October 3, 2022

West Des Moines City Council Proceedings
Monday, October 3, 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, October 3, 2022 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, D. Loots, and M. McKinney.

City Clerk Ryan Jacobson stated staff is recommending the removal of Item 4(n) Establish Just Compensation and Approve Acquisition of Property - Ashworth Road Reconstruction, 19th Street to 23rd Street.

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

Vote 22-502: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

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

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

Dawn Davis, ETC Institute, reported on the results of the 2022 citizen survey, stating the residents have a very positive perception of the city overall.

Council member Hardman congratulated West Des Moines Human Services for a successful "Sunday Supper in Our Town" fundraiser, and she reported the MidAmerican Energy RecPlex won the People's All-Star Award through the Iowa League of Cities All-Star Community Awards.

Council member Hudson reported the Finance and Administration Subcommittee met and discussed proposed changes to the City's sanitary sewer charges. He also reported the Parks and Recreation Department recently shared a newsletter with usage statistics for their facilities and programs. He also extended an invitation to high school students in the community to attend a City Student Committee meeting on Sunday, October 16.

City Manager Tom Hadden reported City staff recently planted 80 trees along the Jordan Creek Trail, thanks to a grant from the Iowa Department of Natural Resources and the U.S. Forest Service. He noted there will be trees planted in the Valley Junction area as well, thanks to a grant from American Equity. He also reported the MidAmerican Energy RecPlex hosted the home opener for the Des Moines Buccaneers this past Saturday, while their home arena is currently not available, and there was a great turnout for that game.

Mayor Trimble expressed appreciation to West Des Moines Human Services staff and volunteers that helped coordinate the "Sunday Supper in Our Town" fundraiser. He also thanked everyone that helped the MidAmerican Energy RecPlex win the People's All-Star Award through the Iowa League of Cities All-Star Community Awards. He also congratulated the City of Manning for their Hillside Splash project, which was the other finalist for the award.

On Item 4. Consent Agenda.

Council members pulled Items 4(c)8, 4(c)9, 4(d), and 4(g) for discussion. It was moved by Hudson, second by Loots to approve the consent agenda as amended.

a. Approval of Minutes of September 19, 2022 and September 28, 2022 Meetings
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Thawee Wathana, LLC d/b/a BananaLeaf Asian Bistro, 5515 Mills Civic Parkway, Suite #140 - Class BW Permit with Sunday Sales - Renewal
    2. On The Rise Valley West, LLC, d/b/a Blaze Pizza, 1551 Valley West Drive, Suite 225 - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
    3. Champion Restaurants, Inc. d/b/a Champion's Hideaway, 315 5th Street, Suite 180 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
    4. Frank's Divine Pie 8950 d/b/a El Guapo's Tequila + Taco, 8950 University Avenue, Suite 105 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    5. Hop-A-Lot Iowa, LLC d/b/a Hop-A-Lot, 1600 Valley West Drive, Suite 200 - Class BW Permit with Sunday Sales - New
    6. Kiss My Grits, LLC, d/b/a The Irish, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales and Outdoor Services - Renewal
    7. Jethro's and Jaspers, Inc. d/b/a Jethro's Jambalaya, 9350 University Avenue - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    10. Monterrey III, LLC, d/b/a Monterrey III, 6630 Mills Civic Parkway, Unit 3116 - Class LC Liquor License with Sunday Sales - Renewal
    11. Bowl New England, Inc. d/b/a Spare Time Des Moines, 340 Jordan Creek Parkway - Class LC Liquor License with Sunday Sales - Renewal
    12. InterMountain Management, LLC d/b/a TownePlace Suites, 125 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
e. Approval to Sell Surplus City Equipment
f. Approval to Purchase a Fire Engine for the Fire Department
h. Approval of Interfund Transfers
i. Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement - Issuance of $29,235,000 Taxable General Obligation Urban Renewal Capital Loan Notes, Series 2022E and $13,730,000 General Obligation Urban Renewal Bonds, Series 2022F

j. Approval of Third Amendment to Indenture of Trust - Industrial Revenue Bonds – Woodgrain Millworks, Inc. d/b/a Windsor Windows
k. Order Construction - Neighborhood Park Signage Project, Information and Secondary Entrance Signs
l. Accept Work - Sugar Creek Conveyance Improvements, Phase 2
m. Approval of License for Center Street Public Pedestrian Way At-Grade Crossing and Construction and Maintenance Agreement for Center Street At-Grade Crossing with Iowa Interstate Railroad - 8th Street Reconstruction, I-235 to Clegg Road
n. Removed
o. Approval and Acceptance of Property Interests - 76th Street, Ashworth Road to Aspen Drive

Vote 22-503: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 4(c)8 Kum & Go, LC, d/b/a Kum & Go #532, 5901 Mills Civic Parkway, Building 2000 - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal; Item 4(c)9 Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal; and Item 4(d) Approval of Order for Violation of Alcohol Laws

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

It was moved by Hudson, second by Loots to approve Item 4(c)8 Kum & Go, LC, d/b/a Kum & Go #532, 5901 Mills Civic Parkway, Building 2000 - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal; Item 4(c)9 Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal; and Item 4(d) Approval of Order for Violation of Alcohol Laws.

Vote 22-504: Hardman, Hudson, Loots … 3 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(g) Approval of Request for Professional Consulting Services - Conference Center and Related Parking Structure Feasibility Study

Mayor Trimble inquired how long staff anticipates this study will take.

City Manager Tom Hadden responded the goal is for the study to be completed in six weeks.

It was moved by Hardman, second by Hudson to approve Item 4(g) Approval of Request for Professional Consulting Services - Conference Center and Related Parking Structure Feasibility

Study.

Vote 22-505: Hardman, Hudson, Loots … 3 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial District) - Modify Regulations Pertaining to National Security Facilities to be Allowed in the General Industrial Zoning District, 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 22-506: Hardman, Hudson, Loots, McKinney…4 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 22-507: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

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

Vote 22-508: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 5(b) National Guard Readiness Center - Vacation of a 5,539 sq. ft. Parcel of Right-of-Way of SE Maffitt Lake Road, initiated by the City of West Des Moines

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

Vote 22-509: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 22-510: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

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

Vote 22-511: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) - Amend the Costs of Administrative Hearings and which Party is Responsible for Payment of Fees, initiated by the City of West Des Moines

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

Vote 22-512: 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 second reading of the ordinance.

Vote 22-513: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

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

Vote 22-514: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

It was moved by McKinney, second by Loots to adopt Resolution - Approval of Specific Fees and Charges.

Vote 22-515: 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 Blue Creek Stormwater Detention 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 September 23, 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 - Reject All Bids Subject to Concurrence by the Iowa Department of Transportation.

Vote 22-516: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 6(b) Mayor Trimble indicated this was the time and place for a public hearing to consider South 51st Street, Mills Civic Parkway to Fieldstone 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 September 16, 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 Absolute Concrete Construction, Inc.

Vote 22-517: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 6(c) Mayor Trimble indicated this was the time and place for a public hearing to consider Fairmeadows Creek Stabilization South of Railroad Avenue, 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 September 16, 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 Jet Drain Services, LLS.

Vote 22-518: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 7(a) DMU West Plat 1, 8025 Grand Avenue - Approval of Final Plat to Create Four Lots for College Campus Development and Two Outlots, initiated by Des Moines University

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

It was moved by McKinney, second by Loots to adopt Resolution - 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 22-519: Hudson, Loots, McKinney … 3 yes
Hardman … 1 abstain due to potential conflict of interest
Motion carried.

On Item 7(b) Forest Pointe Plat 1, southeast corner of Stagecoach Drive and South 81st Street Extensions - Approval of Final Plat to Create 15 Lots for Single-Family Development, Three Outlots, and Three Street Lots, initiated by Jordan Ridge, LLC

It was moved by McKinney, second by Loots to adopt Resolution - 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 22-520: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 7(c) The Village at Sugar Creek Plat 1, northeast corner of Booneville Road and South 88th Street - Approval of Preliminary Plat to Create Seven Lots for Commercial and Multi-Family Residential Development, Five Outlots, and Two Street Lots, initiated by DB Booneville, LLC

It was moved by Loots, 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 22-521: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 7(d) Picket Fence Communities, northeast corner of South 88th Street and Mills Civic Parkway - Approval of Preliminary Plat to Create One Lot for Multi Family Residential Development and Seven Lots for Single Family Development and Approval of a Site Plan to Allow Construction of Single Family Detached and Bi-Attached Homes, initiated by Hurd Riverview, LLC

It was moved by Loots, second by McKinney 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.

Council member McKinney stated this is a very unique development project, which will add more variety to the housing options available in our community, and he expressed appreciation to staff for their efforts to accommodate this project and to the developers for their efforts to address potential concerns.

Mayor Trimble and Council member Hardman also spoke in support of this development project.

Vote 22-522: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 7(e) Hy-Vee Micro Fulfillment Center, 1725 Jordan Creek Parkway - Approval of Major Modification to Site Plan to Allow Construction of a Micro Fulfillment Center, initiated by Hy-Vee, Inc.

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

Vote 22-523: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 7(f) Webb Plat of Survey, 3248 Adams Street, Cumming - Approval of Plat of Survey to Create a Three-Acre Parcel "P" for the Purpose of Defining Ownership, initiated by Charles Webb

It was moved by Loots, 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 22-524: Hardman, Hudson, Loots, McKinney…4 yes
Motion carried.

On Item 8(a) West Des Moines Water Works Budget Amendment - Received and Filed

On Item 9 - Other Matters

Council member Hudson expressed appreciation to all City employees for maintaining the level of excellence that is reflected in the results from the citizen survey.

Council member Hardman expressed appreciation to City Manager Tom Hadden for his leadership, which contributed to the results from the citizen survey.

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

October 3, 2022

Respectfully submitted,

_____

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

_____

Russ Trimble, Mayor