

April 17, 2023

West Des Moines City Council Proceedings
Monday, April 17, 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 17, 2023 at 5:30 PM. Council members present were: G. Hudson, D. Loots, M. McKinney, and K. Trevillyan.

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

Vote 23-123: Hudson, Loots, McKinney, Trevillyan...4 yes
Motion carried.

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

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

Council member Hudson reported he attended a West Des Moines Library Friends Foundation event held at the Raccoon River Park Nature Lodge. He also reported the Finance and Administration Subcommittee met and discussed upcoming bond issuances and financing for future construction projects.

Council member Loots thanked Council member Hudson for bringing up a pothole issue.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of April 3, 2023 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Tasting Station Restaurant Group, LLC d/b/a BeerStyles Gastropub & Taproom/SALT of the Hearth, 5513 Mills Civic Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
 2. Midwest Ventures 6, LLC d/b/a The Breakfast Club, 5525 Mills Civic Parkway, Suite 100 - Class C Retail Alcohol License with Outdoor Service - Renewal
 3. Blazin Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 6925 Mills Civic Parkway, Suite #115 - Class C Retail Alcohol License with Outdoor Service – Renewal
 4. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class C Retail Alcohol License with Outdoor

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- Service - Renewal
- 5. Revenge is a Dish, LLC d/b/a Club Envy, 5485 Mills Civic Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
- 6. El Fogon del Chivo, LLC d/b/a El Fogon, 1250 8th Street - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - Renewal
- 7. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class B Retail Alcohol License - New
- 8. Fareway Stores, Inc. d/b/a Fareway Store #153, 329 Grand Avenue - Class E Retail Alcohol License - Renewal
- 9. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Eight-Month Special Class C Retail Alcohol License with Outdoor Service - New
- 10. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class E Retail Alcohol License - Renewal
- 11. Miranda Brothers Corporation d/b/a Mi Patria, 1410 22nd Street - Class C Retail Alcohol License - Renewal
- 12. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class C Retail Alcohol License - Renewal
- 13. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Special Class C Retail Alcohol License - Renewal
- 14. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class C Retail Alcohol License - Renewal
- 15. T-Bowl Investments Inc. d/b/a Val Lanes Recreation Center, 100 Ashworth Road - Class C Retail Alcohol License - Renewal
- 16. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class C Retail Alcohol License with Outdoor Service - Renewal
- d. Approval of Order for Violation of Alcohol Laws
- e. Approval of Acknowledgment/Settlement Agreement for Violation of Tobacco Laws
- f. Approval of Artists and Artwork Locations - 2023 WDMurals
- g. Approval of Change Order #4 - South Grand Prairie Parkway, Grand Avenue to South of Raccoon River Drive
- h. Approval of Interfund Transfers
- i. Approval to Renew Revolving Line of Credit with West Bank
- j. Approval of Senior Bond Issuance Certificate - \$94,250,000 Des Moines Metropolitan Wastewater Reclamation Authority (WRA) Senior Bonds
- k. Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement - \$13,170,000 General Obligation Bonds, Series 2023A; \$17,200,000 Taxable General Obligation Urban Renewal Bonds, Series 2023B; \$20,330,000 General Obligation Urban Renewal Bonds, Series 2023C; \$4,855,000 Taxable General Obligation Urban Renewal Bonds, Series 2023D
- l. Approval of Substituted and Restated 28E Agreement - Polk County Emergency Management

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- n. Proclamations:
 - 2. Minority Owned Business Day, April 21, 2023
 - 3. Earth Day, April 22, 2023
 - 4. Arbor Day, April 28, 2023

Vote 23-124: Hudson, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 4(m) Approval of Amendment to the Policy for Roadway Naming and Addressing

Council member Trevillyan requested clarification on the purpose of this policy amendment. He stated if it is being amended, he believes the entire policy should be reviewed globally. He also expressed a desire for the honorary naming criteria in the policy to be more stringent.

Audrey Kennis, Diversity, Equity and Inclusion Director, responded the proposed amendments are intended to clarify some sections in the policy that were found to be unclear or ambiguous. It also amends the distance for an honorary roadway naming to be “up to one mile” to be more consistent than the “collector street to collector street” distance, which can vary significantly.

Council member Hardman arrived at 5:37 p.m. The attendance was re-taken. Council members present were: R. Hardman, G. Hudson, D. Loots, M. McKinney, and K. Trevillyan.

Mayor Trimble stated he does not believe there should be a wholesale change made to this policy while there are applications pending. He suggested the Council adopt these proposed amendments to provide clarification but wait to review the policy globally until after decisions have been made on any pending applications.

Council member Hardman spoke in support of these proposed amendments to the policy, which she believes will help eliminate ambiguity and promote fairness and transparency, and she expressed appreciation to Ms. Kennis for her leadership in working on this policy.

It was moved by Hardman, second by Hudson to approve Item 4(m) Approval of Amendment to the Policy for Roadway Naming and Addressing.

Vote 23-125: Hardman, Hudson, Loots, McKinney...4 yes
Trevillyan...1 no

Motion carried.

On Item 4(n)1 Proclamation - National Library Week

It was moved by McKinney, second by Hudson to approve Item 4(n)1 Proclamation - National Library Week.

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Mayor Trimble read Proclamation - National Library Week.

Vote 23-126: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(a) 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

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

Council member McKinney expressed appreciation to staff for their responses to his questions on this proposed rezoning.

Vote 23-127: Hardman, Hudson, Loots, McKinney, Trevillyan...5 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 23-128: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 23-129: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider Stone Cross Lawn & Landscape, 3410 SE 22nd Street - Amend the Zoning Map to Rezone Property from Professional Commerce Park to Light Industrial, initiated by Stone Cross Properties, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 31, 2023 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 rezoning request.

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

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

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Vote 23-130: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-131: 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 High Point, generally located north and south of future Stagecoach Drive between South 81st Street and the future extension of South 85th Street - Amend Comprehensive Plan Developed Areas Land Use Map and Amend the Zoning Map to Establish Land Use and Zoning Appropriate for Single Family Residential, Medium Density Residential and High-Density Residential Development, initiated by High Point Group, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 31, 2023 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 rezoning 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 Hardman to adopt Resolution - Approval of Comprehensive Plan Amendment.

Council member Trevillyan requested clarification on condition of approval #1, which would require the developer to pay their proportionate share of costs for sanitary sewer capacity improvements if the land use should be amended to a higher density.

Lynne Twedt, Development Services Director, responded that condition of approval is being imposed on every development in this area in case the land use should be amended to a higher density, which would require an increased sewer capacity. However, this proposed development is consistent with the current land use, so staff does not anticipate this developer needing to pay for any sewer upgrades. She responded to additional questions, stating the City already constructed a sewer in this area, but it was designed with the capacity for the lower density of Residential Estate land use as shown in the comprehensive plan.

Council member Trevillyan expressed concerns that the taxpayers might have to pay for sewer improvements that he believes should be the responsibility of the developers in this area.

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Jared Murray, Civil Design Advantage, stated this property is already designated in the comprehensive plan as the land use that corresponds to the density of this proposed development.

Dave Harmeyer, High Point Group, LLC, noted this proposed development is not anticipated to require an increase in sewer capacity, as he believes the density will be lower than what is allowed under the current comprehensive land use designation.

Vote 23-132: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 23-133: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-134: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 6(c) Mayor Trimble indicated this was the time and place for a public hearing to consider 2023-24 FY Operating and Capital Budget, 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 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.

M.J. Hoag, 413 2nd Street, stated he does not believe the proposed reduction in the property tax levy rate is responsible. He expressed concerns about the significant increase in the City's debt, underfunded road maintenance programs, underfunded parks facilities which are paid for by corporations in exchange for naming rights, and a proposed change in the City's overtime policy which he believes could negatively impact current staff and the City's ability to attract and retain talent.

Mayor Trimble stated he does believe the City is reducing the property tax levy rate in a responsible way. He explained that the City uses debt to leverage economic development projects, such as data centers, which significantly increase the taxable valuation of the City. He noted when the City does issue debt, it ensures there will be revenue available to pay that debt, and the City's AAA bond rating allows the City to get the lowest interest rates possible on its

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debt. He also expressed confidence in the City's pavement maintenance program. He expressed support for the use of funds in exchange for corporate naming rights to help pay for quality of life amenities, so that the taxpayers are not required to pay the full cost. He stated the overtime policy referenced by Mr. Hoag is not changing at this time.

The Council members expressed appreciation to Mr. Hoag for his comments and expressed unanimous support for the proposed budget.

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 Trevillyan to adopt Resolution - Approval of Budget.

Vote 23-135: 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 SE Adams Street, Veterans Parkway to SE Orilla Road, 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 31, 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 Trevillyan, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group, LLC.

Vote 23-136: 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 2022 Channel Repair 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 31, 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.

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It was moved by Trevillyan, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Wenthold Excavating, LLC.

Vote 23-137: 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 2022 Median Renovations 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 31, 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 Trevillyan, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Brothers Concrete.

Vote 23-138: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(a) Plat of Survey Parcel '2023-21', 830 1st Street - Approval of Plat of Survey to Create a 0.35-acre Parcel for Future Development, initiated by First Street, Limited Partnership

It was moved by Hudson, second by Trevillyan 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 23-139: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

On Item 9 - Other Matters

Mayor Trimble stated a written legislative update has been placed on the dais tonight.

Council member McKinney expressed appreciation to staff for their work on the FY 2023-24 budget, in the midst of a number of complicating factors, and he commended them for finding a way to balance the delivery of city services and still reduce the property tax levy rate.

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Council member Hardman expressed appreciation to the Community and Economic Development Department for providing her information on affordable housing, as she will be participating in an upcoming panel discussion on affordable housing.

Mayor Trimble noted the Black and Brown Business Summit, hosted by the West Des Moines Chamber of Commerce, will be held April 20-21.

The meeting was adjourned at 6:43 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor