

November 6, 2023

West Des Moines City Council Proceedings
Monday, November 6, 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, November 6, 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 23-424: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 2. Public Forum:

Danny Ready, 4001 Ashworth Road, stated he is seeking reimbursement from the City for a fungicide injection that he paid an arborist \$600 to administer to an oak tree on his property, after the City had cut branches from the tree on August 14, 2023, which he believed put the tree at risk of contracting oak wilt. He expressed concerns that the City cut the branches without providing notice and that the cuts were improperly done, presumably due to a lack of training.

Joe Cory, Deputy Public Services Director, reported staff had received a complaint about the branch encroaching three feet above the ground over the public sidewalk and posing a safety hazard to pedestrians. He stated in cases like this, when it is a small limb, staff will cut the limb during the initial visit to eliminate the safety hazard immediately. He also stated the cut was small enough and occurred late enough in the year that staff did not believe it could be harmful to the tree.

Paul Tauke, Urban Forestry Supervisor, reported that his research indicated the risk of oak wilt transmission after July 15th is low, and had Mr. Ready consulted with him prior to having the fungicide injection done, he would have advised against paying for that service and suggested a cheaper alternative such as tree paint.

The Mayor and Council held discussion on how to address Mr. Ready's request.

Mayor Trimble requested that the matter be submitted to the Community Compliance Subcommittee for further discussion.

Ivan Webber, 1275 16th Street, spoke in support of the City trimming branches of trees on private property when they pose a safety hazard. He noted the City had trimmed a magnolia tree on his property, but the City had every right to do so because it was a safety hazard.

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Steve Frevert, Executive Director of the Historic Valley Junction Foundation, reported last year Reader's Digest magazine named Valley Junction the best Christmas community in Iowa; however, they have not yet had a community Christmas tree in the Valley Junction Business District. This year, they have made arrangements with the City to erect an artificial Christmas tree in the driveway in front of the Fire/EMS Administration Building, and there will be a tree lighting ceremony held during the first evening of "Jingle in the Junction" on Thursday, November 16th.

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

Christina Murphy, General Manager of West Des Moines Water Works, presented information on the proposed creation of the Central Iowa Water Works, a new governmental entity to oversee a regional water utility that would serve the Des Moines metro area communities that decide to join. She noted Central Iowa Water Works would be in charge of the source, treatment, and transmission expansions, while West Des Moines Water Works would still exist to serve the retail aspect for its customers. She noted there will be additional public input meetings, and then the West Des Moines Water Works Board is expected to vote on signing on to the Central Iowa Water Works and the transfer of its assets in December.

Council member Hardman reported she attended a ribbon cutting ceremony for the Taste of the Junction Gallery. She stated she represented the City as a speaker at Stillwell Junior High School's career day. She also reported she will serve as an inaugural member of the West Des Moines Chamber of Commerce Foundation Board.

Council member Hudson reported that tomorrow is the City/School Election Day, and he encouraged everybody to exercise their right to vote.

City Manager Tom Hadden commended Christina Murphy and the Water Works Board of Trustees for their efforts over the past several years working through this process of collaborating with our neighbors on the proposed Central Iowa Water Works concept.

On Item 4. Consent Agenda.

Council members pulled Items 4(c)3, 4(t), 4(u)1, and 4(u)2 for discussion. It was moved by Hudson, second by Loots to approve the consent agenda as amended.

- a. Approval of Minutes of October 16, 2023 and October 23, 2023 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. JSTAR HOLDING GROUP, Inc. d/b/a Hana Ramen Sushi, 7450 Bridgewood Boulevard, #205 - Class C Retail Alcohol License with Outdoor Service - New
 2. Morning Glory Cunningham, LLC d/b/a HomeGrown, 950 Jordan Creek Parkway, Suite 1400 - Class C Retail Alcohol License with Outdoor Service -

- New
- 4. Pots and Shots, LLC d/b/a Pots and Shots, 9500 University Avenue, Suite 1101 - Class C Retail Alcohol License - Renewal
- 5. Scissors & Scotch WDM, LLC d/b/a Scissors & Scotch, 440 South 68th Street, Suite 105 - Class C Retail Alcohol License - Renewal
- 6. Target Corporation d/b/a Target Store T-0069, 1800 35th Street - Class E Retail Alcohol License - Renewal
- 7. DNC IA Group, Inc. d/b/a V-SHABU SHABU, 6960 EP True Parkway, Suite 113 - Class C Retail Alcohol License - New
- d. Approval of Affirmative Defense for Violation of Alcohol Law
- e. Approval of Special Event Lane Closure - Running of Reindeer, November 25, 2023
- f. Approval of Appointments:
 - 1. Human Rights Commission Youth Ex Officio Member
 - 2. Revised 2022-23 Committee and Other Assignments
- g. Approval of Memorandum of Understanding and Cost Reimbursement Agreement with the Federal Bureau of Investigation - Central Iowa Gang Task Force
- h. Approval of Professional Services Agreement - Naming Rights and Sponsorships Consultancy - Sportsman Solutions
- i. Approval of Amendments to Professional Services Agreements:
 - 1. MidAmerican Energy RecPlex Operational Improvements
 - 2. SE Adams Street, Veterans Parkway to SE Orilla Road
 - 3. Athene Pedestrian Bridge Capital Campaign
- j. Approval of FY 2022-23 Iowa Department of Transportation City Street Financial Report
- k. Approval of Interfund Transfers
- l. Establish Public Hearing - Not to Exceed \$7,500,000 General Obligation Capital Loan Notes
- m. Order Construction - Southeast Fire Training Facility
- n. Accept Work:
 - 1. Booneville Road, South 100th Street to South 115th Street
 - 2. Booneville Road Bridge over Johnson Creek
 - 3. City Hall Lighting Control Upgrades
 - 4. Fairmeadows Creek Stabilization South of Railroad Avenue
 - 5. Holiday Park Little League Stormwater Pump Station Relocation
 - 6. Public Safety Station #17 Dumpster Enclosure
 - 7. South Grand Prairie Parkway, Stagecoach Drive to Mills Civic Parkway
- o. Approval of Professional Services Agreements:
 - 1. Grand Avenue Sewer Abandonment
 - 2. Riverview Drive Erosion Control and Stabilization
- p. Approval of First Amendment to Conduit License Agreement - CenturyLink Communications, LLC (Lumen)
- q. Approval and Acceptance of Hold Harmless Agreements:
 - 1. Sign Encroachment and Hold Harmless Agreement - Iowa Shop Girls, LLC d/b/a Harlow and James, 417 Maple Street

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2. Christmas Tree Encroachment and Hold Harmless Agreement - Fire/EMS Administration Building, 318 5th Street
- r. Approval and Acceptance of Public Utility Easement - Fox Ridge Plat 3
- s. Establish Consultation Meeting and Public Hearing - Amendment #4 to the Coachlight Drive Urban Renewal Area

Vote 23-425: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 4(c)3 Approval of Liquor License - Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class E Retail Alcohol License - Renewal

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

It was moved by Loots, second by Hardman to approve Item 4(c)3 Approval of Liquor License - Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class E Retail Alcohol License - Renewal.

Vote 23-426: Hardman, Hudson, Loots, Trevillyan...4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(t) Approval and Acceptance of Property Interests - Grand Avenue Reconstruction, west of I-35 to South 60th Street

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

It was moved by Hudson, second by Loots to approve Item 4(t) Approval and Acceptance of Property Interests - Grand Avenue Reconstruction, west of I-35 to South 60th Street.

Vote 23-427: Hardman, Hudson, Loots, Trevillyan...4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(u)1 Proclamation - Native American Heritage Month, November 2023

It was moved by Hudson, second by Loots to approve Item 4(u)1 Proclamation - Native American Heritage Month.

Mayor Trimble read Proclamation - Native American Heritage Month

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Vote 23-428: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 4(u)2 Proclamation - Veterans Day, November 11, 2023

It was moved by Trevillyan, second by Loots to approve Item 4(u)2 Proclamation - Veterans Day.

Mayor Trimble read Proclamation - Veterans Day

Vote 23-429: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 5 - Old Business: no items

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) - Modify Land Uses Permitted in the Community Commercial (CMC) Zoning District, 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 October 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 6-0, with one member absent, 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 Loots, second by Trevillyan to consider the first reading of the ordinance.

Vote 23-430: 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 Trevillyan to approve the first reading of the ordinance.

Vote 23-431: 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 Agreement for Private Development, initiated by DEGH, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 27,

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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 McKinney to adopt Resolution - Approval of Agreement.

Vote 23-432: 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 Iowa Army National Guard Readiness Center, 1625 SE County Line Road - Conveyance of Underground Electric Easement to MidAmerican Energy Company, 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 November 2, 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 Conveyance of Property Interest.

Vote 23-433: 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 West Des Moines Law Enforcement Center, 250 Mills Civic Parkway - Conveyance of Underground Electric Easement to MidAmerican Energy Company, 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 November 2, 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 McKinney to adopt Resolution - Approval of Conveyance of Property Interest.

Vote 23-434: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

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On Item 6(e) Lease of City-Owned Property at 217 5th Street, Suite 102, initiated by the City of West Des Moines (Continued from October 16, 2023)

It was moved by Hudson, second by Trevillyan to adopt Motion - Continue Public Hearing to November 20, 2023.

Vote 23-435: 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 2024 Slurry Seal 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 October 20, 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 Midwest Coatings Company, Inc.

Vote 23-436: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(a) Bridge Lot Plat 1, northwest corner of South 19th Street and Fuller Road - Approval and Release of Final Plat to Create Two Lots for Multi-Family Residential Development, Two Outlots, and One Street Lot, initiated by Walnut Creek Community Church

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

Vote 23-437: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(b) Bridge Lot, northwest corner of South 19th Street and Fuller Road - Approval of Site Plan to Allow Construction of One Four-Unit Townhome Building, initiated by Walnut Creek Community Church

It was moved by Trevillyan, second by Hudson to adopt Resolution - Approval of Site Plan, 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 23-438: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - South 33rd Street and Glenwood Drive, initiated by the City of West Des Moines

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

Vote 23-439: 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 23-440: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes
Motion carried.

On Item 8(a) West Des Moines Water Works Budget Amendment - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 7:06 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor