

September 5, 2023

West Des Moines City Council Proceedings
Tuesday, September 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 Tuesday, September 5, 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 Hardman, second by Loots approve the agenda as presented.

Vote 23-343: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 2. Public Forum:

Rachelle Long, 106 11th Street, reported the 11th annual Taste of the Junction Multicultural Festival was held this past weekend, and she thanked the City for its support for the event. She also expressed appreciation to the City for hosting the ceremony to unveil the honorary roadway signs for the Johnny E. Long, Jr. and Barbara Long Honorary Roadway on Friday, September 1st. She then presented a plaque of recognition to the City for its contributions to the Taste of the Junction Multicultural Festival.

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

Council member Hardman reported she was honored to speak at the ceremony to unveil the honorary roadway signs for the Johnny E. Long, Jr. and Barbara Long Honorary Roadway, and she expressed appreciation to staff for their efforts in coordinating that event. She also reported she attended the Taste of the Junction Multicultural Festival, and it was a phenomenal event. She also reported she will attend the West Des Moines Chamber of Commerce DEI Workplace Excellence Awards on September 7th.

Mayor Trimble wished a happy birthday to Council member Hardman.

Council member McKinney reported the ceremony to unveil the honorary roadway signs for the Johnny E. Long, Jr. and Barbara Long Honorary Roadway was a success, and he expressed appreciation to DEI Director Audrey Kennis for coordinating that event.

Council member Hudson congratulated the Long family for receiving recognition with the honorary roadway naming. He provided a report on summer activities of the Parks and Recreation Department and expressed appreciation to Parks and Recreation staff. He noted Public Services Director Bret Hodne is retiring soon, and he expressed appreciation to Mr. Hodne for his years of service to the City.

September 5, 2023

City Manager Tom Hadden reported the City's purchase of property at 2296 Grand Avenue is moving forward, and the City will soon be receiving the private contributions that had been promised. He noted there are two items on tonight's agenda related to grants from the Iowa Clean Air Attainment Program, which allow the City to help traffic move more efficiently and reduce air pollution. He also stated Public Services Director Bret Hodne is retiring after 34 years of service to the City, and he expressed appreciation to Mr. Hodne for being great to work with and innovative with solving problems.

Mayor Trimble stated it has been an honor to work with Public Services Director Bret Hodne, and he expressed appreciation to Mr. Hodne for his years of service and his innovative use of technology to improve the efficiency of his department.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of August 21, 2023 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. WDM Sports, LLC d/b/a 1908 Draught House, 196 South 50th Street - Class C Retail Alcohol License with Outdoor Service - Renewal
 - 2. Champion Restaurants, Inc. d/b/a Champion's Hideaway, 315 5th Street, Suite 180 - Class C Retail Alcohol License with Outdoor Service - Renewal
 - 3. KRC Partners, LLP d/b/a Cooper's on 5th, 227 5th Street - Class C Retail Alcohol License with Outdoor Service - Renewal
 - 4. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
 - 5. Cloud Wine, LLC d/b/a Lucky Wife Wine Slushies, 1551 Valley West Drive (Common Area) - Five-Day Special Class C Retail Alcohol License – Effective Oct. 5-9, 2023
 - 6. West Des Moines Chamber of Commerce d/b/a West Des Moines Chamber of Commerce, 2500 Grand Avenue - Five-Day Special Class C Retail Alcohol License with Outdoor Service for the "Raccoon River Rally" Event in Raccoon River Park - October 14, 2023
 - 7. Your Private Bartender, LLC d/b/a Your Private Bar, 4000 Turnberry Drive – Five-Day Class C Retail Alcohol License for a Private Event on September 8, 2023
- d. Approval of Memorandum of Understanding between Westcom and the Des Moines Area Regional Transit Authority (DART) Regarding Recording of Radio Audio
- e. Approval of Professional Services Agreements:
 - 1. Valley View Park Shelter/Restroom Building at Pickleball Courts and Maintenance Building

2. Help Desk Contractor - TEKsystems, Inc.
- f. Approval of Renewal Contract Agreement - On-Call Fiber Optic Conduit Network Repair and Maintenance Services
- g. Award Contracts:
 1. Elevator Refurbishment - Law Enforcement Center
 2. Elevator Refurbishment - West Des Moines Public Library
 3. Blue Creek Stormwater Detention Facilities - Tree Planting
- h. Approval of 2024 City Council Meeting Schedule
- i. Order Construction - 2023 Sewer Cleaning and Televising Program
- j. Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Traffic Signal Vehicle Detector Improvement Project, Phase 2
- k. Approval of Application for Iowa Clean Air Attainment Program (ICAAP) Funds - Traffic Signal Vehicle Detector Improvement Project, Phase 3
- l. Approval of Proposal from MidAmerican Energy Company to Relocate Gas Service - Law Enforcement Center Garage Conversion and HVAC Improvements
- m. Approval to Initiate Development Agreement with DEGH, LLC and Amendment #5 to the Fuller Road Urban Renewal Area
- n. Approval and Acceptance of Property Interests - Grand Avenue Reconstruction, west of I-35 to South 60th Street
- o. Approval of Amendment No. 1 to Agreement Regarding the Installation of Sanitary Sewer - Silo 9 Plat 1, LLC

Vote 23-344: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 4(p) Proclamation - Constitution Week, September 17-23, 2023 - Daughters of the American Revolution

It was moved by McKinney, second by Hardman to approve Item 4(p) Proclamation - Constitution Week.

Mayor Trimble read Proclamation - Constitution Week.

Vote 23-345: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 5(a) Silverwood, northeast corner of South 88th Street and Mills Civic Parkway - Amend the Planned Unit Development (PUD) Ordinance to Modify Buffering Requirements, Perimeter Setback Requirements, and Outdoor Use Areas, initiated by PFC WDM Holdings, LLC

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

September 5, 2023

Vote 23-346: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-347: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

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

Vote 23-348: 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 Conduit Network License Agreement, initiated by CenturyLink Communications, LLC d/b/a Lumen. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 30, 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 McKinney to adopt Resolution - Approval of Agreement.

Council member McKinney spoke in support of this agreement, stating it is great to see another service provider enter the City's conduit network, increasing the competition in the market and the number of options for our residents.

Vote 23-349: 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 Mills Civic Parkway, Sugar Creek and Fox Creek Crossings, 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 August 25, 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.

September 5, 2023

David Brown, 33425 Waterbury Circle, expressed concerns about the possibility of a temporary easement being located on his property and the potential removal of trees and bushes from his property. He also expressed about the possibility of his property being involuntarily annexed into the City of West Des Moines.

Mayor Trimble suggested Engineering Services staff meet with Mr. Brown to discuss his concerns and how this project is expected to impact his property.

Council member McKinney expressed a preference to defer approval of this Resolution until after staff has met with Mr. Brown.

City Engineer Brian Hemesath reported this Resolution is typically adopted for projects requiring the acquisition of property before staff begins the acquisition process in accordance with Iowa Code. After it is adopted, staff contacts the impacted property owners to discuss how they will be impacted. He noted there will be other actions coming before the City Council for consideration before any property acquisition is finalized.

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

Council member Loots inquired if the Council needs to adopt this Resolution prior to staff having a conversation with Mr. Brown about the potential impacts to his property.

Assistant City Attorney Greta Truman responded staff is permitted to have a conversation with Mr. Brown prior to adopting this Resolution.

It was moved by Loots, second by McKinney to continue Item 6(b) Mills Civic Parkway, Sugar Creek and Fox Creek Crossings to September 18, 2023.

Vote 23-350: 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 MidAmerican Energy RecPlex Operational Improvements, 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 August 18, 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.

September 5, 2023

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 Munro Construction Company.

Vote 23-351: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(a) EP True Parkway Urban Renewal Area - Terminate the Urban Renewal Area and Repeal Ordinance No. 2259, initiated by the City of West Des Moines

It was moved by McKinney, second by Hudson to adopt Resolution - Approval to Terminate the Urban Renewal Area.

Vote 23-352: 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 23-353: 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 23-354: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

On Item 7(b) Grand Ridge Urban Renewal Area - Terminate the Urban Renewal Area and Repeal Ordinance No. 2329, initiated by the City of West Des Moines

It was moved by Hudson, second by Hardman to adopt Resolution - Approval to Terminate the Urban Renewal Area.

Vote 23-355: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

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

Vote 23-356: Hardman, Hudson, Loots, McKinney...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

September 5, 2023

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

Vote 23-357: 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 6:28 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor