

March 20, 2023

West Des Moines City Council Proceedings
Monday, March 20, 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 Monday, March 20, 2023 at 5:30 PM. Council members present were: G. Hudson, D. Loots, and M. McKinney.

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

Vote 23-079: Hudson, Loots, McKinney...3 yes
Motion carried.

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

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

Police Chief Chris Scott presented the Police Department Civilian Lifesaving Award to sisters Jacora Morris and Jasmine Morris for their heroic efforts to rescue two young boys that had fallen through the ice into a frozen pond near their home on February 25, 2023.

Jayne Armstrong, District Director for the U.S. Small Business Administration, reported the national award for 8(a) Women-Owned Business of the Year has been awarded to Anitha Timiri G, President and CEO of ePATHUSA.

City Manager Tom Hadden stated a written legislative update has been placed on the dais tonight, and staff continues to monitor proposed legislation with potential impacts to the City. He introduced the new Westcom Chief, Udell Mentola. He expressed his appreciation to retiring Parks and Recreation Director Sally Ortgies for her contributions to the City as a great leader and public servant.

Council member Hudson stated the two young people that were presented the Police Department Civilian Lifesaving Award make him feel incredibly proud to live in this community. He expressed his appreciation to retiring Parks and Recreation Director Sally Ortgies for her years of service to the City, during which she has exemplified positivity, creativity, humility, and vision.

Council member McKinney expressed his appreciation to retiring Parks and Recreation Director Sally Ortgies for her contributions toward improving the quality of life in this community.

Council member Loots expressed his appreciation to retiring Parks and Recreation Director Sally Ortgies, and he stated it has been great working with her. He stated he recently returned from a family vacation in Costa Rica, and he noted the people there were extremely welcoming, and he expressed a desire for West Des Moines to emulate that, as it strives to be a welcoming

March 20, 2023

community for everyone.

Mayor Trimble expressed his appreciation to retiring Parks and Recreation Director Sally Ortgies for her contributions toward improving the quality of life in this community. He stated it has been an honor to work with her, and the City is going to miss her very much.

On Item 4. Consent Agenda.

It was moved by Loots, second by McKinney to approve the consent agenda as presented.

- a. Approval of Minutes of March 6, 2023 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. BDA3sons, LLC d/b/a Chicken Coop Sports Bar and Grill, 5906 Ashworth Road - Class C Retail Alcohol License - Renewal
 2. Famous Dave's Ribs, Inc. d/b/a Famous Dave's, 1720 22nd Street - Class C Retail Alcohol License - Renewal
 3. FormaroStuffed.com, LLC d/b/a Formaro's Stuffed, 2500 Grand Avenue (softball complex) - Special Class C Retail Alcohol License with Outdoor Service - New
 4. Hy-Vee, Inc. d/b/a Hy-Vee Food Store & Drug Center #2, 1990 Grand Avenue - Class E Retail Alcohol License - Renewal
 5. Hy-Vee, Inc. d/b/a Hy-Vee Fast & Fresh, 425 South Jordan Creek Parkway - Class E Retail Alcohol License - Renewal
 6. Daniel & Phillip, Inc. d/b/a Irina's Steak & Seafood, 650 South Prairie View Drive, Suite 100 - Class C Retail Alcohol License - Renewal
 7. LEROY'S PLACE, LLC d/b/a LeRoy's Place, 4825 EP True Parkway, Suite 112 - Class C Retail Alcohol License with Outdoor Service - Renewal
 8. Jai Jai, LLC d/b/a Mills Grocery & Liquor, 6630 Mills Civic Parkway, Suite 3110 - Class E Retail Alcohol License - Renewal
 9. MLT Hospitality, LLC d/b/a The Pelican Post Bar & Grille, 265 50th Street - Class C Retail Alcohol License with Outdoor Service - New
 10. 6K Enterprises, LLC d/b/a Terra Cafe, 2800 University Avenue, Suite 400 - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - New
 11. Kumar and Singh, LLC d/b/a University Liquors, 9250 University Avenue, Unit 115 - Class E Retail Alcohol License - Renewal
 12. W West Investments, LLC d/b/a Wellmans West, 597 Market Street - Class C Retail Alcohol License with Outdoor Service - Renewal
 13. W West Investments, LLC d/b/a Wellman's West Rooftop, 597 Market Street (Rooftop) - Class C Retail Alcohol License with Outdoor Service - Renewal
 14. World Market of Iowa, LLC d/b/a World Market, 4100 University Avenue, Suite 210 - Class B Retail Alcohol License - New
 15. Your Private Bartender, LLC d/b/a Your Private Bar, 1025 Ashworth Road - Five-Day Class C Retail Alcohol License for a Private Event on March 25, 2023

March 20, 2023

- d. Approval of Parking on School Property Grass - Valley High School Commencement Ceremony, May 28, 2023
- e. Approval of Appointments - Public Art Advisory Commission
- f. Approval of Change Order #2 - South Service Area Segment 8 Sewer
- g. Approval of Official Depositories
- h. Establish Public Hearings - Issuance of \$13,900,000 Essential Corporate Purpose and General Corporate Purpose General Obligation Bonds
- i. Order Construction:
 - 1. 2022 Channel Repair Program
 - 2. 2022 Median Renovations Program
 - 3. Law Enforcement Center - Garage Conversion and HVAC Improvements
 - 4. SE Adams Street, Veterans Parkway to SE Orilla Road
- j. Accept Work - South Service Area Segment 8-2 Sewer
- k. Accept Public Improvements - Jordan Ridge Plat 1
- l. Approval of Professional Services Agreement - Supplemental Construction Observation Services
- m. Approval and Acceptance of Property Interests - SE Adams Street, Veterans Parkway to SE Orilla Road

Vote 23-080: Hudson, Loots, McKinney...3 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 3 (Business and Licensing), Title 8 (Building Regulations), and Title 9 (Zoning) - Modify Regulations Pertaining to Short Term Rentals to Align with State Code, initiated by the City of West Des Moines

Mayor Trimble noted there was discussion at the previous City Council meeting regarding the issuance of rental certificates for short term rental properties. Staff has since reviewed the language in the recent change to state law and determined that it does not prohibit the City from issuing rental certificates to such properties; therefore, staff does intend to do so.

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

Vote 23-081: 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 23-082: Hudson, Loots, McKinney...3 yes
Motion carried.

March 20, 2023

On Item 5(b) Amendment #13 to the Amended and Restated Mills Parkway Urban Renewal Area, 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 23-083: 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 23-084: 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 23-085: Hudson, Loots, McKinney...3 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 3 (Business and Licensing), Chapter 2 (Beer and Liquor Control) - Modify Regulations Pertaining to Retail Alcohol Licenses to Align with State Code, 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 23-086: Hudson, Loots, McKinney...3 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 23-087: Hudson, Loots, McKinney...3 yes
Motion carried.

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

Vote 23-088: Hudson, Loots, McKinney...3 yes
Motion carried.

March 20, 2023

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Highgate, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 10, 2023 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 23-089: Hudson, Loots, McKinney...3 yes
Motion carried.

On Item 6(b) Vacation of a Portion of Booneville Road Right of Way, initiated by the City of West Des Moines

It was moved by McKinney, second by Hudson to adopt Motion - Continue Public Hearing to April 3, 2023.

Vote 23-090: Hudson, Loots, McKinney...3 yes
Motion carried.

On Item 6(c) 2023-24 FY Operating and Capital Budget, initiated by the City of West Des Moines

It was moved by Loots, second by Hudson to adopt Motion - Continue Public Hearing to April 17, 2023.

Vote 23-091: 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 2023 PCC Patching Program, 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 March 3, 2023 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.

March 20, 2023

It was moved by Loots, second by McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Shekar Engineering, PLC.

Vote 23-092: Hudson, Loots, McKinney...3 yes
Motion carried.

On Item 7(a) Fox Ridge Plat 2, south of the intersection of Veterans Parkway and SE 25th Street - Subdivide Property into 17 Lots for Single-Family Development and One Street Lot, initiated by Forestar (USA) Real Estate Group, Inc.

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

Vote 23-093: Hudson, Loots, McKinney...3 yes
Motion carried.

On Item 7(b) 2023-24 FY Hotel/Motel Tax Allocations, initiated by the City of West Des Moines

Mayor Trimble noted this is an important item, so he suggested the City Council defer it to the next meeting, when the full council is expected to be present.

It was moved by Hudson second by McKinney to continue Item 7(b) 2023-24 FY Hotel/Motel Tax Allocations to April 3, 2023.

Vote 23-094: Hudson, Loots, McKinney...3 yes
Motion carried.

On Item 8(a) Annual Comprehensive Financial Report - 2021-22 FY - Received and Filed

On Item 8(b) Lonnie Dafney Resignation - Human Rights Commission - Received and Filed

Mayor Trimble expressed appreciation to Ms. Dafney for her service to the commission.

On Item 8(c) Rita Luther Resignation - Public Art Advisory Commission - Received Filed

Mayor Trimble expressed appreciation to Ms. Luther for her service to the commission.

March 20, 2023

On Item 9 - Other Matters

Mayor Trimble stated his mother-in-law, Gay Melby, passed away on February 14th, and he thanked the City Council and Department Directors for their thoughtful gift of a beautiful plant, which was appreciated by the entire family.

The meeting was adjourned at 6:09 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor