

June 5, 2023

West Des Moines City Council Proceedings  
Monday, June 5, 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, June 5, 2023 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 agenda be amended to:

- Pull Item 4(k)1 Professional Services Agreement - Database Administration from the Consent Agenda so it can be considered with an amendment recommended by staff
- Continue Item 6(a) Bridge Lot Comprehensive Plan Amendment and Rezoning to July 5, 2023
- Remove Item 7(g) Grumpy Goat Liquor License Renewal from the agenda, as it will come back for consideration at a future meeting.

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

Vote 23-202: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

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

Tom Stull, 3530 Commerce Drive, expressed concerns regarding drainage issues in the Commerce area, which he believes were caused by the developer of homes on High Street filling in the ditch on the north side of High Street. He stated he believes the issues could have been avoided with proper planning and stormwater management up front, and he urged the City to learn from this mistake and ensure it does not happen again.

Ed Engler, 128 11<sup>th</sup> Street, expressed appreciation to the City for substantially completing the Valley Junction Alley Improvements, Phases 6 and 7 project.

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

Council member Hardman reported she attended a meeting of the Historic Valley Junction Foundation Board, where discussion was held on raising awareness of the importance of doing business in the Valley Junction Business District and the proposed honorary roadway naming for Johnny E. Long, Jr. and Barbara Long.

Mayor Trimble reported he participated in the Mayor's Bike Ride and Park Palooza, and he expressed appreciation to the Parks and Recreation Department for their efforts in coordinating those events. He also provided a report on the activities of the Parks and Recreation Department.

On Item 4. Consent Agenda.

Council members pulled Items 4(c)7-9, 4(k)1, 4(q), and 4(y) for discussion. It was moved by Hudson, second by Hardman to approve the consent agenda as amended.

- a. Approval of Minutes of May 15, 2023 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  1. Biaggi's Ristorante Italiano, LLC d/b/a Biaggi's Ristorante Italiano, 5990 University Avenue - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - Renewal
  2. Wesley Retirement Services, Inc. d/b/a Edgewater, A Wesley Active Life Community, 9225 Cascade Avenue - Class C Retail Alcohol License with Living Quarters, Outdoor Service, and Catering Privileges - Renewal
  3. CTCC Rentals, LLC d/b/a Grand Junction Bar & Grill, 1970 Grand Avenue, #29 - Class C Retail Alcohol License with Outdoor Service - Renewal
  4. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 400 Block of Railroad Place - Five-Day Class C Retail Alcohol License for Event on June 17, 2023
  5. Hy-Vee, Inc. d/b/a Hy-Vee Food Store #1, 1700 Valley West Drive - Class E Retail Alcohol License - Renewal
  6. Sodexo Management, Inc. d/b/a Iowa Farm Bureau, 5400 University Avenue (West Parking Lot) - Five-Day Special Class C Retail Alcohol License with Outdoor Service - Effective June 27-July 1, 2023
  10. West Des Moines Hotel Associates, LLC d/b/a West Des Moines Marriott, 1250 Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - Renewal
  11. OTB Acquisition, LLC d/b/a On The Border, 140 South Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
  12. Des Moines Prime, LLC d/b/a Ruth's Chris Steak House, 950 Jordan Creek Parkway - Class C Retail Alcohol License with Catering Privileges - New
  13. Target Corporation d/b/a Target Store T-1901, 5405 Mills Civic Parkway - Class E Retail Alcohol License - Renewal
  14. Top It Off, LLC d/b/a Top It Off Liquid Catering, 101 Jordan Creek Parkway - 8 Month Special Class C Retail Alcohol License - New
  15. Top It Off, LLC d/b/a Top It Off Liquid Catering, 2500 Grand Avenue (Nature Lodge) - 5-Day Special Class C Retail Alcohol License for a Private Event on June 15, 2023
  16. Walgreen Co. d/b/a Walgreens #6623, 1660 22nd Street - Class E Retail Alcohol License - Renewal
  17. Walgreen Co. d/b/a Walgreens #6677, 4900 Mills Civic Parkway - Class E Retail Alcohol License - Renewal

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18. Walgreen Co. d/b/a Walgreens #6678, 1999 Grand Avenue - Class E Retail Alcohol License - Renewal
19. Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #3762, 6365 Stagecoach Drive - Class E Retail Alcohol License - Renewal
- d. Approval of Special Event Lane Closure - South 100<sup>th</sup> Street Block Party, June 9, 2023
- e. Approval of Extended Sound Permit - South 100<sup>th</sup> Street Block Party, June 9, 2023
- f. Approval of Appointments:
  1. Human Services Advisory Board
  2. Library Board of Trustees
- g. Approval of Acknowledgment/Settlement Agreement for Violation of Tobacco Laws
- h. Accept Grant from BWA Foundation - West Des Moines Human Services English Language Learning (ELL) Program
- i. Approval of Purchase - Personal Computers (PC's) and iPads
- j. Approval of Enterprise License Agreement Renewal and Payment - ESRI
- k. Approval of Professional Services Agreements:
  2. Pearson Park South and North Bridge Replacement
- l. Approval of Amendment No. 1 to Professional Services Agreement - Southeast Fire Training Facility
- m. Approval of Change Order #1 - 2023 HMA Resurfacing Program
- n. Approval to Advertise, Receive Bids, and Set Public Hearing - Sale and Removal of Structures, 329 6<sup>th</sup> Street
- o. Approval of Voluntary Separation Insurance Incentive Program
- p. Approval of Contract - Third Party Leave of Absence (FMLA) Administration Services
- r. Accept Work - Blue Creek Stormwater Detention Facilities, Utility Relocations
- s. Approval of Professional Services Agreement - Full-Build Traffic Model for West Des Moines Planning Area
- t. Establish Consultation Meeting and Public Hearing - Ponderosa Urban Renewal Area
- u. Approval of Reservation of Public Road Right-of-Way - SE Adams Street Improvements
- v. Approval of Financing Agreement with West Des Moines Water Works
- w. Approval of Settlement Agreement Regarding Construction of an Access Drive - Farmers State Bank, 9750 University Avenue
- x. Approval and Acceptance of Property Interests - High Street Storm Sewer Improvements

Vote 23-203: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 4(c) Approval of Liquor Licenses:

7. Kum & Go, LC d/b/a Kum & Go #8, 1293 8<sup>th</sup> Street - Class E Retail Alcohol License - Renewal
8. Kum & Go, LC d/b/a Kum & Go #50, 745 South 51<sup>st</sup> Street - Class E Retail Alcohol License - Renewal
9. Kum & Go, LC d/b/a Kum & Go #2091, 5969 Ashworth Road - Class E Retail Alcohol License - Renewal

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

It was moved by Hudson, second by Hardman to approve Items 4(c)7-9.

Vote 23-204: Hardman, Hudson, Loots ... 3 yes  
McKinney ... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 4(k)1 Approval of Professional Services Agreement - Database Administration - Nestingen, Inc.

City Attorney Dick Scieszinski stated staff is recommending an amendment to delete Item 2 from Exhibit A - Scope of Services, as it was inadvertently included and is not relevant to the agreement.

It was moved by McKinney, second by Hudson to approve Item 4(k)1 Approval of Professional Services Agreement - Database Administration - Nestingen, Inc. with an amendment to remove Item 2 from Exhibit A - Scope of Services.

Vote 23-205: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 4(q) Order Construction - Digital Enterprise Private Streets Conduit Deployment, Phase 2

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

It was moved by Hardman, second by Hudson to approve Item 4(q) Order Construction - Digital Enterprise Private Streets Conduit Deployment, Phase 2.

Vote 23-206: Hardman, Hudson, Loots ... 3 yes  
McKinney ... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 4(y) Proclamation - Pride Month, June 2023

Mayor Trimble read Proclamation - Pride Month.

It was moved by Hardman, second by McKinney to approve Item 4(y) Proclamation - Pride Month.

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Vote 23-207: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 7 (Setback and Bulk Density Regulations), and Chapter 14 (Accessory Structures) - Modify Regulations Pertaining to Building Separation for Accessory Structures in Single Family Zoning Districts, initiated by the City of West Des Moines

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

Vote 23-208: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-209: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

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

Vote 23-210: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 6(a) Bridge Lot, northwest corner of South 19th Street and Fuller Road - Amend Comprehensive Plan Land Use Map and Amend the Zoning Map to Establish Multi-Family Residential Land Use and Zoning, initiated by Walnut Creek Community Church.

It was moved by Hudson, second by Hardman to adopt Motion - Continue Public Hearing to July 5, 2023.

Vote 23-211: 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 Jordan Ridge, east side of current terminus of South 81st Street - Amend Comprehensive Plan Land Use Map and Amend the Planned Unit Development (PUD) Ordinance to Designate and Regulate Single Family Development within Current PUD Parcel B Area, initiated by Jordan Ridge, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 17, 2023 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 and PUD amendment.

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 Comprehensive Plan Amendment.

Vote 23-212: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

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

Vote 23-213: 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 23-214: 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 7502 Raccoon River Drive - Amend the Zoning Map to Consistency Zone to Open Space Zoning, initiated by GSS, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 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 7-0, the Plan and Zoning Commission recommended City Council approval of the rezoning request, and one written correspondence was received, which was included with the council communication.

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 consider the first reading of the ordinance.

Vote 23-215: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-216: 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 to City Code - Title 9 (Zoning) - Modify Regulations Pertaining to Internal Department Processes and Procedures Associated with Development Application Submittals and Review, 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 May 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 7-0, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

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

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

Vote 23-217: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-218: 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 Amendment #2 to the University Avenue Corridor 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 May 26, 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 Urban Renewal Plan Amendment.

Vote 23-219: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

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On Item 6(f) Mayor Trimble indicated this was the time and place for a public hearing to consider Amendment #4 to the Fuller Road 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 May 26, 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 - Approval of Urban Renewal Plan Amendment.

Vote 23-220: 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 23-221: 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.

Vote 23-222: 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 Conveyance of City-Owned Property to Doris Anderson and Reservation of Permanent Easements, 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 June 1, 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 Conveyance of Property Interests and Reservation of Permanent Easements.

Vote 23-223: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.



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On Item 6(h) Mayor Trimble indicated this was the time and place for a public hearing to consider Grand Avenue Reconstruction, west of I-35 to South 60th Street, 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 May 26, 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 Hardman, second by Hudson to adopt Resolution - Approval of Acquisition of Agricultural Property.

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

Vote 23-224: Hardman, Hudson, Loots ... 3 yes  
McKinney ... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 7(a) Law Enforcement Center, 250 Mills Civic Parkway - Approval of Major Modification to Allow Construction of a Garage Extension and Additional Parking Stalls, initiated by the City of West Des Moines

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

Vote 23-225: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 7(b) Plat of Survey Parcel '2023-63', 4000 Turnberry Drive and 4119 Plumwood Drive - Approval of Plat of Survey to Create a 0.10-acre Parcel for Transfer of Ownership, initiated by Midwest Oilseeds, Inc.

It was moved by Hudson, second by Hardman 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 23-226: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 7(c) Plat of Survey Parcels R and S, 3078 and 3080 120th Street, Van Meter - Approval of Plat of Survey to Adjust Common Boundary Lines Between Two Existing Parcels, initiated by Jon and Stacy Henrichsen

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It was moved by McKinney, second by Hudson 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 23-227: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 7(d) Plat of Survey Parcel '2023-61' and Parcel '2023-86', SW corner of Veterans Parkway and SE Maffitt Lake Road - Approval of Plat of Survey to Define the Boundary of City-Owned Property and Lease Area for the Iowa Army National Guard, initiated by the City of West Des Moines

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

Vote 23-228: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 7(e) Iowa Army National Guard Readiness Center, 1625 SE County Line Road - Approval of Site Plan to Allow Construction of a Military Readiness Center, initiated by Iowa Army National Guard

It was moved by Hudson, second by Hardman to adopt Resolution - Approval of Site Plan and Approval of Granting Water Easement, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 23-229: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 7(f) Honorary Roadway Naming - Approval of Honorary Naming for "Johnny E. Long, Jr. and Barbara Long" to Maple Street, 1st Street to 14th Street, initiated by Dr. Vicki Long Hill

It was moved by Hardman, second by McKinney to adopt Motion - Approval of Honorary Roadway Naming.

Mayor Trimble stated the Long family first requested a street naming in honor of Johnny and Barbara Long years ago, but at the time, it would have been an official renaming and readdressing, which was denied for public safety considerations. Since that time, the City adopted a policy for honorary street naming, which he believes is a reasonable policy. He noted there were two applications submitted for the same section of Maple Street, but after a meeting with both families, they reached a good resolution that allows for this proposed honorary roadway naming to move forward.

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Mary Madison, 4335 Oakwood Lane, spoke in support of the proposed honorary roadway naming.

Ako Abdul-Samad, 1506 18<sup>th</sup> Street, Des Moines, spoke in support of the proposed honorary roadway naming, because he believes this recognition will show young people what they can achieve. He also suggested the City develops a process to make the roadway naming permanent.

Dr. Vicki Long-Hill, 136 10<sup>th</sup> Street, spoke in support of the proposed honorary roadway naming in recognition of the significant impact that Johnny and Barbara Long had as they continuously worked toward the improvement of the Valley Junction community.

John Pete, 5614 Wistful Vista Drive, spoke in support of the proposed honorary roadway naming in recognition of the significant impact that Johnny and Barbara Long had on the Valley Junction community.

Pastor Stephen Long, 116 11<sup>th</sup> Street, spoke in support of the proposed honorary roadway naming, stating Johnny and Barbara Long embodied the principle of loving thy neighbor.

Mike Grgurich, 4316 Medina Dr, Norwalk, spoke in support of the proposed honorary roadway naming, as it would honor the Johnny and Barbara Long legacy of helping everyone in the community who needed help.

Meredith Wells, owner of MoMere, 138 5<sup>th</sup> Street, spoke in support of the proposed honorary roadway naming, stating the Historic Valley Junction Foundation Board passed a resolution in 2021 in support of the honorary roadway naming and recently passed a resolution reaffirming that support. She also stated she believes this would be a fitting tribute to Johnny and Barbara Long for their contributions to the Valley Junction community.

Rachelle Long, 106 11<sup>th</sup> Street, spoke in support of the proposed honorary roadway naming, stating this would demonstrate the City's understanding of diversity, equity and inclusion as the first time anything in West Des Moines is named after an African-American, and it would stand to let the world know we are an inclusive space for everyone.

Nicholas Long, 1528 South 50<sup>th</sup> Place, spoke in support of the proposed honorary roadway naming, and he expressed how this recognition would mean a lot to the younger generations of the Long family, who were all taught the importance of community service by Johnny and Barbara Long.

Matt Hauge, 1111 11<sup>th</sup> Street, spoke in support of the proposed honorary roadway naming in recognition of the ongoing community service of Johnny and Barbara Long.

Council member Loots spoke in support of the proposed honorary roadway naming, stating he was moved by the comments made tonight, and he suggested the City find a way to make the

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roadway naming permanent.

Council member McKinney expressed appreciation to the Long family for their patience and persistence through this process. He stated Johnny and Barbara Long clearly had a love and devotion to the community, which has also been instilled in the younger generations that continue to contribute to the Valley Junction community.

Council member Hudson expressed appreciation to the family and friends of Johnny and Barbara Long for sharing their stories tonight, as the story of Johnny and Barbara Long is important for people to hear and should be celebrated. He stated he is proud to support this proposed honorary roadway naming.

Mayor Trimble spoke in support of the proposed honorary roadway naming, because Johnny and Barbara Long loved this community and were amazing people. He stated this will be the first honorary roadway naming in West Des Moines, and it is a well deserved honor for Johnny and Barbara Long.

Council member Hardman spoke in support of the proposed honorary roadway naming, stating Johnny and Barbara Long embodied community service through their engagement in city council meetings and caring for the people that need it the most without any judgment. She stated if only more people gave from their hearts unconditionally as the Longs had, the world would be a better place, but the world is a better place because of the Longs' contributions. She stated it is an honor to be able to vote for this honorary roadway naming, which will stand for history and a legacy beyond her lifetime. She stated this is a historic day for all of us, as the honorary roadway naming will honor a family that was about dignity, respect, compassion, kindness, fortitude, hard work, and perseverance.

Vote 23-230: Hardman, Hudson, Loots, McKinney...4 yes  
Motion carried.

On Item 7(g) Removed

On Item 8(a) Shaimaa Aly Resignation - Human Rights Commission - Received and Filed

On Item 8(b) Rudy Trejo Resignation - Human Rights Commission - Received and Filed

On Item 8(c) Joe Happe Resignation - Human Services Advisory Board - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 7:19 p.m.

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Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Russ Trimble, Mayor