that committee. She commended Audrey Kennis, DEI Director, for her efforts in coordinating a DEI consortium. She also commended the Fire Department for the recent publicity for their new ladder truck. She reported the West Des Moines Chamber of Commerce was recently nominated as a finalist for chamber of the year on a national level, and she congratulated the organization for this accomplishment. She also expressed appreciation to Council member for Doug Loots for sitting in on subcommittee meetings in her place while she was out of town.

Mayor Trimble expressed appreciation to the committee members, city staff, and Council members Hardman and Trevillyan, for all the work they contributed for the Valley Junction Steering Committee.

On Item 4. Consent Agenda.

Council members pulled Item 4(c)9 for discussion. It was moved by Hudson, second by Trevillyan to approve the consent agenda as amended.

a. Approval of Minutes of July 18, 2022 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Beercoe, LLC d/b/a Beercoe, 4600 Westown Parkway - Five-Day Class B Beer Permit with Outdoor Service - Effective August 1, 2022-August 5, 2022
    2. 515 bar&grill, LLC d/b/a Blue Shark Ale House, 165 South Jordan Creek Parkway, Suite 120 & 125 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    3. Bradley's Pub, Inc., d/b/a Bradley's Pub, 1300 50th Street, Suite 203 - Class LC Liquor License with Sunday Sales - Renewal
    4. Five K Enterprises, LLC d/b/a Brazil Terra Grill, 2800 University Avenue, Suite 405 - Class LC Liquor License with Outdoor Service and Catering Privileges – New
    5. Chipotle Mexican Grill of Colorado d/b/a Chipotle Mexican Grill, 490 South 68th Street, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    6. Blue Agave Waukee, LLC d/b/a Fiesta Jalapenos Mexican Restaurant, 9500 University Avenue, Suite 2108 - Class LC Liquor License with Sunday Sales – New
    7. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #2, 1990 Grand Avenue (Cafe Area) – Class LC Liquor License with Sunday Sales - Renewal
    8. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #3, 1725 Jordan Creek Parkway (Café Area) - Class LC Liquor License with Sunday Sales - Renewal

10. Taste of the Junction, Inc. d/b/a Taste of the Junction, 2500 Grand Avenue (Raccoon River Park Nature Lodge) - Five-Day Class B Beer Permit for The Junction Speaks Event - September 2, 2022
11. Taste of the Junction, Inc. d/b/a Taste of the Junction Multicultural Festival – Five-Day Class B Beer Permit for Street Party Event in the 400 Block of Railroad Place - September 3, 2022

d. Approval of Tobacco Permit
e. Approval of Extended Sound Permit - Munro Wedding, 2480 SE 11th Street
f. Approval of Purchase and Implementation of External Telephone Services
g. Approval of Professional Services Agreement - TEK Systems
h. Approval of Change Order #2 - Valley Junction Trail Connection
i. Approval and Acceptance of Parkland Dedication Agreements:
   1. Fountain Terrace Apartments, 655 South 88th Street
   2. The Tower, 575 and 595 South 60th Street
j. Order Construction - South Grand Prairie Parkway, Grand Avenue to south of Raccoon River Drive
k. Approval of Professional Services Agreements:
   1. ArcFlash Study, Phase 4
   2. Public Safety Station #17 Dumpster Enclosure
   3. Public Safety Station #21 Facility Study
   4. Valley Junction Business District Pavers and Sidewalk, Phase 3
l. Approval of Agreement for Surface Transportation Block Grant Program Federal Aid Swap Project - 8th Street Reconstruction, I-235 to Clegg Road
m. Approval to Initiate Development Agreement with Picket Fence Communities, LLC and Amendment #4 to the Coachlight Urban Renewal Area
n. Approval and Acceptance of Property Interests:
   1. 8th Street Reconstruction, I-235 to Clegg Road
   2. Blue Creek Stormwater Detention Facilities - Utility Relocations
o. Proclamation - Recognition of Curt Schroeder

Vote 22-406: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(c)9 Approval of Liquor License - Kum & Go, L.C. d/b/a Kum & Go #1074, 330 Jordan Creek Parkway - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New

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(c)9 Approval of Liquor License - Kum & Go, L.C. d/b/a Kum & Go #1074, 330 Jordan Creek Parkway - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New.

Vote 22-407: Hardman, Hudson, Loots, Trevillyan … 4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) Ashworth 88, southeast corner of Ashworth Road and 88th Street - 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

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

Vote 22-408: 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 second reading of the ordinance.

Vote 22-409: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

Council member Hudson stated he has had conversations with some of the property owners in this area, and he believes we are in good shape going forward, so he will continue to support this development.

Vote 22-410: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 5(b) 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 consider the second reading of the ordinance.

Vote 22-411: 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 Hardman to approve the second reading of the ordinance.

Vote 22-412: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

Vote 22-413: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(a) 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 District) and Chapter 15 (Off-Street Parking and Loading) - Modify Regulations Pertaining to Residential Care to Allow in the Regional Commercial Zoning District, initiated by Greater Des Moines Supportive Housing. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 15, 2022 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment, and several correspondences were received which have been placed on the dais.

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 consider the first reading of the ordinance.

Vote 22-414: 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 first reading of the ordinance.

Vote 22-415: 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 76th Street, Ashworth Road to Aspen Drive, 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 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 Loots to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Absolute Concrete Construction, Inc.

Council member Hudson stated a number of the residents in this area would prefer that 76th Street not go through until all of the development is done, therefore he will be voting no.

Vote 22-416: Hardman, Loots, McKinney, Trevillyan … 4 yes
Hudson … 1 no
Motion carried.

On Item 6(c) Mayor Trimble indicated this was the time and place for a public hearing to consider Raccoon River Stormwater Pump Station Controls Replacement, 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 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 Hudson, second by McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Automatic Systems Co.

Vote 22-417: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

Council member Trevillyan left the meeting at 6:20 p.m.

On Item 6(d) Mayor Trimble indicated this was the time and place for a public hearing to consider Prairie View Drive and Ashworth Road Intersection 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 July 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 McKinney, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Absolute Concrete Construction, Inc. subject to concurrence from the Iowa Department of Transportation.

Vote 22-418: 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 South Service Area Segment 8-2 Sewer, 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 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 Hudson, second by McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Vanderpool Construction, Inc.

Vote 22-419: 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 Val-Gate District Signage, 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 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 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 Nagle Signs, Inc.

Council member Hudson inquired about the designs for this signage.

Brian Hemesath, City Engineer, stated the designs were reviewed by the Development and Planning Subcommittee, and he will distribute them to the full Council.

Vote 22-420: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 7(a) Banks Landing Plat 1, northwest corner of South 88th Street and Booneville Road - Subdivide Property into 27 Lots for Single Family Development, One Public Street Lot, One Outlot for Storm Water Management and One Outlot for Future Development, initiated by Black

Oak Real Estate Properties, LLC

It was moved by Hudson, 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 22-421: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 7(b) Cascades Lot 2, southwest corner of Cascade Avenue and South 81st Street - Approval of a Site Plan to Allow Construction of an Apartment Building, initiated by SM Cascades, LLC

It was moved by Hudson, 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 22-422: 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 Full Site Plan to Allow the Construction of a 33,000 sq. ft. Bank Building, initiated by Farmers State Bank

It was moved by Hudson, 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 22-423: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

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

On Item 9 - Other Matters

Mayor Trimble congratulated the West Des Moines Chamber of Commerce for being nominated for chamber of the year, and he expressed appreciation to all the staff with that organization for their efforts. He reported the Battle of the 'Burbs will be held on Saturday, August 6th, and he encouraged all West Des Moines residents to sign up and participate in this event, as the proceeds will benefit the West Des Moines Community Foundation.

The meeting was adjourned at 6:31 p.m.

August 1, 2022

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Russ Trimble, Mayor