

March 18, 2024

West Des Moines City Council Proceedings  
Monday, March 18, 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 18, 2024 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 Hudson, second by Trevillyan approve the agenda as presented.

Vote 24-091: 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:

Clint Torp, Director of Operations for the Des Moines International Airport, expressed appreciation to the City for its support of their terminal project, and he presented a plaque to the City in recognition of its support.

Greg Edwards, President and CEO of the Greater Des Moines Convention and Visitors Bureau, along with Trina Flack, Vice President of Sales, and Brock Konrad, Vice President of Marketing, presented an update on the organization's activities over the past year and their outlook for the coming year.

The Mayor and Council expressed appreciation to the Greater Des Moines Convention and Visitors Bureau for the presentation and for their efforts in promoting tourism to the Des Moines metropolitan area, which generates a significant economic impact for all the metro communities.

Mayor Trimble expressed his condolences for the recent passing of Jesse Hilsabeck, Westcom Dispatcher, and he requested that those in attendance observe a moment of silence for Mr. Hilsabeck.

Council member Hardman attended a meeting of the West Des Moines Chamber Foundation, where discussion was held on the organization's bylaws and governance structure. She also reported that she and Mayor Trimble attended a ceremony where a West Des Moines small business, Lola's Fine Hot Sauce, was presented the award for Small Business of the Week by U.S. Senator Joni Ernst.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of March 4, 2024 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Apres Bar Co, LLC d/b/a Apres Bar Co, 1400 Buffalo Road - Five Day Class C Retail Alcohol License for Private Event on April 2, 2024
  - 2. BDA3sons, LLC d/b/a Chicken Coop Sports Bar and Grill, 5906 Ashworth Road - Class C Retail Alcohol License - Renewal
  - 3. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class C Retail Alcohol License with Outdoor Service - Renewal
  - 4. Brew DMC, LLC d/b/a Hi-Fi Brew Lounge, 103 South 11<sup>th</sup> Street - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - New
  - 5. Daniel & Phillip, Inc. d/b/a Irina's Steak & Seafood, 650 South Prairie View Drive, Suite 100 - Class C Retail Alcohol License - Renewal
  - 6. MLT Hospitality, LLC d/b/a The Pelican Post Bar & Grille, 265 50<sup>th</sup> Street – Class C Retail Alcohol License with Outdoor Service - Renewal
  - 7. Hy-Vee, Inc. d/b/a The Ron Pearson Center, 5820 Westown Parkway - Class C Retail Alcohol License with Catering Privileges - Renewal
  - 8. 6K Enterprises, LLC d/b/a Terra Cafe, 2800 University Avenue, Suite 400 – Class C Retail Alcohol License with Outdoor Service and Catering Privileges - Renewal
  - 9. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class C Retail Alcohol License with Outdoor Service - Renewal
  - 10. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class C Retail Alcohol License with Outdoor Service - Renewal
  - 11. W West Investments, LLC d/b/a Wellmans West, 597 Market Street - Class C Retail Alcohol License with Outdoor Service - Renewal
  - 12. W West Investments, LLC d/b/a Wellman's West Rooftop, 597 Market Street (Rooftop) - Class C Retail Alcohol License with Outdoor Service - Renewal
  - 13. W2005/Fargo Hotels (Pool C) Realty, LP d/b/a West Des Moines Residence Inn, 160 South Jordan Creek Parkway - Special Class C Retail Alcohol License – Renewal
- d. Approval to Sell Surplus City Equipment
- e. Approval of Agreement - Park Security Services
- f. Approval of Contract - Southwoods Park Singletrack Trail Construction, Phase 2
- g. Approval of Amendment No. 1 to Professional Services Agreement - Pearson Park North and South Bridge Replacement
- h. Approval of Change Order #1 - Digital Enterprise Conduit Deployment Segment 4, Phase 4

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- i. Approval of Contract for Office Furniture - Law Enforcement Center Garage Conversion and HVAC Improvements
- j. Approval of Contract Waiver with Ahlers & Cooney, P.C. Regarding Waukeeg Community School District
- k. Order Construction - 2024 HMA Resurfacing Program
- l. Approval of Professional Services Agreement - Supplemental Construction Observation Services
- m. Approval of Vacation Request for Sanitary Sewer Easement and Approval and Acceptance of a New Sanitary Sewer Easement - West Bank, 3330 Westown Parkway
- n. Approval of Termination of Development Agreement (Property Improvement Fund and Regulatory Compliance Fund) - PREAM, LLC and Junction Development Catalyst, LLC
- o. Establish Consultation Meeting and Public Hearing - Ruthenium Urban Renewal Area
- p. Approval and Acceptance of Property Interests:
  - 1. Mills Civic Parkway, Sugar Creek and Fox Creek Crossings
  - 2. Mills Civic Parkway Widening, South 81<sup>st</sup> Street to South 88<sup>th</sup> Street

Vote 24-092: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 5(a) Midtown Redevelopment, 1221, 1245, and 1261 8th Street - Amend the Planned Unit Development (PUD) Ordinance to Designate and Regulate Multi-Use Medium Land Use for the Development Parcel(s) for Midtown Redevelopment PUD, initiated by Keystone Phase II, LLC

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

Vote 24-093: 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 second reading of the ordinance.

Vote 24-094: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

Vote 24-095: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

Vote 24-096: 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 second reading of the ordinance.

Vote 24-097: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

Vote 24-098: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 5(c) 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, second by McKinney to adopt Resolution - Acceptance of Surety and Approval and Release of Final Plat.

Council member Loots inquired why the applicant is requesting the City accept surety with the approval of this final plat and what is the justification for a waiver to place utilities in the front yard.

Lynne Twedt, Development Services Director, noted this type of surety request is standard practice for cases like these, where challenges cause a delay in the installation of public improvements, but the surety allows the developer to get the final plat approved, which creates the lots so they can begin selling them and recouping costs. She also stated the Council already granted the utility placement waiver for Browns Woods Hollow Plat 1, so this request is to carry the same concept through Browns Woods Hollow Plat 2.

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Keven Crawford, Cooper Crawford and Associates, speaking on behalf of the applicant, explained the site poses some topographic challenges, due to the wetlands on the southwest corner of the site, therefore they are requesting to allow utilities in the front of the lots. He noted the surety is only covering the handicap ramps which have been installed but needed a repair completed once the weather warms up enough that it is suitable for pouring concrete.

Council member Trevillyan expressed concerns that surety is not always sufficient to cover the full cost of public improvements, and he stated his preference would be to make it standard practice for the City to execute an agreement and waiver for public improvements.

Ms. Twedt noted this item has already gone through the process, but she suggested staff could research the pros and cons between obtaining surety and executing agreements and waivers, so the Council could determine which method to use going forward.

Mayor Trimble agreed with Ms. Twedt's suggestion, and he requested that staff bring the matter to the appropriate Council Subcommittee for further discussion.

Vote 24-099: 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 Issuance of Not to Exceed \$13,000,000 General Obligation Bonds (ECP), 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 March 5, 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 Trevillyan to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 24-100: 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 Issuance of Not to Exceed \$700,000 General Obligation Bonds (GCP-1), 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 March 5, 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.

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It was moved by Loots, second by Hardman to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 24-101: 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 Issuance of Not to Exceed \$700,000 General Obligation Bonds (GCP-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 March 5, 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 - Instituting Proceedings to Take Additional Action.

Vote 24-102: 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 Issuance of Not to Exceed \$700,000 General Obligation Bonds (GCP-3), 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 March 5, 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 Trevillyan to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 24-103: 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 Issuance of Not to Exceed \$700,000 General Obligation Bonds (GCP-4), 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 March 5, 2024 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trevillyan, second by Loots to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 24-104: 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 PCC Patching 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 March 1, 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 McKinney, second by Loots to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Brothers Concrete.

Vote 24-105: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 6(g) Mayor Trimble indicated this was the time and place for a public hearing to consider Pearson Park North and South Bridge Replacement, 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 March 1, 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 Loots to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to United Contractors, Inc.

Council member Trevillyan inquired what the anticipated completion date is for this project and whether both bridges will be done simultaneously or one after the other.

Ryan Penning, Parks and Recreation Director, stated the anticipated completion date is fall 2024, and he will look into the specific timing for each bridge and share his findings with the Council.

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Vote 24-106: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 6(h) Mayor Trimble indicated this was the time and place for a public hearing to consider 2023 Sport Court Improvements, 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 March 1, 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 Loots to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Connection, LLC.

Vote 24-107: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 6(i) Mayor Trimble indicated this was the time and place for a public hearing to consider 2023 Sewer Manhole Rehabilitation 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 March 1, 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 Loots to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Structured Solutions, LLC.

Vote 24-108: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 7(a) Porsche Des Moines, 7220 Lake Drive - Approval of Phased Site Plan to Allow Grading and Construction of Footings, Foundations, and Private Utilities, initiated by LBP Des Moines, LLC

It was moved by McKinney, second by Hudson to adopt Resolution - Approval of Phased 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 24-109: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 7(b) Raccoon River Greenway Boat Access, 104 South 1st Street - Approval of Site Plan to Allow Construction of Access to Raccoon River, initiated by the City of West Des Moines

It was moved by Hudson, second by Trevillyan 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.

Mayor Trimble noted this is a perfect example of how the City holds itself to the same standards for the development process as the private sector.

Council member Hudson commended the Parks and Recreation Department for their efforts in successfully obtaining grant funding for this project.

Vote 24-110: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 7(c) Issuance of \$15,945,000 General Obligation Bonds or Capital Loan Notes, Series 2024A, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Loots to adopt Resolution - Authorizing the Issuance and Levying a Tax.

Vote 24-111: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

On Item 9 - Other Matters

Deputy City Manager Jamie Letzring stated a written legislative update was emailed to the Mayor and Council prior to tonight's meeting.

Council member Hudson wished a happy birthday to Mayor Trimble.

The meeting was adjourned at 6:37 p.m.

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Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Russ Trimble, Mayor