April 3, 2023

West Des Moines City Council Proceedings
Monday, April 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 Monday, April 3, 2023 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 Hardman, second by Trevillyan approve the agenda as presented.

Vote 23-095: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 2. Public Forum:

Vicki Long-Hill, 136 10th Street, expressed concerns that the alley on the east side of 10th Street has been excluded from the current phase of the Valley Junction Alley Improvements project.

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

Sally Dix, Executive Director of Bravo Greater Des Moines, presented an update of the organization's activities and expressed appreciation to the City for its support.

Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, and Jon Hummel, Vice President of Commercial Banking at West Bank, presented an update on the activities of the West Des Moines Chamber of Commerce and expressed appreciation to the City for its support.

Council member Hardman stated she is proud of the Fair Housing Month proclamation on tonight's agenda, and she reported she will sit on a panel for an affordable event later this month. She also reported she was honored to be the keynote speaker at the 2023 Mentoring for Women event, hosted by the West Des Moines Chamber of Commerce

Council member McKinney reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on building guidelines

Council member Hudson reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on the upcoming bond issuances and how the City's AAA bond rating helps the City obtain the best interest rates possible on those bonds. He also attended a meeting of the Library Board of Trustees, and he is excited to start in his new role as the City Council liaison to that board. He also extended a welcome to Laura Murphy, who was recently hired as Recreation Coordinator in the Parks and Recreation Department.

City Manager Tom Hadden reported a written legislative report will be distributed to the Council later tonight or tomorrow morning. He noted Item 8(a) Westcom Financial Report for FY 2021-22 is a new item, as this is the first time there has been a separate audit conducted for Westcom. He also noted there is a proclamation on tonight's agenda for National Public Safety Telecommunicators Week, and he commended the Westcom staff for their exemplary service, as he believes they are the best public safety telecommunicators in the state.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of March 20, 2023 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Andy's Tanning, LLC d/b/a Andy's Nail Bar, 8850 University Avenue, Suite 104 - Special Class C Retail Alcohol License - New
    2. T&K Ventures, LLC d/b/a Early Bird, 9250 University Avenue, Suite 107 - Class C Retail Alcohol License with Outdoor Service - Renewal
    3. El Rey Corporation d/b/a El Rey Burritos, 1310 Grand Avenue - Class C Retail Alcohol License - Renewal
    4. Git-N-Go Convenience Stores, Inc. d/b/a Git-N-Go Convenience Store #4, 1325 Grand Avenue - Class B Retail Alcohol License - New
    5. HD on the Go Big Screen, LLC d/b/a HD on the Go Big Screen, 1551 Valley West Drive (South Parking Lot) - Eight-Month Special Class C Retail Alcohol License with Outdoor Service - New
    6. Ironside Axe Club, LLC d/b/a Ironside Axe Club, 2700 University Avenue, Suite 100 - Class C Retail Alcohol License with Outdoor Service - New
    7. Hy-Vee, Inc. d/b/a The Ron Pearson Center, 5820 Westown Parkway - Class C Retail Alcohol License with Catering Privileges - Renewal
    8. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class C Retail Alcohol License with Outdoor Service - Renewal
d. Approval of Special Event Lane Closures - Miscellaneous Events - Historic Valley Junction Foundation
e. Approval of Appointments:
    1. Human Rights Commission
    2. Revised 2022-23 Committee and Other Assignments
f. Approval of Additional Services Agreement - Flock Group, Inc.
g. Approval of Renewal Contract Agreement - Electrical Repair Services
h. Approval of Title VI Non-Discrimination Agreement and Assurances
i. Approval of Change Order #6 - Grand Avenue, South Grand Prairie Parkway to South 115th Street

j. Order Construction:
   1. 2023 Asphalt Trail Renovation Project
   2. MidAmerican Energy RecPlex - Operational Improvements
   3. Valley Junction Business District Pavers and Sidewalk, Phase 3

k. Accept Work:
   1. Grand Avenue Reconstruction, 1st to 6th Street
   2. Holiday Park Youth Baseball Field 3 and 4 Improvements, Phase 7

Vote 23-096: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(l)1 Proclamation - Fair Housing Month, April 2023

It was moved by Hardman, second by Hudson to approve Item 4(l)1 Proclamation - Fair Housing Month.

Mayor Trimble read Proclamation - Fair Housing Month.

Vote 23-097: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(l)2 Proclamation - National Public Safety Telecommunicators Week, April 9-15, 2023

Mayor Trimble read Proclamation - National Public Safety Telecommunicators Week

It was moved by Trevillyan, second by Hudson to approve Item 4(l)2 National Public Safety Telecommunicators Week.

Vote 23-098: Hardman, Hudson, Loots, McKinney, Trevillyan…5 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

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

Vote 23-099: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-100: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 5(b) 2023-24 FY Hotel/Motel Tax Allocations, initiated by the City of West Des Moines (Continued from March 20, 2023)

It was moved by Trevillyan, second by Hudson to adopt Motion - Approval of Subcommittee Recommendation.

Council member Hudson expressed appreciation to all the applicants for Hotel/Motel Tax funding for the work they put into their applications and presentations. He noted the total amount requested from all applicants was approximately double the amount of funding available, and this year's allocations are decreasing across the board from last year's.

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

Vote 23-101: Hardman, Hudson, McKinney, Trevillyan…4 yes
Loots…1 abstain due to potential conflict of interest
Motion carried.

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider Repeal Assigned Zoning District, south of Raccoon River and East of I-35 - Amend the Zoning Map to Repeal Assigned Zoning Designations on Properties Which Are Inconsistent with the Comprehensive Plan Land Use Designation, 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 17, 2023 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the rezoning request.

Mayor Trimble asked if there were any public comments.

Ian McTavish, 2270 SE Browns Woods Place, requested clarification on the purpose of this item.

Jessica Grove, Assistant City Attorney, stated this proposed ordinance would bring the zoning into compliance with the recently adopted comprehensive plan land use map.

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

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

Council member McKinney inquired how staff selected the properties that would be designated as unzoned by this ordinance.

Linda Schemmel, Development Coordinator, responded staff identified all properties with an existing zoning that was inconsistent with its new comprehensive plan land use designation, excluding properties that already had a structure standing on them.

Ms. Grove stated this change would prevent a potential buyer of one of these properties from thinking they could develop the property according to a zoning classification which is out of compliance with the comprehensive plan. By designating these properties as unzoned, they cannot be developed at all until they are rezoned to a classification that is compatible with the comprehensive plan land use designation.

Council member McKinney inquired why this rezoning was brought to the Council several months after the comprehensive plan update was adopted.

Ms. Schemmel responded it took time for staff to identify the properties with zoning that was no longer in compliance and to determine how to best address those non-compliant properties. She noted staff is recommending they be classified as unzoned to allow for the most flexibility.

Council member McKinney inquired about the status of the updated zoning code ordinance.

Ms. Schemmel responded staff recently held a meeting with the consultant to discuss details of the proposed zoning code ordinance. She noted staff would like to hold workshops with the City Council and the Plan and Zoning Commission in the coming weeks to discuss work on the proposed ordinance.

Council member McKinney expressed concerns that the council adopted a comprehensive plan update without compatible zoning for some properties, which was in violation of state law, and he was not made aware of that fact at the time. He also expressed concerns that these properties being classified as unzoned will require a potential developer to through the process of red tape to get the property rezoned before they could develop it. He also expressed concerns that a property being classified as unzoned could give neighboring property owners a false impression that nothing could be developed on the property.

Mayor Trimble stated the comprehensive land use map is intended to provide the assurance to neighboring property owners about what types of development could occur on any given property. He also noted that, while adopting the comprehensive plan update several months prior to bringing the zoning into compliance temporarily violated state law, he believes it was unavoidable.

Vote 23-102: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-103: 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 Vacation of a Portion of Booneville Road Right of Way, initiated by the City of West Des Moines (Continued from March 20, 2023). He asked for the date the notice was published and the City Clerk indicated the notice was published on March 8, 2023 and March 17, 2023 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the vacation request.

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

It was moved by Loots, second by Trevillyan to adopt Resolution - Approval of Vacation.

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

Vote 23-104: Hardman, Hudson, Loots, Trevillyan…4 yes
McKinney…1 abstain due to potential conflict of interest
Motion carried.

On Item 6(c) Mayor Trimble indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $10,000,000 General Obligation Bonds (ECP), 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 21, 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 - Instituting Proceedings to Take Additional Action.

Vote 23-105: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(d) Mayor Trimble indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $700,000 General Obligation Bonds (GCP-1), 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 21, 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 - Instituting Proceedings to Take Additional Action.

Vote 23-106: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(e) Mayor Trimble indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $700,000 General Obligation Bonds (GCP-2), 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 21, 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 - Instituting Proceedings to Take Additional Action.

Vote 23-107: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(f) Mayor Trimble indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $600,000 General Obligation Bonds (GCP-3), 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 21, 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 - Instituting Proceedings to Take Additional Action.

Vote 23-108: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(g) Mayor Trimble indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $700,000 General Obligation Bonds (GCP-4), 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 21, 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 Hardman to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 23-109: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(h) Mayor Trimble indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $700,000 General Obligation Bonds (GCP-5), 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 21, 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 Loots, second by Hudson to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 23-110: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(i) Mayor Trimble indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $500,000 General Obligation Bonds (GCP-6), 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 21, 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 Hardman to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 23-111: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(j) Mayor Trimble indicated this was the time and place for a public hearing to consider 2023 HMA Resurfacing 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 17, 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 McKinney, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Des Moines Asphalt & Paving.

Vote 23-112: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(k) Mayor Trimble indicated this was the time and place for a public hearing to consider 2022 Pavement Markings and On-Street Bike Markings 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 17, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Quality Striping, Inc.

Vote 23-113: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(l) Mayor Trimble indicated this was the time and place for a public hearing to consider 2022 Parking Lot Repairs 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 17, 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 McKinney, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Vice Construction.

Vote 23-114: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(a) The Pines at Glen Oaks, southwest quadrant of I-35 and Mills Civic Parkway Interchange - Approval of Preliminary Plat to Create 33 Lots for Multi-Family Residential Development, initiated by Paramount-Destination Homes, Inc.

It was moved by Hudson, second by Trevillyan 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 23-115: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

Tom Polking, 1243 Glen Oaks Drive, expressed concerns that this proposed development does not fit the quality of the existing homes in the Glen Oaks development, it could potentially generate traffic issues through the entrance into their development, and it could negatively impact the property values throughout their development. He also expressed concerns that the board of the homeowner's association has failed to adequately inform the Glen Oaks residents about this project.

Mayor Trimble noted this proposed development was approved by the homeowner's association, and it has now been approved by the City Council. He suggested Mr. Polking express his concerns to the board of the homeowner's association.

Council member McKinney noted this proposed development was discussed at Development and Planning Subcommittee, and staff indicated they do not anticipate the development would generate any public safety concerns or traffic issues.

Jamie Myers, speaking on behalf of Paramount-Destination Homes, Inc., stated these homes will be upscale rowhomes, ranging in price from $650,000 to $850,000, so he believes their quality will be consistent with the existing properties in the development.

On Item 7(b) Primrose School, 8080 Coachlight Drive - Approval of Preliminary Plat to Create Two Lots for Commercial Development and Approval of Site Plan to Allow Construction of a Daycare Building, initiated by Hurd Parkway, LLC

It was moved by Hudson, 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.

Vote 23-116: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(c) Chick-fil-A, 6555 Mills Civic Parkway - Approval of Minor Modification to Site Plan to Allow Construction of New Drive-Thru Canopies, initiated by Chick-fil-A, Inc.

It was moved by McKinney, second by Hudson to adopt Resolution - Approval of Minor Modification, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 23-117: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(d) Plat of Survey Parcels 23-25 and 23-26, 9127 Cedar Ridge Drive - Approval of Plat of Survey to Divide Lot in Two and Tie to Adjoining Lots, initiated by Unique Homes

It was moved by Hudson, second by Loots 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, and Resolution - Approval of Vacation of Public Utility Easement and Acceptance of New Public Utility Easement.

Vote 23-118: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(e) Plat of Survey Parcel 22-119, generally located south of Booneville Road and west of South Grand Prairie Parkway - Approval of Plat of Survey Regarding the Vacation of a Portion of Booneville Road Right of Way, initiated by the City of West Des Moines

It was moved by Hudson, second by Loots to adopt Resolution - Approval and Release of Plat of Survey.

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

Vote 23-119: Hardman, Hudson, Loots, Trevillyan…4 yes
McKinney…1 abstain due to potential conflict of interest
Motion carried.

On Item 7(f) Easy Go Liquor, 900 Grand Avenue - Approval of Minor Modification to Site Plan to Allow Site and Façade Modifications, initiated by Pinky, Inc.

It was moved by Hudson, second by McKinney to adopt Resolution - Approval of Minor Modification, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 23-120: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(g) Issuance of $13,170,000 General Obligation Bonds or Capital Loan Notes, Series 2023A, initiated by the City of West Des Moines

It was moved by Loots, second by Hudson to adopt Resolution - Authorizing the Issuance and Levying a Tax.

Vote 23-121: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(h) Issuance of $17,200,000 Taxable General Obligation Urban Renewal Bonds or Capital Loan Notes, Series 2023B, initiated by the City of West Des Moines

It was moved by Loots, second by Hudson to adopt Resolution - Authorizing the Issuance and Levying a Tax.

Vote 23-122: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 7:34 p.m.

April 3, 2023

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Russ Trimble, Mayor