

September 6, 2022

West Des Moines City Council Proceedings  
Tuesday, September 6, 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, September 6, 2022 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, and M. McKinney.

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

Vote 22-440: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 2. Public Forum:

Milton Cole-Duvall, 2001 South 40<sup>th</sup> Court, noted Council member Renee Hardman and Diversity, Equity and Inclusion Director Audrey Kennis were both recently honored at the DEI Workplace Excellence Awards, hosted by the West Des Moines Chamber of Commerce. He commended Council member Hardman and Ms. Kennis for their efforts in promoting diversity, equity and inclusion. He also expressed appreciation to Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, for coordinating the event.

Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, extended an invitation for the First Responders Appreciation Breakfast which will be held on September 14<sup>th</sup>, and she noted 10 percent of the proceeds will go to the West Des Moines Public Safety Cadets.

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

Council member Hardman expressed appreciation to Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, for coordinating the DEI Workplace Excellence Awards. She also congratulated Audrey Kennis, Diversity, Equity and Inclusion Director, for doing an incredible job as emcee of the event and for earning the DEI Leader Award.

Council member McKinney reported he attended a swearing in ceremony for two new West Des Moines Police Officers and a training session with the Suburban Emergency Response (SERT) team, during which he learned a lot about the importance of training for police officers. He also expressed appreciation to the West Des Moines Chamber of Commerce for hosting the DEI Workplace Excellence Awards.

Council member Hudson reported he attended the retirement celebration for Dallas County Sheriff Chad Leonard, where he received positive feedback from members of the law

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enforcement community about the West Des Moines Police Department. He also provided an update on the City Student Committee, which will hold a public input meeting for high school students on October 16<sup>th</sup>.

Council member Hardman congratulated the Taste of the Junction for hosting a successful festival for their 10<sup>th</sup> year.

Mayor Trimble reported it was an honor to swear in two new police officers and recognize those that earned lifesaving awards and other recognitions. He also expressed appreciation to the West Des Moines Chamber of Commerce for hosting the DEI Workplace Excellence Awards, and he stated he is proud of Council member Renee Hardman and Diversity, Equity and Inclusion Director Audrey Kennis for the recognition they both received at that event.

On Item 4. Consent Agenda.

Council members pulled Items 4(i)1 and 4(i)2 for discussion. It was moved by Hudson, second by Hardman to approve the consent agenda as amended.

- a. Approval of Minutes of August 15, 2022 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  1. WDM Sports, LLC d/b/a 1908 Draught House, 196 South 50<sup>th</sup> Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  2. Cinemark USA, Inc. d/b/a Century 20 Jordan Creek and XD, 101 Jordan Creek Parkway, Unit 2000 - Class BW Permit with Sunday Sales - Renewal
  3. KRC Partners, LLP, d/b/a Cooper's on 5th, 227 5<sup>th</sup> Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  4. Foundry Distilling Company, LLC d/b/a Foundry Distilling Company, 111 South 11th Street, Suite 100 - Class C Native Distilled Spirits License Expansion of Outdoor Service - September 8, 2022
  5. Sodexo Management, Inc. d/b/a Iowa Farm Bureau, 5400 University Avenue (West Parking Lot) - Five-Day Class BW Permit with Outdoor Service - Effective September 28-October 2, 2022
  6. KRG JCS, LLC d/b/a Joe's Crab Shack #10739, 130 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  7. New York Style Pizza, Inc. d/b/a OPA! Italian & Greek Dining, 2800 University Avenue, Suite 450 - Class LC Liquor License with Sunday Sales - Renewal
  8. Pad Thai Garden, LLC d/b/a Pad Thai Garden Restaurant, 1221 8<sup>th</sup> Street - Class LC Liquor License with Outdoor Service - New
  9. West Des Moines Chamber of Commerce d/b/a West Des Moines Chamber of Commerce, 2500 Grand Avenue - Five-Day Class B Beer Permit with Outdoor Service for the "Raccoon River Rally" Event in Raccoon River Park - October 8, 2022

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10. Your Private Bartender, LLC d/b/a Your Private Bar, 1701 25th Street (Events Center West) - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
11. Your Private Bartender, LLC d/b/a Your Private Bar, 4000 Turnberry Drive - Five-Day Class BW Permit - Effective September 9-13, 2022
- d. Approval of Order for Violation of Alcohol Laws
- e. Approval of Revised 2022-23 Committee and Other Assignments
- f. Approval of Contract Agreement - Emergency Sanitary and Storm Sewer Repair Services
- g. Approval to Purchase Library Outreach Vehicle
- h. Approval of Agreement to Purchase Artwork - 2022 Art on the Campus - "Confluence"
- j. Approval of 2023 City Council Meeting Schedule
- k. Order Construction:
  1. Blue Creek Stormwater Detention Facilities
  2. Fairmeadows Creek Stabilization South of Railroad Avenue
  3. South 51st Street, Mills Civic Parkway to Fieldstone Drive
- l. Accept Work:
  1. 2020 Sewer Rehabilitation Program
  2. Fiber Optic Interconnect - Orange Route, Phase 2
- m. Approval of Professional Services Agreements:
  1. Johnson Creek Realignment Annual Monitoring
  2. On-Call ADA Sidewalk Ramp Program
- n. Approval of Addendum to Cooperative Agreement for Primary Road Project with the Iowa Department of Transportation - Blue Creek Stormwater Detention Facilities
- o. Approval and Acceptance of Property Interests:
  1. 8<sup>th</sup> Street Reconstruction, I-235 to Clegg Road
  2. South 51<sup>st</sup> Street, Mills Civic Parkway to Fieldstone Drive
  3. 76<sup>th</sup> Street, Ashworth Road to Aspen Drive
- p. Approval of Proclamations:
  1. Latino Heritage Month, September 15 - October 15, 2022
  2. Welcoming Week, September 9-18, 2022
  3. Taste of the Junction Day, September 2, 2022

Vote 22-441: Hardman, Hudson, McKinney...3 yes  
Motion carried.

- On Item 4(i) Approval of Amendments to Professional Services Agreements:
1. West Des Moines Digital Enterprise Design, #5
  2. West Des Moines Digital Enterprise Network Segment 1, #1

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

It was moved by Hudson, second by Hardman to approve Items 4(i)1 Amendment #5 to

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Professional Services Agreement - West Des Moines Digital Enterprise Design and 4(i)2  
Amendment #1 to Professional Services Agreement - West Des Moines Digital Enterprise  
Network Segment 1.

Vote 22-442: Hardman, Hudson ... 2 yes  
McKinney ... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 5(a) Parkhaven, northeast corner of Fuller Road and South 33rd Street - Amend the  
Planned Unit Development (PUD) to Remove Restrictions within Parcel C, initiated by John  
Wheeler

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

Vote 22-443: Hardman, Hudson, 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 22-444: Hardman, Hudson, 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 22-445: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 5(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9  
(Traffic Schedules), Section 2 (Through Streets Stop Required) - South 100th Street, Booneville  
Road to Stagecoach Drive, initiated by the City of West Des Moines

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

Vote 22-446: Hardman, Hudson, 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.

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Vote 22-447: Hardman, Hudson, 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 22-448: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Four-Way Stop Intersections) - South Grand Prairie Parkway and Mills Civic Parkway, initiated by the City of West Des Moines

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

Vote 22-449: Hardman, Hudson, McKinney...3 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 22-450: Hardman, Hudson, McKinney...3 yes  
Motion carried.

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

Vote 22-451: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider The Village at Sugar Creek, northeast corner of Booneville Road and South 88th Street - Amend Comprehensive Plan Land Use Map and Amend the Planned Unit Development (PUD) to Modify Parcel Boundaries and Designate and Regulate Support Commercial Land Use within Development Parcel B, initiated by DB Booneville, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 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 7-0, 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.

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

Vote 22-452: Hardman, Hudson, McKinney...3 yes  
Motion carried.

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

Vote 22-453: Hardman, Hudson, 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 first reading of the ordinance.

Vote 22-454: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 6(b) Mayor Trimble indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 10 (Performance Standards), and Chapter 14 (Accessory Structures) - Modify Regulations Pertaining to Accessory Structures for Recreation, Sports and Entertainment Facilities, 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 August 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 7-0, 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 Hardman to consider the first reading of the ordinance.

Vote 22-455: Hardman, Hudson, McKinney...3 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-456: Hardman, Hudson, McKinney...3 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 Amendment to City Code - Title 9 (Zoning) and Title 10 (Subdivision Regulations) - Modify Regulations Pertaining to Street Side Yards on Corner Lots, 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 August 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 7-0, 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 McKinney to consider the first reading of the ordinance.

Vote 22-457: Hardman, Hudson, 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 first reading of the ordinance.

Vote 22-458: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 6(d) Mayor Trimble indicated this was the time and place for a public hearing to consider 1985 SE Walnut Woods Drive - Conveyance of an Ingress/Egress Access Easement to West Des Moines Soccer Club and Acceptance of Conveyance of Property Interests from West Des Moines Soccer Club, 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 August 30, 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 Hudson to adopt Resolution - Approval of Conveyance of Easement and Resolution - Acceptance of Conveyance of Property Interests.

Vote 22-459: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 6(e) Mayor Trimble indicated this was the time and place for a public hearing to consider 2022-23 FY Operating and Capital Budget - Amendment #1, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated

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the notice was published on August 19, 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 Budget Amendment #1.

Vote 22-460: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 6(f) Mayor Trimble indicated this was the time and place for a public hearing to consider South Grand Prairie Parkway, Grand Avenue to South of Raccoon River 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 August 19, 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 McAninch Corporation.

Vote 22-461: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 7(a) Greenway Crossing Plat 4, 9150 University Avenue - Approval of Final Plat to Create Two Lots for Commercial Development, initiated by Hy-Vee, Inc.

It was moved by Hudson, second by Hardman to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 22-462: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 7(b) Jordan Ridge Plat 1, southwest corner of South Jordan Creek Parkway and Stagecoach Drive - Approval of Final Plat to Create Three Outlots for Transfer of Ownership and Future Development, initiated by Jordan Ridge, LLC



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Council member McKinney stated he has discussed this project with surrounding property owners and has been trying to obtain more information on the project, so he suggested this item be deferred to allow time for him to connect with the developer and obtain the information he is seeking.

It was moved by McKinney, second by Hudson to continue Item 7(b) Jordan Ridge Plat 1 indefinitely

Vote 22-463: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 7(c) Polo Club, 6201 EP True Parkway - Approval of Major Modification to Allow Construction of a New Apartment Building, initiated by Polo Club, LLC

It was moved by McKinney, second by Hardman 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 22-464: Hardman, Hudson, McKinney...3 yes  
Motion carried.

On Item 7(d) Plat of Survey Parcel 2022-1147, west side of SE Maffitt Lake Road north of Veterans Parkway - Approval of Plat of Survey to Create Parcel to be Vacated as a Street and as Right-of-Way, initiated by the City of West Des Moines

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 22-465: Hardman, Hudson, 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 6:11 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

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ATTEST:

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Russ Trimble, Mayor