

September 18, 2023

West Des Moines City Council Proceedings
Monday, September 18, 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, September 18, 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 Hudson, second by Trevillyan approve the agenda as presented.

Vote 23-358: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

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

Council member McKinney reported he attended a meeting of the ICON Water Trails Board, and he noted the organization has hired Stephanie Oppel as its executive director. He also attended a meeting of the Development and Planning Subcommittee, where discussion was held on the “superblock” development project.

Council member Hardman reported she attended a meeting of the West Des Moines Chamber of Commerce Board, and she noted the First Responders Appreciation Breakfast will be held on September 21st. She also reported the West Des Moines Chamber of Commerce is establishing its own foundation to support some of the organization’s initiatives, and she has accepted a board position for that foundation.

Mayor Trimble reported the Raccoon River Rally, hosted by the West Des Moines Chamber of Commerce, will be held at Raccoon River Park on Saturday, October 14th. He also reported he attended the West Des Moines Chamber of Commerce DEI Workplace Excellence Awards, and the Youth Justice Initiative won an award for their work in education.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of September 05, 2023 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Apple Corps, L.P., d/b/a Applebee’s Neighborhood Grill & Bar, 6190 Mills Civic

2. Parkway - Class C Retail Alcohol License - Renewal
2. Bevy's Tavern, LLC d/b/a Bevy's Tavern, 1300 50th Street, Suite 206 and 207 - Class C Retail Alcohol License with Outdoor Service - New
3. Las Tres Copas, Inc. d/b/a Cabo Sol Mexican Restaurant, 5010 Mills Civic Parkway, Suite 100 - Class C Retail Alcohol License - New
4. JB Iowa Entertainment, LLC d/b/a Club Ambia, 2700 University Avenue, Suite 200 - Class C Retail Alcohol License - New
5. CTCC Rentals, LLC d/b/a Corner Tap, 1960 Grand Avenue, Suite 23 - Class C Retail Alcohol License - New
6. TenX Adventures 2, LLC d/b/a The Hall, 111 South 11th Street - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - Renewal
7. Envision Homes, LLC d/b/a Heart of Iowa Marketplace, 211 5th Street - Special Class B Retail Native Wine License - Renewal
8. Kineth Hospitality Company, Inc. d/b/a Holiday Inn Express & Suites, 240 Jordan Creek Parkway - Class C Retail Alcohol License - Renewal
9. Pad Thai Garden, LLC d/b/a Pad Thai Garden Restaurant, 1221 8th Street - Class C Retail Alcohol License with Outdoor Service - Renewal
10. 6920 EP True, LLC d/b/a Putts & Pins, 6920 EP True Parkway, Suite 105 - Class C Retail Alcohol License - New
11. Tallgrass Theatre Company d/b/a Tallgrass Theatre Company, 2019 Grand Avenue, Suite 100 - Special Class C Retail Alcohol License - Renewal
12. InterMountain Management, LLC d/b/a TownePlace Suites, 125 South 68th Street - Class C Retail Alcohol License - Renewal
13. Wall to Wall, LLC d/b/a Wall to Wall Wine and Spirits, 375 South Jordan Creek Parkway - Class E Retail Alcohol License - Renewal
14. Your Private Bartender, LLC d/b/a Your Private Bar, 1701 25th Street (Events Center West) - Class C Retail Alcohol License with Catering Privileges - Renewal
- d. Approval of Special Event Lane Closure - 46th Street Block Party
- e. Approval of Order for Violation of Alcohol Laws
- f. Approval of Affirmative Defense for Violation of Alcohol Law
- g. Approval of Grant Agreement - Governor's Traffic Safety Bureau State and Community Highway Safety Grant
- h. Approval of Change Order #2 - 2023 PCC Patching Program
- i. Approval of Amendment No. 1 to Temporary Roadway Crossing License Agreement with Iowa Interstate Railroad - Grand Avenue, South Grand Prairie Parkway to South 115th Street
- j. Approval of Special Assessments - Nuisance Abatements
- k. Approval of Interfund Transfers
- l. Order Construction - Stagecoach Drive, South 78th Street to South 81st Street
- m. Accept Work:
 2. Fiber Conduit Interconnect Project - Brown and Relocated Purple Routes
- n. Authorize Construction of Public Improvements - 1704 88th Street Sanitary Sewer
- o. Establish Consultation Meeting and Public Hearing - Amendment #5 to the Fuller Road

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- Urban Renewal Area
- p. Approval of Amended and Restated Development Agreement - JGC Holdings, LLC and Series 8 of JGC Holdings, LLC
- q. Approval and Acceptance of Sign Encroachment Hold Harmless Agreements - Valley Junction "Sign-Up" Program
- r. Approval and Acceptance of Property Interests - Grand Avenue West Segment 6DB Sewer Extension
- t. Approval of Tobacco Permit

Vote 23-359: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 4(m)1 Accept Work - Digital Enterprise Conduit Deployment Segment 3, Phase 2

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

It was moved by Hudson, second by Trevillyan to approve Item 4(m)1 Accept Work - Digital Enterprise Conduit Deployment Segment 3, Phase 2.

Vote 23-360: Hardman, Hudson, Loots, Trevillyan ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(s) Proclamation - Latino Heritage Month, September 15 - October 15, 2023

It was moved by Trevillyan, second by Hardman to approve Item 4(s) Proclamation - Latino Heritage Month.

Mayor Trimble read Proclamation - Latino Heritage Month

Council member Hardman expressed appreciation for the adoption of this proclamation, as it is important to honor the legacy and culture of this community.

Vote 23-361: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(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 Trevillyan to consider the second reading of the ordinance.

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Vote 23-362: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-363: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 23-364: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(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 consider the second reading of the ordinance.

Vote 23-365: 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 Hardman to approve the second reading of the ordinance.

Vote 23-366: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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

Vote 23-367: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5(c) Mills Civic Parkway, Sugar Creek and Fox Creek Crossings, initiated by the City of West Des Moines (Continued from September 5, 2023)

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Mayor Trimble reported staff has met with David Brown and addressed the questions and concerns he raised at the September 5th City Council meeting. He noted Mr. Brown's property is not one of the affected properties.

It was moved by Loots, second by Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Council member McKinney expressed appreciation to staff for taking the time to meet with the resident and address his concerns.

Vote 23-368: 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 Holiday Park Baseball, Phase 8 - Parking Lot and Entry 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 September 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 Trevillyan, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Jensen Builders LTD.

Vote 23-369: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(a) Mill Ridge Plat 6, northwest corner of Stagecoach Drive and South 88th Street - Acceptance of Public Improvements and Approval of Final Plat to Create 60 Footprint Lots for Medium Density Residential Development, Two Outlots, and One Street Lot, initiated by Mill Ridge Homes, LLC

It was moved by McKinney, second by Hudson 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 and the conditions of approval listed in the Resolution.

Vote 23-370: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(b) Replat of Hillside Subdivision Lots 1 and 2, 3078 and 3080 120th Street (Van

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Meter) - Approval of Replat of Final Plat to Adjust Common Boundary Line, initiated by Madison County Zoning Administrator Ryan Hobart

It was moved by Hudson, second by Loots to adopt Resolution - Approval and Release of Replat of Final Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 23-371: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(c) Picket Fence Communities 2023, northeast corner of South 88th Street and Mills Civic Parkway - Approval of Preliminary Plat to Create One Lot for Multi-Family Residential and Seven Lots for Single Family Residential and Approval of Site Plan to Allow Construction of 236 Multi-Family Dwellings, initiated by PFC WDM, 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 23-372: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(d) Bridge Lot, northwest corner of South 19th Street and Fuller Road - Approval of Preliminary Plat to Subdivide Property into Two Lots for Development, Two Outlots for the Jordan Creek, and One Street Lot, and Approve the Bridge Lot Townhomes Phased Site Plan for Footings, Foundations, and Private Utilities for One Four-Unit Townhome Building, initiated by Walnut Creek Community Church

It was moved by Hudson, second by Trevillyan to adopt Resolution - Approval of Preliminary Plat and Phased Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 23-373: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(e) Plat of Survey Parcel '23-5', southeast corner of Mills Civic Parkway and South Grand Prairie Parkway - Approval of Plat of Survey to Create a 48.29-acre Parcel for Tax Purposes, initiated by WDM Ground, LLC

It was moved by Loots, 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.

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Vote 23-374: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(f) 329 6th Street - Approval to Authorize Demolition of Vacant House, initiated by the City of West Des Moines

Mayor Trimble reported the City did everything it could to save the house and solicited bids from any organization or individual willing to move it to a different location, but there was no interest.

It was moved by Hudson, second by Loots to adopt Resolution - Approval to Authorize Demolition of Vacant House.

M.J. Hoag, 413 2nd Street, expressed opposition to the City spending money on the demolition of the house for the property to be used for a public parking lot. He noted the city's most recent parking study indicated there is not a need for additional parking in the Valley Junction Business District, so he does not believe this is a good use of tax dollars. He suggested the City consider cheaper options for additional parking, such as removing the "no parking" restriction on 4th Street or adding parking spaces in the 600 block of Walnut Street.

Council member Hudson stated the item for consideration tonight is only the demolition of the house, and any decision regarding the construction of a parking lot will occur at a future meeting.

Council member Trevillyan noted there are no immediate plans to construct the parking lot, so he inquired why there is an urgency to demolish the house. He suggested the house could be rented until the City is ready to construct the parking lot on the property.

Ryan Moffatt, Community and Economic Development Director, reported staff intends to include the parking lot project in the upcoming fiscal year's proposed Capital Improvement Program (CIP) budget. He stated staff is recommending the demolition of the house at this time so it doesn't deteriorate and become a maintenance liability for the City. He noted staff explored the option of relocating the house to the city-owned property at the intersection of 12th Street and Locust Street, but there was no interest from the non-profit organizations that were contacted, and the City estimates it would cost \$75,000 to have the house moved to that property, so the Finance and Administration Subcommittee considered all the options and has recommended the house be demolished.

Council member Loots stated he is not interested in the City becoming a landlord, as he believes that is beyond the City's scope of responsibility.

Mayor Trimble expressed concerns about the potential liability to the City if it were to rent the house to a resident.

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Mr. Moffatt noted the City would likely need to hire a property manager if it were to rent the house to a resident.

Vote 23-375: Hardman, Hudson, Loots...3 yes
McKinney, Trevillyan ... 2 no

Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 6:17 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor