

January 3, 2023

West Des Moines City Council Proceedings  
Tuesday, January 3, 2023

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, January 3, 2023 at 5:30 PM. Council members present were: R. Hardman, 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 23-001: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 2. Public Forum:

Fred Bell, 3725 Green Branch Drive, spoke in opposition to Item 5(b) Amendment to City Code - Clarify the Responsibility of the Property Owner which Abuts Public Right-of-Way. He stated he believes the City should be responsible for the maintenance of the South 35<sup>th</sup> Street right-of-way adjacent to his property, as it is difficult to access with a lawnmower from his property. He noted his interpretation of the current code is that the abutting property owner responsible for the maintenance would be the City, so he believes this code amendment will shift the responsibility on to him.

Joe Cory, Deputy Public Services Director, stated staff has met with Mr. Bell several times to discuss this code amendment, and this amendment is simply a clarification of what is already in the code. He explained that there are narrow parcels of right-of-way similar to the one abutting Mr. Bell's property all over the City, but as long as the parcel is designated as right-of-way, the responsibility for maintenance is placed on the abutting property owner.

Mayor Trimble stated his understanding was that this code amendment was simply clarifying the existing code language, but since Mr. Bell is disputing that, he would suggest the Council continue Item 5(b) to allow Mr. Bell to meet with staff on the matter.

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

Council member McKinney reported he attended a meeting regarding the contract dispute between the Food Bank of Iowa, the Des Moines Area Religious Council (DMARC), and West Des Moines Human Services food pantry Food Bank, and a lot of progress has been made on the matter since that meeting.

Mayor Trimble commended Council member Loots for his leadership in working towards a resolution for the West Des Moines Human Services food pantry.

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Council member Hardman expressed appreciation to Council member Loots for his leadership in working towards a resolution for the West Des Moines Human Services food pantry. She reported she will no longer be able to serve as the City Council liaison to the Library Board of Trustees due to a conflict with her work schedule, but she expressed appreciation to the members of the Library Board and Library Director Darryl Eschete for all their efforts to ensure the library continues to serve as an asset to the community.

Council member Loots stated he is excited about the progress that has been made towards a resolution for the West Des Moines Human Services food pantry.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of December 19, 2022 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Big Al's South, LLC d/b/a Big Al's BBQ, 1960 Grand Avenue, Suite 23 - Class C Retail Alcohol License with Catering Privileges - Renewal
  - 2. DBH Industries, LLC d/b/a Bix & Co., 111 5<sup>th</sup> Street - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - New
  - 3. Bravo Brio Restaurants, LLC d/b/a Bravo!, 120 South Jordan Creek Parkway – Class C Retail Alcohol License with Outdoor Service - Renewal
  - 4. Dave & Buster's of Iowa, Inc. d/b/a Dave & Busters, 190 South Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service - New
  - 5. Foundry Distilling Company, LLC d/b/a Foundry Distilling Company, 111 South 11th Street, Suite 100 - Class C Retail Alcohol License with Outdoor Service – New
  - 6. Hy-Vee, Inc., d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway, 2<sup>nd</sup> Floor Meeting Room - Special Class C Retail Alcohol License - Renewal
  - 7. J.P. Parking, Inc. d/b/a J.P Parking, 6220 Raccoon River Drive - Class B Native Wine License with Outdoor Service - New
  - 8. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 – Class B Retail Alcohol License - New
  - 9. Thompson Hospitality, LLC d/b/a Urban Cellar, 640 South 50<sup>th</sup> Street - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - Renewal
  - 10. Waterfront Seafood Market, Inc. d/b/a Waterfront Seafood Market, 2900 University Avenue - Class C Retail Alcohol License with Catering Privileges – Renewal
- d. Approval of Order for Violation of Alcohol Laws
- e. Approval of Professional Services Agreement - Financial Advisory Services

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- f. Approval of Contract with Des Moines Area Regional Transit Authority – Transportation Services for ELL Students
- g. Order Construction - 2022 Sewer Rehabilitation Program
- h. Accept Work:
  - 1. 2021 Concrete Trail Renovations
  - 2. Crossroads Park Parking Lot and Water Quality Improvements
- i. Approval of Professional Services Agreement - 2023 Bridge Inspection Program
- j. Approval of Application for Surface Transportation Block Grant (STBG) Program Funding - Des Moines Area Metropolitan Planning Organization
- k. Approval and Acceptance of Public Utility Easement - Fountain Terrace Apartments, 655 South 88<sup>th</sup> Street
- l. Approval and Acceptance of Purchase Agreement and Conveyance of Property Interests - 329 6<sup>th</sup> Street
- m. Approval of Revised 2022-23 Committee and Other Assignments

Vote 23-002: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 4(n) Proclamation - Martin Luther King Jr. Day - January 16, 2023

Mayor Trimble read Proclamation - Martin Luther King Jr. Day.

It was moved by Hardman, second by Loots to approve Item 4(n) Proclamation - Martin Luther King Jr. Day - January 16, 2023.

Vote 23-003: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 5(a) Jordan West, southwest corner of EP True Parkway and Jordan Creek Parkway - Amend the Specific Plan Ordinance to Modify Wall Signage Regulations for Tenant Spaces without Public Street Frontage, initiated by JDS Real Estate Investments, LLC

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

Vote 23-004: 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 23-005: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

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

Vote 23-006: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 5(b) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 6 (Maintenance of Parking Terrace and Sidewalks) - Clarify the Responsibility of the Property Owner which Abuts Public Right-of-Way, initiated by the City of West Des Moines

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

Council member McKinney expressed concerns that he had understood this code amendment as simply a clarification of the code language, but now he is uncertain whether it is a clarification or a material change to the code language. He stated he would prefer to continue this item to allow for further discussion.

Council member Hudson stated he would also prefer to continue this item to allow for further discussion.

City Attorney Dick Scieszinski noted the issue in dispute is the narrow parcel that is separate from the larger right-of-way, but that parcel is still designated as public right-of-way, therefore Mr. Burns' property is abutting the public right-of-way. He stated the code amendment is in fact a clarification of the code language, and it is not a material change.

Vote 23-007: Hardman, Loots ... 2 yes  
Hudson, McKinney ... 2 no  
Motion failed.

It was moved by Hudson, second by Loots to continue Item 5(b) Amendment to City Code - Clarify the Responsibility of the Property Owner which Abuts Public Right-of-Way to January 17, 2023.

Vote 23-008: 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 Khatib East Property, southeast corner of Mills Civic Parkway and South Grand Prairie Parkway - Amend Comprehensive Plan Land Use Map to Establish Multi-Use Low Land Use, initiated by Accurate Land Company, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 16, 2022 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a

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vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment.

Mayor Trimble asked if there were any public comments.

Dean Roghair, Civil Design Advantage, speaking on behalf of the applicant, explained they are proposing to change the land use for the 7.8 acres in the northeast corner of this development to neighborhood commercial. He noted the location is at the intersection of two major streets, Mills Civic Parkway, and South Grand Prairie Parkway, and it would be across the street from the same land use. He also noted the proposed commercial land use would be 641 feet from the nearest townhomes in the Courtyards at Kings Landing development to the east.

Rose Kleyweg Mitchell, 924 South 100<sup>th</sup> Street, spoke in opposition to the proposed comprehensive plan amendment, citing concerns that the commercial land use could increase traffic through the Courtyards at Kings Landing development. She stated she does not believe there is a need for commercial land use at this location, because there is already a sufficient amount of commercial land use throughout the area.

Dan Aten, 9939 Alexander Circle, spoke in opposition to the proposed comprehensive plan amendment, citing concerns that the commercial land use could increase traffic through the Courtyards at Kings Landing development. He also requested that the city reconsider the need for a street connection from the Courtyards at Kings Landing to South Grand Prairie Parkway.

Vicki Signor, 9914 Alexander Circle, spoke in opposition to the proposed comprehensive plan amendment, citing concerns that the commercial land use could increase traffic through the Courtyards at Kings Landing development. She also stated she is opposed to any street connection being constructed from the Courtyards at Kings Landing to South Grand Prairie Parkway.

Jacki Fultz, 741 South 100<sup>th</sup> Street, spoke in opposition to the proposed comprehensive plan amendment, citing concerns that the residents of Courtyards at Kings Landing had always been of the understanding that this land would develop as residential and that the tree line would be maintained. She also expressed concerns that the commercial land use could cause light pollution issues.

Jared Johnson, Accurate Land Company, Inc., stated if the City were to waive the requirement for a street connection through his development from Courtyards at Kings Landing to South Grand Prairie Parkway, that would be his preference. He stated the current land use of the property would allow for construction of 550 apartment units, but his proposed development would be 180 single-family and townhome dwellings with the 7.8 acres of neighborhood commercial, which he believes overall would be a preferable option to the residents of Courtyards at Kings Landing. He noted if the proposed comprehensive plan amendment is not

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approved, he will likely not be able to proceed with a development project, and the property would likely be sold to an apartment developer.

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

Brian Hemesath, City Engineer, reported when the Courtyards at Kings Landing development was approved, there was a requirement established for a future street connection to be made to South Grand Prairie Parkway, and the private street was stubbed at the location where that connection would go.

Fire/EMS Chief Craig Leu explained that a secondary access is stipulated in the international fire code, as it is a concern for public safety.

Linda Schemmel, Development Coordinator, stated staff is recommending denial of this comprehensive plan amendment because there is already a sufficient amount of commercial land use to serve this neighborhood. She noted there is challenging topography on this property, based on the adjacent development, so staff does not anticipate that it would be able to develop at the maximum density allowed by RM-12 zoning.

Mr. Hemesath noted the southeast entrance to Courtyards at Kings Landing will be removed once a street connection is made to South Grand Prairie Parkway, per an agreement with the developer that was recorded at the time the site plan was approved.

Chief Leu noted the two current entrances would not meet the secondary access requirements from the fire code, because they are too close to one another.

Mayor Trimble stated whether it happens tonight or years into the future, at some point, there will be a street connection constructed from the Courtyards at Kings Landing to South Grand Prairie Parkway.

Council member McKinney stated he would prefer to allow more time for discussions between the developer and the Courtyards at Kings Landing residents to determine whether those residents would prefer the proposed development or a 550-unit apartment development.

Council member Hudson expressed support for Council member McKinney's suggestion, because many of the Courtyards at Kings Landing residents were not aware before tonight that the southeast entrance to their development was temporary, and he would like to allow more time for them to gather additional information from city staff and provide feedback.

It was moved by McKinney second by Hudson to continue public hearing Item 6(a) to January 17, 2023.

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Mayor Trimble requested that Jared Johnson hold a neighborhood meeting with the Courtyards at Kings Landing residents before the January 17<sup>th</sup> Council meeting.

Vote 23-009: 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 Glen Oaks Rowhomes, southwest corner of I-35 and Mills Civic Parkway - Amend Comprehensive Plan Land Use Map to Establish Medium Density Residential Land Use and Amend the Planned Unit Development (PUD) to Add Parcel M and Regulations Governing the Development of Medium Density Residential in Parcel M, initiated by Paramount-Destination Homes, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 16, 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. Additionally, on a vote of 6-1, the Plan and Zoning Commission recommended City Council approval of the PUD amendment. There was also one citizen correspondence received, copies of which have been placed on the dais this evening.

Mayor Trimble asked if there were any public comments.

Ed Pelds, Pelds Design Services, speaking on behalf of the applicant, stated they are requesting the City Council approve this item, and he is available to answer any questions they may have.

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

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

Vote 23-010: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

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

Vote 23-011: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

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Vote 23-012: 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 Woodhouse Planned Unit Development, 7220 Lake Drive - Establish the Woodhouse Planned Unit Development (PUD) Ordinance to Govern Development of the PUD Parcel, initiated by Woodhouse Auto Group. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 16, 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 PUD ordinance.

Mayor Trimble asked if there were any public comments.

Pat Shepard, Civil Engineering Consultants, speaking on behalf of the applicant, stated they are requesting this Planned Unit Development (PUD) ordinance because the current zoning requires setbacks that make it nearly impossible to develop anything on the site, so the proposed PUD ordinance would reduce the setbacks to allow for development to occur.

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

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

Vote 23-013: Hardman, Hudson, Loots, McKinney...4 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 23-014: 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 #6 to the Historic West Des Moines Urban Renewal Area, 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 December 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.



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It was moved by Hudson, second by Loots to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 23-015: 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 Agreement for Private Development, initiated by VAB, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 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 Hudson, second by Loots to adopt Resolution - Approval of Agreement.

Vote 23-016: 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 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 December 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 Loots, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Elder Corporation, Subject to Concurrence by the Iowa Department of Transportation.

Vote 23-017: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 6(g) Mayor Trimble indicated this was the time and place for a public hearing to consider Public Safety Station # 22 Sewer Rehabilitation, 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 December 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.

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

It was moved by Loots, second by Hudson to adopt Resolution - Approval of Plans and Specifications and Motion to Receive and File Report of Bids.

Vote 23-018: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 7(a) Stonewood Plat 1, northeast corner of Booneville Road and South Grand Prairie Parkway - Approval of Final Plat to Create 40 Lots for Single-Family Residential Development, Four Outlots, and Four Street Lots, initiated by Stonewood, Inc.

It was moved by Hudson, second by Loots 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 23-019: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Russ Trimble, Mayor