February 5, 2024

West Des Moines City Council Proceedings
Monday, February 5, 2024

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, February 5, 2024 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to continue Item 5(a) Amendment to City Code - Open Space Zoning District to the March 4, 2023 Council meeting.

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

Vote 24-033: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

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

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

Jana Rieker, Amplimark, presented an overview of the City of West Des Moines Communications Plan.

Todd Sadler, Human Resources Director, and Police Chief Chris Scott presented an overview of the key recommendations from the study of police services that was recently completed by the Center for Public Safety Management, LLC.

City Manager Tom Hadden reported he is excited to implement the communications plan and the Police department recommendations that were presented tonight. He also expressed appreciation to Police Chief Chris Scott and the Police Department for their willingness to continue striving for improvement.

Council member Hudson reported the Finance and Administration Subcommittee has now heard presentations from the 20 organizations that applied for hotel/motel tax funding. He also reported the Public Safety Subcommittee met and received updates from staff, which included an update on the proposed contracts for EMS and Fire Department Medical Directors that are on tonight's agenda. He also reported the Library Board of Trustees is currently conducting a search for the new Library Director. He commended the Parks and Recreation Department for their efforts in obtaining grant funding and raising funds through private donations to help finance their quality of life projects.

Council member McKinney reported the Development and Planning Subcommittee met and discussed the proposed data center development projects, Microsoft DSM 16 and DSM 17.

Council member Hardman expressed condolences for the recent passing of Gordon Loots, father of Council member Doug Loots. She also reported she attended the Bravo Awards Gala, hosted by Bravo Greater Des Moines. She expressed support for the Black History Month proclamation and commended Audrey Kennis, DEI Director, for the work she does to recognize minoritized groups. She encouraged everyone to seek connections with individuals that are different from themselves and to honor cultures that are different from their own.

Mayor Trimble reported the Des Moines Area Regional Transit Authority is working on solutions to resolve its current budgetary challenges.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of January 16, 2024 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Apres Bar Co, LLC d/b/a Apres Bar Co, 7075 Ashworth Road - Five Day Special Class C Retail Alcohol License for Private Event on February 22, 2024
    2. Val Hair, LLC d/b/a First Fleet Concerts, 301 Ashworth Road - Class C Retail Alcohol License - New
    3. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway – Class C Retail Alcohol License with Outdoor Service and Catering Privileges – Renewal
    4. Laughingcrabia, Inc. d/b/a Laughing Crab, 4508 University Avenue - Class C Retail Alcohol License with Outdoor Service - Renewal
    5. Elite Lodge of Ashworth, LLC d/b/a Lodge of Ashworth, 909 Ashworth Road – Class C Retail Alcohol License with Living Quarters, Outdoor Service, and Catering Privileges - Renewal
    6. Blue Tuesday, LLC d/b/a Mitzi's Sausages, 206 5th Street - Class C Retail Alcohol License - Renewal
    7. Paper Street Watering Company, LLC d/b/a The Winchester Pub, 224 5th Street – Class C Retail Alcohol License - Renewal
d. Approval of Tobacco Permit
e. Approval of Order for Violation of Alcohol Laws
f. Approval of Settlement Agreement and Consent Order for Violation of Alcohol Laws and Approval of Suspension of Alcohol License
g. Approval of Appointments:
    1. Bicycle Advisory Commission

2. Board of Adjustment
3. Plan and Zoning Commission
4. Sister Cities Commission
5. Revised 2024-25 Committee and Other Assignments

h. Approval of Contract with Des Moines Area Regional Transit Authority – Transportation Services for ELL Students
i. Approval of Contracts - EMS and Fire Department Medical Directors
j. Approval of Agreement for Special Counsel with Simmons Perrine Moyer Bergman PLC - MidAmerican Energy RecPlex
k. Approval of First Amendment to Agreement for Special Counsel with Simmons Perrine Moyer Bergman PLC - Village at Sugar Creek Apartments
l. Approval of Change Order #4 - 2022 HMA Resurfacing Program
m. Order Construction:
   1. 2023 Channel Repair Program
   2. 2024 Street Reconstruction Program
   3. Grand Avenue Sanitary Sewer Abandonment
n. Accept Work - Grand Avenue Bridge over Johnson Creek
o. Approval of Proposal from MidAmerican Energy Company to Convert Overhead to Underground Electric - Grand Avenue Reconstruction, west of I-35 to South 60th Street
p. Establish Just Compensation and Approve Acquisition of Property - Mills Civic Parkway Widening, South 81st Street to South 88th Street
q. Approval of Polk County Large Renovation Program Agreement - Neighborhood Finance Corporation

Vote 24-034: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

On Item 4(r) Proclamation - Black History Month, February 2024

Mayor Trimble read Proclamation - Black History Month.

It was moved by Hardman, second by Trevillyan to approve Item 4(r) Proclamation - Black History Month.

Vote 24-035: Hardman, Hudson, McKinney, Trevillyan…4 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, November 20, 2023, December 4, 2023, and January 16, 2024)

It was moved by Trevillyan, second by Hardman to adopt Motion - Continue Item 5(a) to March 4, 2024.

Vote 24-036: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

On Item 5(b) Jordan Ridge, west of South Jordan Creek Parkway and south of Stagecoach Drive - Amend the Planned Unit Development (PUD) Ordinance to Change the Housing Type Allowed in Parcel E, initiated by Rock Equity Holdings II, LLC

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

Vote 24-037: Hardman, Hudson, 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 24-038: Hardman, Hudson, 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 24-039: Hardman, Hudson, 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 Knoblauch Voluntary Annexation, 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 January 12, 2024 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 Trevillyan to adopt Resolution - Approval of Voluntary Annexation.

Vote 24-040: Hardman, Hudson, 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 #2 to the 8300 Mills Civic Parkway Urban Renewal Area, 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 January 26, 2024 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 Hudson to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 24-041: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(c) Mayor Trimble indicated this was the time and place for a public hearing to consider Grand Avenue Reconstruction Project - Vacate 23,398 sq. ft. of Right-of-Way of Grand Avenue, initiated by the City of West Des Moines (Continued from January 2, 2024 and January 16, 2024). He asked for the date the notice was published and the City Clerk indicated the notice was published on December 20, 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 vacation request.

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

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

Vote 24-042: Hardman, Hudson, 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 24-043: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

It was moved by Trevillyan, second by Hudson to adopt Resolution - Vacating, Releasing, and Terminating the Public Street Right-of-Way Easement and Resolution - Approval of Reservation of Permanent and Temporary Easements.

Vote 24-044: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

On Item 6(d) Sale of City-Owned Property Located Near the Southeast Corner of Grand Avenue and Raccoon River Drive, initiated by the City of West Des Moines

It was moved by Trevillyan, second by McKinney to adopt Motion - Acceptance of Withdrawal.

Vote 24-045: Hardman, Hudson, 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 Sale of City-Owned Property Locally Known as 545 8th Street, 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 January 26, 2024 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 Hardman to adopt Resolution - Approval of Sale of Property to Greater Des Moines Habitat for Humanity.

Vote 24-046: Hardman, Hudson, 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 Recodification of West Des Moines City Code, 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 January 26, 2024 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 consider the first reading of the ordinance.

Vote 24-047: Hardman, Hudson, 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 first reading of the ordinance.

Vote 24-048: Hardman, Hudson, 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 2023-24 FY Operating and Capital Budget - Amendment #2, 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 January 26, 2024 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 Budget Amendment #2.

Vote 24-049: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

On Item 7(a) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - Bishop Drive, 88th Street to 98th Street (south side), initiated by the City of West Des Moines

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 consider the first reading of the ordinance.

Vote 24-050: Hardman, Hudson, 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 24-051: Hardman, Hudson, McKinney, Trevillyan…4 yes
Motion carried.

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

On Item 9 - Other Matters

City Manager Tom Hadden noted staff has prepared a written legislative update, which has been placed on the dais tonight, and he reported staff is closely monitoring a number of proposed pieces of legislation that could have impacts on the City.

Council member Hardman recognized Jennifer Ohzourk, Interim Library Director, who was in attendance at tonight's meeting, and she commended Ms. Ohzourk for her exceptional customer service at the Library.

Mayor Trimble reported he is seeking applications from residents interested in serving on his Mayor's Advisory Council, and the deadline to apply is March 15th.

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

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Russ Trimble, Mayor