December 18, 2023

West Des Moines City Council Proceedings
Monday, December 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, December 18, 2023 at 5:30 PM. Council members present were: G. Hudson, M. McKinney, and K. Trevillyan. Council member D. Loots participated via teleconference.

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

Vote 23-507: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

Mayor Trimble swore in At-Large Council Member Matthew McKinney and Second Ward Council Member Greg Hudson, both for four year terms beginning January 1, 2024.

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, where discussion was held on construction projects and the Wild Prairie Showdown fundraiser event which took place in October. He also attended a meeting of the Bravo Greater Des Moines Board, where grants were awarded to various arts, culture, and heritage organizations. He stated it is a privilege to be reelected to another term on the City Council, and he looks forward to keeping the momentum going from the great things the City accomplished during his first term. He also expressed appreciation to his family for their support for his service on the City Council.

Mayor Trimble expressed appreciation to Council members McKinney and Hudson for their commitment to serving their constituents.

Council member Loots congratulated Council members McKinney and Hudson for winning reelection to the City Council, and he stated he is proud to serve with both of them on the City Council.

On Item 4. Consent Agenda.

It was moved by McKinney, second by Trevillyan to approve the consent agenda as presented.

a. Approval of Minutes of December 4, 2023 Meeting
b. Approval of Bill Lists

c. Approval of Liquor Licenses:
   1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Special Class C Retail Alcohol License - Renewal
   2. Bravo Brio Restaurants, LLC d/b/a Bravo!, 120 South Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
   3. Lakes Venture, LLC d/b/a Fresh Thyme Farmers Market, 2900 University Avenue, Suite 240 - Class B Retail Alcohol License - Renewal
   4. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 S. Prairie View Drive, Suite 100 - Class C Retail Alcohol License - Renewal
   5. Hy-Vee, Inc., d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway, 2nd Floor Meeting Room - Special Class C Retail Alcohol License - Renewal
   6. Martin Bar, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class C Retail Alcohol License - New
   7. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class B Retail Alcohol License - Renewal
   8. 3781 EP True, LLC d/b/a Valley Pub, 3781 EP True Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
   9. Pin High Golf Entertainment West Des Moines, LLC d/b/a X Golf West Des Moines, 165 South Jordan Creek Parkway, Suite 135 - Class C Retail Alcohol License with Outdoor Service - Renewal

d. Approval of Order for Violation of Alcohol Laws
e. Approval of Appointment - Water Works Board of Trustees
f. Approval of Purchase and Implementation of First Due Software
g. Approval to Sell Surplus City Equipment
h. Approval of Amendment No. 1 to Professional Services Agreement - 2023 Parking Lot Repair Program
i. Approval of 28E Agreement with the Community Foundation of Greater Des Moines - City Park and Arboretum Project, 2296 Grand Avenue
j. Order Construction - Riverview Drive Erosion Control and Stabilization
k. Accept Work:
   1. 2022 Sewer Rehabilitation Program
   2. Raccoon River Drive Bridge over Realigned Johnson Creek
l. Approval of First Amendment to Agreement for Private Development - VAB, LLC
m. Approval of Amendment to Condition of Approval - Woodland Estates Plat 1
n. Approval and Acceptance of Property Interests - High Gate Sanitary Sewer

Vote 23-508: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 5(a) 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

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

Vote 23-509: Hudson, Loots, McKinney, Trevillyan…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 23-510: Hudson, Loots, McKinney, Trevillyan…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 23-511: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 5(b) 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

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

Vote 23-512: Hudson, Loots, McKinney, Trevillyan…4 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 23-513: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

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

Vote 23-514: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 5(c) 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 Trevillyan, second by Hudson to consider the second reading of the ordinance.

Vote 23-515: Hudson, Loots, McKinney, Trevillyan…4 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 23-516: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

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

Vote 23-517: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider Val Air Ballroom, 301 Ashworth Road - Amend Comprehensive Plan Land Use Map to Designate Multi Use Medium (MUM) and Establish the Val Air Ballroom Planned Unit Development (PUD) Ordinance Regulating Development of an Event Venue and Restaurant, initiated by VAB, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 1, 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 Comprehensive Plan Amendment and PUD Ordinance.

Mayor Trimble asked if there were any public comments.

Doug Saltsgaver, Engineering Resource Group, speaking on behalf of the applicant, expressed appreciation to the City for working with them on this project, and he requested the City Council vote to approve these items.

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

It was moved by Trevillyan, second by McKinney to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 23-518: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

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

Vote 23-519: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-520: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(b) 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 Beauty and Barber Shops in the Office District, initiated by Mindy and Mike Schmitt and 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 December 1, 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 McKinney, second by Trevillyan to consider the first reading of the ordinance.

Vote 23-521: Hudson, Loots, McKinney, Trevillyan…4 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 23-522: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(c) Amendment #4 to the Coachlight Drive Urban Renewal Area, initiated by the City of West Des Moines (Continued from December 4, 2023)

It was moved by Hudson, second by Trevillyan to adopt Motion - Continue Public Hearing to January 2, 2024.

Vote 23-523: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(d) Agreement for Private Development, initiated by Legacy Partners, LLC (Continued from December 4, 2023)

It was moved by Hudson, second by McKinney to adopt Motion - Continue Public Hearing to January 2, 2024.

Vote 23-524: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(e) Mayor Trimble indicated this was the time and place for a public hearing to consider Conduit Network License Agreement, initiated by Unite Private Networks. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 12, 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.

Council members McKinney and Hudson spoke in support of the proposed agreement, stating it is good to see the City's conduit network continuing to be used by various companies, as it was intended to be.

Vote 23-525: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(f) Mayor Trimble indicated this was the time and place for a public hearing to consider Southeast Fire Training Facility, 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 December 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 McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Elder Corporation.

Council member McKinney spoke in support of this project, stating it is great to see the bids come in under the estimate and to see the different government agencies come together on this joint project.

Vote 23-526: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(g) Mayor Trimble indicated this was the time and place for a public hearing to consider MidAmerican Energy RecPlex Operational Improvements - Electrical/Mechanical, 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 December 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Edge Commercial, LLC.

Vote 23-527: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 7(a) Woodland Estates Plat 2, north of the intersection of South 95th Street and Cascade Avenue - Acceptance of Surety and Approval of Final Plat to Create 27 Lots for Single Family Development and Two Street Lots, initiated by Silo 9 Plat 1, LLC

It was moved by Hudson, second by Trevillyan to adopt Resolution - Acceptance of Surety 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 23-528: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 7(b) Woodland Estates Plat 3, south of the intersection of South 95th Street and Cascade Avenue - Acceptance of Surety and Approval of Final Plat to Create Ten Lots for Single Family Development, One Outlot, and One Street Lot, initiated by Silo 9 Plat 1, LLC

It was moved by Hudson, second by McKinney to adopt Resolution - Acceptance of Surety 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 23-529: Hudson, Loots, McKinney, Trevillyan…4 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 and Special Yield Required) - Delete Special Yield Required and Add Special Stops Required - Office Plaza Drive North and Office Plaza Drive South, initiated by the City of West Des Moines

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

Vote 23-530: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 23-531: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

On Item 7(d) Appointment of City Attorney, initiated by the City of West Des Moines

Mayor Trimble stated Ms. Truman has done a phenomenal job in her role as Assistant City Attorney for the past ten years, and he is looking forward to her serving in the role of City Attorney going forward.

It was moved by Trevillyan, second by Hudson to adopt Motion Approval of Appointment.

The Mayor and Council congratulated Ms. Truman on her appointment to the role of City Attorney and Ms. Grove on her promotion to the role of Deputy City Attorney.

Vote 23-532: Hudson, Loots, McKinney, Trevillyan…4 yes
Motion carried.

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

On Item 9 - Other Matters: none

The regular meeting was adjourned at 6:02 p.m.

December 18, 2023

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Russ Trimble, Mayor