December 4, 2023

West Des Moines City Council Proceedings
Monday, December 4, 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, December 4, 2023 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and K. Trevillyan. Council member D. Loots participated via teleconference.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to have two public hearing items continued to December 18, 2023:

- Item 6(c) Amendment #4 to the Coachlight Drive Urban Renewal Area
- Item 6(d) Development Agreement with Legacy Partners, LLC

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

Vote 23-474: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 2. Public Forum:

Steve Frevert, Executive Director of the Historic Valley Junction Foundation, expressed appreciation to the City for its assistance in getting the Christmas tree erected in the driveway in front of the Fire/EMS Administration Building. He noted there will be two more evenings of "Jingle in the Junction" on Thursday, December 7th and Thursday, December 14th.

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

Council member Hudson reported he attended the "Winter's Eve" holiday tree lighting at the Jamie Hurd Amphitheater and the "Home for the Holidays" program hosted by the West Des Moines Historical Society.

Council member Hardman reported she attended the tree lighting ceremony during "Jingle in the Junction" on Thursday, November 16th, and she commended the Historic Valley Junction Foundation for coordinating the "Jingle in the Junction" events. She also attended the "Winter's Eve" holiday tree lighting at the Jamie Hurd Amphitheater, and she commended the Parks and Recreation Department for coordinating that event. She also attended the "Best of the West" awards ceremony, and she commended the West Des Moines Chamber of Commerce for coordinating that event.

Mayor Trimble also commended the Parks and Recreation Department for coordinating the "Winter's Eve" holiday tree lighting event. He reported the Des Moines Area Regional Transit Authority Board is working on identifying solutions to address the structural deficit facing the

organization. He noted public outreach sessions have been scheduled for the public to provide input on the issue.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of November 20, 2023 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Des Moines Traders, LLC d/b/a Bawarchi Indian Grill & Bar, 6630 Mills Civic Parkway, Suite 3102 - Class C Retail Alcohol License - Renewal
    2. Foundry Distilling Company, LLC d/b/a Foundry Distilling Company, 111 South 11th Street, Suite 100 - Class C Retail Alcohol License with Outdoor Service – Renewal
    3. Mahajan, Inc. d/b/a Super Quick Liquor, 1800 22nd Street - Class E Retail Alcohol License - Renewal
    4. 205 Corporation d/b/a The Tavern, 205 5th Street - Class C Retail Alcohol License - Renewal
    5. 205 Corporation d/b/a The Tavern Pizza Pasta Grill, 1755 50th Street - Class C Retail Alcohol License - Renewal
d. Approval of 2024 and 2025 Committee/Liaison Assignments
e. Approval of Order for Violation of Alcohol Laws
f. Approval of Microsoft Enterprise Agreement
g. Approval of License Agreement - Des Moines Street Collective "BCycle" Bike Share Station
h. Approval of Amendments to Professional Services Agreements:
    1. 2023 Court Improvements Design
    2. Raccoon River Greenway - Parking Lot and River Access at 1st Street
i. Approval of Pay Plan for Seasonal/Temporary Employees
j. Approval and/or Ratification of Specific Fees and Charges - Parks and Recreation
k. Approval of Supplement to Senior Bond Issuance Certificate - $94,250,000 Des Moines Metropolitan Wastewater Reclamation Authority (WRA) Senior Bonds
l. Approval of 28E Agreement - Iowa Pledge Tobacco Compliance Program - Iowa Department of Revenue
m. Approval of Memorandum of Understanding - Central Iowa Code Consortium
n. Approval of Agreement - Renewal of Main Street Iowa Program Agreement
o. Accept Work:
    1. 2021 Pavement Markings and On-Street Bike Markings Program
    2. 2021 Stormwater Intake Repair Program
    3. 2022 Median Renovations Program
    4. 2022 PCC Patching Program

5. 2022 Parking Lot Repairs Program
6. SE Adams Street, Veterans Parkway to SE Orilla Road
7. Valley Junction Alley Improvements, Phases 6 and 7

Vote 23-475 Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(p) Approval of Professional Services Agreement - USDOT Benefit Cost Analysis for Grand Experience Development

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(p) Approval of Professional Services Agreement - USDOT Benefit Cost Analysis for Grand Experience Development.

Vote 23-476: Hardman, Hudson, Loots, Trevillyan…4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(q) Approval of Request for Proposals and Set Dates for Receiving Proposals, Selecting a Proposal, and Holding a Public Hearing -Sale of City-Owned Property Near the Southeast Corner of Grand Avenue and Raccoon River Drive

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

It was moved by Hudson, second by Hardman to approve Item 4(q) Approval of Request for Proposals and Set Dates for Receiving Proposals, Selecting a Proposal, and Holding a Public Hearing -Sale of City-Owned Property Near the Southeast Corner of Grand Avenue and Raccoon River Drive.

Vote 23-477: Hardman, Hudson, Loots, Trevillyan…4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(r) Proclamation - Human Rights Day - December 10, 2023

It was moved by Hardman, second by Trevillyan to approve Item 4(r) Proclamation - Human Rights Day.

Mayor Trimble read Proclamation - Human Rights Day.

Vote 23-478: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 6 (Commercial, Office, and Industrial Zoning District) - Modify Regulations Pertaining to Uses Permitted in the Open Space Zoning District, initiated by the City of West Des Moines (Continued from October 16, 2023 and November 20, 2023)

It was moved by Trevillyan, second by McKinney to adopt Motion - Continue Item 5(a) to January 16, 2024.

Vote 23-479: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning) and Title 10 (Subdivision Regulations) - Modify and Establish Requirements and Regulations for Pedestrian Pathways along Private Streets and Vehicle Drive Aisles, initiated the City of West Des Moines

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

Vote 23-480: 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 Hudson to approve the second reading of the ordinance.

Vote 23-481: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

Vote 23-482: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning) - Modify Sign Code Regulations Related to Letter, Graphic or Logo Size, initiated by the City of West Des Moines

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

Vote 23-483: 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 McKinney to approve the second reading of the ordinance.

Vote 23-484: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

Vote 23-485: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 5(d) Ruthenium, southwest corner of Veterans Parkway and SW 60th Street - Amend the Zoning Map to Establish Light Industrial Zoning, initiated by the City of West Des Moines

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

Vote 23-486: 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 McKinney to approve the second reading of the ordinance.

Vote 23-487: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

Vote 23-488: 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 Eagle Brook North, southwest corner of Veterans Parkway and SE 35th Street - Amend the Zoning Map to Establish Single Family Residential (RS-5) and Medium Density Residential

(RM-12) Zoning, initiated by Eagle Brook, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 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 5-0, with two members absent, 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 McKinney, second by Trevillyan to consider the first reading of the ordinance.

Vote 23-489: 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 first reading of the ordinance.

Vote 23-490: 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 Three Fountains Commercial, southeast corner of 50th Street and University Avenue - Amend the Planned Unit Development (PUD) Ordinance to Reduce the Setback Requirement for Accessory Structures, initiated by Shoppes at Three Fountains, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 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 4-0, with one member abstaining and two members absent, the Plan and Zoning Commission recommended City Council approval of the 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 Hardman to consider the first reading of the ordinance.

Vote 23-491: 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 Hardman to approve the first reading of the ordinance.

Vote 23-492: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 6(c) Amendment #4 to the Coachlight Drive Urban Renewal Area, initiated by the City of West Des Moines and Item 6(d) Agreement for Private Development, initiated by Legacy Partners, LLC

It was moved by Trevillyan, second by Hudson to adopt Motion - Continue Public Hearing Items 6(c) and 6(d) to December 18, 2023.

Vote 23-493: 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 Agreement for Private Development, initiated by Dallas County Partners II. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 24, 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 Agreement.

Vote 23-494: 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 Community Development Block Grant Cares Act Funding - Approval of Status of Funded Activities, 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 24, 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 McKinney to adopt Resolution - Approval of Status of Funded Activities.

Vote 23-495: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(a) South Branch Plat 2, 4350 SE Army Post Road - Approval of Preliminary Plat to Create Three Lots and Approval of a Phased Site Plan for Lot 1 to Allow Construction of Footings, Foundations, and Private Utilities, initiated by SBBP JV21, LLC

It was moved by McKinney, 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 23-496: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(b) Plat of Survey Parcel 23-111, northwest corner of Stagecoach Drive and South Grand Prairie Parkway - Approval of Plat of Survey to Combine Two Lots into One Lot at the Request of Dallas County, initiated by Jamal and Tamara Khatib

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

Vote 23-497: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(c) Plat of Survey Parcel J, north of Veterans Parkway between Woodland Avenue and SW 60th Street - Approval of Plat of Survey to Create a 0.03-acre Parcel for the Transfer of Ownership, initiated by Flinn Farms, LLC

It was moved by Trevillyan, 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 23-498: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(d) Plat of Survey Parcel K, northeast corner of Woodland Avenue and Veterans Parkway - Approval of Plat of Survey to Create a 1.05-acre Parcel for the Transfer of Ownership, initiated by Flinn Farms, LLC

It was moved by McKinney, 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 23-499: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(e) Plat of Survey Parcel L, southwest corner of Veterans Parkway and SW 60th Street - Approval of Plat of Survey to Create a 0.13-acre Parcel for the Transfer of Ownership of the Balance of the Original Property, initiated by Marco Properties, LLC

It was moved by Trevillyan, 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 23-500: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(f) Inter-Fund Loan between the General Fund and the Road Use Tax Fund, initiated by the City of West Des Moines

It was moved by Hudson, second by Trevillyan to adopt Resolution - Approval of Inter-Fund Loan.

Vote 23-501: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(g) Inter-Fund Loan between the General Fund and the RecPlex Enterprise Fund, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hudson to adopt Resolution - Approval of Inter-Fund Loan.

Vote 23-502: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(h) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 3 (Fire Code) - Adopt the International Fire Code, 2021 Edition with Local Amendments and Repeal the International Fire Code, 2018 Edition, with Local Amendments, initiated by the City of West Des Moines

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

Council members Hardman and Hudson expressed appreciation to Fire Department staff, particularly Fire Marshal Mike Whitsell, for their efforts in ensuring our fire code allows for adequate public safety protection.

Vote 23-503: 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 Hudson to approve the first reading of the ordinance.

Vote 23-504: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 8(a) Abstract of Votes - November 7, 2023 Municipal Election - Received and Filed

Council member Hardman congratulated Council members Hudson and McKinney for winning reelection to their respective seats on the City Council.

On Item 9 - Other Matters: none

The regular meeting was adjourned at 6:10 p.m.

It was moved by Trevillyan, second by Hudson to go into Executive Session per Chapter 21 of the Iowa Code, to evaluate the professional competency of candidates for appointment to the role of City Attorney.

Vote 23-505: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

Entered Executive Session at 6:22 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Trimble, Council members Hardman, Hudson, McKinney, and Trevillyan, with Council member Loots participating via teleconference; City Clerk, and Human Resources Director.

Council member Loots ceased his participation in the executive session at 7:05 p.m.

It was moved by Trevillyan, second by Hudson to adjourn from Executive Session.

Vote 23-506: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

Executive Session was adjourned at 7:09 p.m.

Respectfully submitted,

_____

Ryan T. Jacobson, CMC
City Clerk

December 4, 2023

ATTEST:

_____

Russ Trimble, Mayor