March 4, 2024

West Des Moines City Council Proceedings
Monday, March 4, 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, March 4, 2024 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, D. Loots, M. McKinney, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending an amendment to Item 4(i) Special Assessments - Nuisance Abatements, as one of the properties on the list has been removed.

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

Vote 24-075: 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 Hardman expressed appreciation to the staff that participated in the budget workshop on Saturday, February 24th. She reported she attended a recent meeting of the West Des Moines Chamber Foundation, where discussion was held on the establishment of bylaws for that organization. She wished everyone a happy Women's History Month, and she expressed appreciation to DEI Director Audrey Kennis and the Human Rights Commission for bringing the proclamation forward on tonight's agenda.

Council member McKinney expressed appreciation to the staff that participated in the budget workshop on Saturday, February 24th.

Mayor Trimble expressed appreciation to the staff that participated in the budget workshop on Saturday, February 24th.

On Item 4. Consent Agenda.

Council members pulled Items 4(k) and 4(t) for discussion. It was moved by Hudson, second by Hardman to approve the consent agenda as amended.

a. Approval of Minutes of February 19, 2024 and February 24, 2024 Meetings
b. Approval of Bill Lists

c. Approval of Liquor Licenses:
   1. Two Tees, LLC d/b/a Anna Dolce, 5585 Mills Civic Parkway, Suite 110 - Class C Retail Alcohol License with Outdoor Service - Renewal
   2. Summerfield Hotel, LLC d/b/a Days Inn, 1258 8th Street - Class B Retail Alcohol License - New
   3. Silverwest-I WDM, LLC d/b/a Element West Des Moines, 575 South Prairie View Drive - Class C Retail Alcohol License with Outdoor Service - Renewal
   4. Fiesta West, Inc. d/b/a Fiesta Mexican Restaurant, 2025 Grand Avenue - Class C Retail Alcohol License - Renewal
   5. C.C.W., LLC d/b/a Huhot Mongolian Grill, 4100 University Avenue, Suite 101 - Special Class C Retail Alcohol License - Renewal
   6. Quik Trip Corporation d/b/a Quik Trip #517, 1451 22nd Street - Class E Retail Alcohol License - Renewal
   7. City of West Des Moines d/b/a Raccoon River Park Softball Complex Concessions, 2500 Grand Avenue - Special Class C Retail Alcohol License - New
   8. World Market of Iowa, LLC d/b/a World Market, 4100 University Avenue, Suite 210 - Class B Retail Alcohol License - Renewal

d. Approval of Special Event Lane Closures - Miscellaneous Events - Historic Valley Junction Foundation

e. Approval of Settlement Agreement and Consent Order for Violation of Alcohol Laws

f. Approval of Grant Agreements with Iowa Department of Natural Resources – Raccoon River Greenway Boat Access

g. Approval of Professional Services Agreement - MidAmerican Energy RecPlex Expansion Pre-Design Building Services

h. Approval of Interfund Transfers

i. Approval of Special Assessments - Nuisance Abatements

j. Establish Public Hearings - Issuance of Not to Exceed $15,300,000 Essential Corporate Purpose and General Corporate Purpose General Obligation Bonds

l. Approval of Memorandum of Understanding with Polk County Conservation Board - Raccoon River Greenway Boat Access

m. Order Construction:
   1. 2023 Parking Lot Repair Program
   2. 2023 Pavement Markings and On-Street Bike Markings Program
   3. Valley Junction Alley Improvements, Phase 8

n. Accept Work - Raccoon River Stormwater Pump Station Controls Replacement

o. Acceptance of Public Improvements - 1704 88th Street Sanitary Sewer

p. Approval of Proposal from Electric Pump for Raccoon River Stormwater Pump Station Pump Replacement, Phase 3

q. Approval of Proposal from Mid-American Energy Company for Dual Gas Main Installation - 2024 Street Reconstruction Program

r. Approval and Acceptance of Property Interests - Grand Avenue Reconstruction, west of I-35 to South 60th Street

s. 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 24-076: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(k) Approval of Recommended Natural Resource Area Name - Legacy Woods

Don Schoen, 808 65th Street, expressed appreciation to the City for its support of this natural resource area project, as he believes it will provide a place for families to connect with nature and the history of the area, and he spoke in support of the recommended name Legacy Woods.

It was moved by Trevillyan, second by Hardman to approve Item 4(k) Approval of Recommended Natural Resource Area Name - Legacy Woods.

The Mayor and Council all spoke in support of this natural resource area project, and they expressed appreciation to Mr. Schoen and others who provided financial support for the project.

Vote 24-077: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 4(t) Proclamation - Women's History Month, March 2024

It was moved by Trevillyan, second by Loots to approve Item 4(t) Proclamation - Women's History Month.

Mayor Trimble read Proclamation - Women's History Month

Vote 24-078: 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, November 20, 2023, December 4, 2023, January 16, 2024, and February 5, 2024)

Mayor Trimble suggested this item be continued to April 1, 2024, because a resident that wanted to speak on this issue was not available to attend tonight's meeting and will not be available to attend until the April 1st meeting. He also requested staff present an overview of this proposed ordinance tonight to allow Council to have their questions answered prior to the April 1st meeting.

Lynne Twedt, Development Services Director, explained this proposed ordinance would only affect parcels that are within the corporate limits and zoned as agricultural/open space, and any uses already established on those parcels would be allowed to continue. She stated staff reviewed the land use matrix and felt some uses that were allowed in agricultural/open space zoning districts were not appropriate for that zoning classification, so they prepared recommendations for some uses to be allowed only as a permitted conditional use and others to be prohibited in agricultural/open space but could be allowed under different zoning. She noted there were eight uses recommended to be prohibited completely within the city.

It was moved by Hudson, second by Loots to continue Item 5(a) to April 1, 2024.

Vote 24-079: 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 Midtown Redevelopment, 1221, 1245, and 1261 8th Street - Amend the Comprehensive Plan Land Use Map and Amend the Planned Unit Development (PUD) Ordinance to Designate and Regulate Multi-Use Medium Lan Use for the Development Parcel(s) for Midtown Redevelopment PUD, initiated by Keystone Phase II, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 16, 2024 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 amendment.

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 Comprehensive Plan Amendment.

Vote 24-080: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

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

Vote 24-081: 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 first reading of the ordinance.

Vote 24-082: 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 2024 Street Reconstruction 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 February 16, 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 Loots, second by McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group, LLC.

Council member Trevillyan inquired how the construction on Vine Street would impact the Independence Day Parade route.

Ryan Penning, Parks and Recreation Director, stated staff is still working to determine an alternate route for the parade.

Vote 24-083: 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 Grand Avenue Sanitary Sewer Abandonment, 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 February 16, 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 Loots, second by McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to RW Excavating Solutions, LC.

Vote 24-084: 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 2023 Channel Repair 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 February 16, 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 McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to RW Excavating Solutions, LC.

Vote 24-085: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(a) Browns Woods Hollow Plat 2, SE Hollow Court west of Veterans Parkway - Acceptance of Surety and Approval and Release of Final Plat to Create 18 Lots for Single-Family Development, One Outlot for Wetlands, One Lot for Parkland, and Two Street Lots, initiated by Browns Woods, LLC

It was moved by Hudson 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. Motion died for lack of a second.

Keven Crawford, Cooper Crawford and Associates, speaking on behalf of the applicant, stated he is confused why the motion was not seconded, and he offered to answer any questions the Council may have.

Mayor Trimble directed staff to meet with Mr. Crawford to discuss how to move forward.

On Item 7(b) Cross Creek, 2475 SE 1st Street - Approval of a Preliminary Plat to Create 23 Lots for Single Family Residential Development, One Outlot, and One Street Lot, initiated by Savannah Homes, Inc.

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

Ted Grob, Savannah Homes, expressed concerns about the regulatory costs associated with this development, as he believes the total cost places a significant financial burden on the developer and makes it challenging for any developer to construct affordable housing. He requested the City Council waive the $9,950 expense for 442 feet of sidewalk along Veterans Parkway and the $15,000 for the street lights along Veterans Parkway.

Council member Trevillyan stated his preference is to have the sidewalk and streetlights installed at the time of development, citing concerns that the surety might not cover the full cost of those items when the City installs them in the future.

Council member Hudson stated he would also prefer to have the sidewalk and streetlights installed at the time of development.

Council member McKinney stated he would be comfortable with the City collecting surety for the cost to install the sidewalk and streetlights.

Mr. Grob thanked the Council for their consideration, and he stated he is withdrawing his waiver requests and would be willing to pay the surety. He reiterated his concerns that the City's development costs have continued to increase over the years, making it a challenge to develop affordable housing. He also expressed concerns that the City is requiring a private developer to pay for a public sidewalk that will not have easy access for the future residents of this private development.

Mayor Trimble directed staff to review the City's development fees and compare them to other metro communities to make sure ours are competitive.

Lynne Twedt, Development Services Director, noted the preliminary plat item on tonight's agenda does not address the surety, as that will be provided with the final plat when it comes to the Council for consideration.

Council member Hudson rescinded his motion, and Council member McKinney rescinded his second to the motion.

It was moved by Hudson, second by McKinney to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution, with an amendment to remove condition of approval #3, which was granting a deferral of the installation of the public sidewalk.

Vote 24-086: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(c) Delavan Warehouse, 2101 Delavan Drive - Approval of Preliminary Plat to Create 14 Condominium Lots for Industrial Development and Approval of Site Plan to Allow Construction of a Multi-Tenant Warehouse, initiated by Next Phase Development 2101 Delavan Drive, LLC

It was moved by Hardman, 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.

Keven Crawford, Cooper Crawford and Associates, speaking on behalf of the applicant, stated he is available to answer any questions the Council may have.

Council member Trevillyan inquired how the City will enforce the condition that no industrial condominium bay lot will be sold until the final plat is approved by City Council and recorded with the Polk County Recorder.

Lynne Twedt, Development Services Director, stated until the final plat is approved, which creates the physical lots, there are no lots available to sell. If the developer does not proceed with a final plat, he would only be able to lease the bays, not sell them.

Vote 24-087: Hardman, Hudson, Loots, McKinney, Trevillyan…5 yes
Motion carried.

On Item 7(d) South Branch Plat 2, 3075 SE 42nd Street - Approval of a Full Site Plan to Allow Construction of an approx. 76,800 sq. ft. Multi-Tenant Warehouse Building, initiated by SBBP JV21, LLC

It was moved by McKinney, 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.

Dan Carlson, WB Realty, speaking on behalf of the applicant, stated they are requesting Council approval of surety for the sidewalks along SE 42nd Street, because until the street is widened, the grade is not currently suitable for constructing the sidewalk.

Council member Loots inquired why there have been three developments on tonight's agenda requesting surety.

Lynne Twedt, Development Services Director, stated these developments happen to be adjacent to streets that have not been widened yet.

Council member Trevillyan expressed concerns that the surety might not cover the full cost to install the sidewalk when SE 42nd Street is widened.

Ms. Twedt responded to questions from the Council, stating another option could be executing a sidewalk agreement, but the City has executed such agreements in the past and there have been challenges enforcing them in some cases. For that reason, the City has favored obtaining surety.

Mr. Carlson stated the applicant would be agreeable to either paying surety or executing a sidewalk agreement.

Council member Trevillyan expressed his preference for executing a sidewalk agreement in this case, because the full cost for the sidewalk would be paid by the property owner at the time the sidewalk is installed.

Mayor Trimble expressed his preference for accepting surety in this case, but he expressed support for looking into executing a sidewalk agreement for future cases.

Vote 24-088: Hardman, Hudson, Loots, McKinney…4 yes
Trevillyan … 1 no
Motion carried.

On Item 7(e) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 2 (Definitions) - Add Definitions of Abutting Property Owner and Right-of-Way to Help Clarify the Responsibility of the Property Owner which Abuts Public Right-of-Way, initiated by the City of West Des Moines

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

Fred Bell, 3725 Green Branch Drive, expressed support for the proposed ordinance, because it accomplishes its intended purpose of clarifying City Code language. He noted the proposed ordinance was discussed at a meeting of the Community Compliance Subcommittee, but he was not provided notice of that meeting.

Vote 24-089: 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 24-090: 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 7:29 p.m.

March 4, 2024

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

_____
Russ Trimble, Mayor