

June 3, 2024

West Des Moines City Council Proceedings  
Monday, June 3, 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, June 3, 2024 at 5:30 PM. Council members present were: G. Hudson, D. Loots, M. McKinney, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to remove Consent Agenda items 4(g)1 Purchase of Body Worn Camera and In-Car Camera Systems and 4(k) Second Amended and Restated Development Agreement - JGC Holdings, LLC and Series 8 of JGC Holdings, LLC. He also stated staff is recommending the agenda be amended to include a motion to continue Item 5(b) Village on Jordan Creek PUD Amendment to the June 17<sup>th</sup> meeting, when the full Council is expected to be present.

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

Vote 24-210: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 2. Public Forum:

Gary Leffler, 1235 11<sup>th</sup> Street, expressed concerns that a shed on the Jordan House property was broken into and his personal four-wheeler that had been stored there was stolen. He commended the West Des Moines Police Department for their response and successfully recovering his stolen four-wheeler. He reiterated his previous suggestion that there should be a permanent residence established on the property to deter criminal activity. He also expressed concerns that he had been involved in near-collisions between his vehicle and bicyclists traveling on the trail near South 19<sup>th</sup> Street and Grand Avenue, and he suggested signage or flashing lights be installed to encourage bicyclists using the trail to stop at intersections. He also expressed concerns that the West Des Moines Water Works is digging a hole to shut off the water service for the Legacy Woods property, and he noted a new turn-off valve was recently installed across the street, which could be a less expensive alternative than digging the hole.

Amy Buehrer, 8415 Mills Civic Parkway, expressed concerns that the Council meeting livestream on YouTube is delayed from the live meeting when participating telephonically. She also expressed concerns about audio issues during a previous Council meeting for which she participated telephonically. She requested confirmation that the Mayor and Council received the email she sent earlier today requesting no trespassing and no construction on her property.

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

June 3, 2024

City Manager Tom Hadden reported the Public Services Department is still working on the storm debris pick up, moving across the city from east to west, but anticipates they will finish the entire by the end of this week. He stated staff will be reviewing the existing policy on storm debris clean-up, and it will be brought to the Public Services Subcommittee for discussion.

The Mayor and Council expressed appreciation to staff for their efforts on the storm debris clean-up process.

Council member Hudson congratulated the approximately 1,000 graduates of local high schools that are residents of West Des Moines, and he wished them well in their future endeavors.

Council member McKinney reported the Development and Planning Subcommittee met and reviewed proposed multi-family and single family development projects, the proposed ordinance regarding open space zoning, and public parking in the Valley Junction Business District. He also reported City Manager Hadden had shared an analysis that indicated hotel-motel tax revenue generated in West Des Moines has increased 21 percent over last year.

Council member Hudson reported the Finance and Administration Subcommittee met and discussed the 2025 Special Partial Census, which will cost the City approximately \$400,000 but is expected to generate an additional \$5.6 million in road use tax revenue over the five years from 2026-2030, so the subcommittee felt this would be a good return on the investment.

Council member Loots reported the Community Compliance Subcommittee met and discussed a proposed ordinance amendment regarding property owner's responsibility for mowing the right-of-way adjacent to their property.

Mayor Trimble reported the Des Moines Area Regional Transit Authority is conducting a study to seek efficiencies in their operations.

On Item 4. Consent Agenda.

Council members pulled Items 4(c)7-9, 4(d)35-43, and 4(m) for discussion. It was moved by Loots, second by McKinney to approve the consent agenda as amended.

- a. Approval of Minutes of May 20, 2024 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  1. Master of None, LLC d/b/a Barn Town Brewing, 9500 University Avenue, Suite 1110 - Special Class C Retail Alcohol License Extension of Outdoor Service - June 15, 2024
  2. The Cheesecake Factory Restaurants, Inc., d/b/a The Cheesecake Factory, 101 Jordan Creek Parkway #12550 - Class C Retail Alcohol License with Outdoor Service - Renewal

June 3, 2024

3. Dave & Buster's of Iowa, Inc. d/b/a Dave & Busters, 190 South Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
  4. Wesley Retirement Services, Inc. d/b/a Edgewater, A Wesley Active Life Community, 9225 Cascade Avenue - Class C Retail Alcohol License with Living Quarters, Outdoor Service, and Catering Privileges - Renewal
  5. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class B Retail Alcohol License - Renewal
  6. CTCC Rentals, LLC d/b/a Grand Junction Bar & Grill, 1970 Grand Avenue, #29 - Class C Retail Alcohol License with Outdoor Service - Renewal
  10. JC Groceries, LLC d/b/a Mini Tapatia, 4800 Mills Civic Parkway, Suite 104 - Class B Retail Alcohol License - New
  11. OTB Acquisition, LLC d/b/a On The Border, 140 South Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
  12. P. F. Chang's China Bistro, Inc., d/b/a P. F. Chang's China Bistro, 110 South Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
  13. 6920 EP True, LLC d/b/a Putts & Pins, 6920 EP True Parkway, Suite 105 - Addition of Outdoor Service Privilege to Existing Class C Retail Alcohol License - New
  14. Shishir Khadka d/b/a Shishir Khadka, 1701 25<sup>th</sup> Street (Events Center West) - Five-Day Class C Retail Alcohol License for a Private Event on June 14, 2024
  15. Target Corporation d/b/a Target Store T-1901, 5405 Mills Civic Parkway - Class E Retail Alcohol License - Renewal
  16. Top It Off, LLC d/b/a Top It Off Liquid Catering, 101 Jordan Creek Parkway - Five-Day Special Class C Retail Alcohol Licenses with Outdoor Service for Summer Concert Series on June 30, 2024, July 14, 2024, July 21, 2024, July 28, 2024, and August 4, 2024
  17. Top It Off, LLC d/b/a Top It Off Liquid Catering, 1701 25<sup>th</sup> Street (Events Center West) - Five-Day Class C Retail Alcohol License for a Private Event on August 3, 2024
  18. Walgreen Co. d/b/a Walgreens #6623, 1660 22nd Street - Class E Retail Alcohol License - Renewal
  19. Walgreen Co. d/b/a Walgreens #6677, 4900 Mills Civic Parkway - Class E Retail Alcohol License - Renewal
  20. Walgreen Co. d/b/a Walgreens #6678, 1999 Grand Avenue - Class E Retail Alcohol License - Renewal
  21. Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #3762, 6365 Stagecoach Drive - Class E Retail Alcohol License - Renewal
  22. West Des Moines Hotel Associates, LLC d/b/a West Des Moines Marriott, 1250 Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - Renewal
- d. Approval of Tobacco Permits (excluding #35 through #43)
- e. Approval of Contract - Custodial Services

June 3, 2024

- f. Approval of Memorandum of Agreement - 2025 Special Census
- g. Approval of Police Department Purchases:
  - 1. Removed
  - 2. Motorola In-Car Radios
  - 3. Training Scenario Based Simulator
- h. Approval of Purchase of Stream Credits (McCorkle Stream Mitigation Bank) - EP True Parkway, Wendover Lane to South Grand Prairie Parkway
- i. Approval of Interfund Transfers
- j. Acceptance of Public Improvements - Woodland Estates Plat 2
- k. Removed
- l. Approval and Acceptance of Property Interests - Johnson Creek Conveyance Improvements, Phase 1 (Ginger West)
- m. Proclamation - Pride Month, June 2024

Vote 24-211: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 4(c) Approval of Liquor Licenses:

- 7. Kum & Go, LC d/b/a Kum & Go #8, 1293 8<sup>th</sup> Street - Class E Retail Alcohol License - Renewal
- 8. Kum & Go, LC d/b/a Kum & Go #50, 745 South 51<sup>st</sup> Street - Class E Retail Alcohol License - Renewal
- 9. Kum & Go, LC d/b/a Kum & Go #2091, 5969 Ashworth Road - Class E Retail Alcohol License - Renewal

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

It was moved by Loots, second by Trevillyan to approve Items 4(c)7-9.

Vote 24-212: Hudson, Loots, Trevillyan ... 3 yes  
McKinney ... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 4(d) Approval of Tobacco Permits:

- 35. Kum & Go, LC, d/b/a Kum & Go #8, 1293 8<sup>th</sup> Street
- 36. Kum & Go, LC, d/b/a Kum & Go #50, 745 South 51<sup>st</sup> Street, Suite 200
- 37. Kum & Go, LC, d/b/a Kum & Go #66, 5308 University Avenue
- 38. Kum & Go, LC, d/b/a Kum & Go #98, 5760 Raccoon River Drive
- 39. Kum & Go, LC, d/b/a Kum & Go #532, 5901 Mills Civic Parkway, Building 2000
- 40. Kum & Go, LC, d/b/a Kum & Go #1074, 330 Jordan Creek Parkway
- 41. Kum & Go, LC, d/b/a Kum & Go #1097, 220 50<sup>th</sup> Street

June 3, 2024

- 42. Kum & Go, LC, d/b/a Kum & Go #2091, 5969 Ashworth Drive
- 43. Kum & Go, LC, d/b/a Kum & Go #3035, 7265 Vista Drive

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

It was moved by Trevillyan, second by Loots to approve Items 4(d)35-43.

Vote 24-213: Hudson, Loots, Trevillyan ... 3 yes  
McKinney ... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 4(m) Proclamation - Pride Month, June 2024

It was moved by Loots, second by McKinney to approve Item 4(m) Proclamation - Pride Month.

Mayor Trimble read Proclamation - Pride Month.

Vote 24-214: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 5(a) The Lancaster, northwest of the intersection of South 85th Street and Cascade Avenue - Amend the Zoning Map to Establish Zoning Appropriate for High Density Residential Development, initiated by Bryan Properties, LLC

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

Vote 24-215: Loots, McKinney, Trevillyan...3 yes  
Hudson ... 1 abstain  
(Per Rule 38 of the City Council Procedural Rules, any abstention not declared a conflict of interest shall have that vote registered as a no vote)  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-216: Loots, McKinney, Trevillyan...3 yes  
Hudson ... 1 abstain  
(Per Rule 38 of the City Council Procedural Rules, any abstention not declared a conflict of interest shall have that vote registered as a no vote)  
Motion carried.

June 3, 2024

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

Vote 24-217: Loots, McKinney, Trevillyan...3 yes  
Hudson ... 1 no

Motion carried.

On Item 5(b) Village on Jordan Creek, southwest corner of Jordan Creek Parkway and Ashworth Road - Amend Parcel A within the Village on Jordan Creek Planned Unit Development (PUD) to Modify Square Footage Allowances for Restaurants and Commercial Uses and Associated Parking Requirements, initiated by CRG Residential

It was moved by Trevillyan, second by Loots to continue Item 5(b) to June 17, 2024.

Vote 24-218: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 16 (Temporary Use Permits) - Modify Regulations Pertaining to the Application Requirements for Temporary Garden Center Permits, 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 24-219: Hudson, Loots, McKinney, Trevillyan...4 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 24-220: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

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

Vote 24-221: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 5(d) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 5 (Removal of Snow and/or Ice Accumulations) - Update the Ordinance to Identify the Correct Department Responsible for Enforcement and Make the

June 3, 2024

Notification Process Consistent with Other Nuisance Violations, initiated by the City of West Des Moines

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

Vote 24-222: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-223: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

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

Vote 24-224: 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 Valley West Mall, 1551 Valley West Drive - Amend Comprehensive Plan Land Use Map to Designate Multi-Use High Land Use and Establish the Valley West Mall Planned Unit Development (PUD) Ordinance to Provide for the Redevelopment of the Property, initiated by Valley West Mall, LLC (Continued from May 20, 2024). He asked for the date the notice was published and the City Clerk indicated the notice was published on May 3, 2024 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 abstaining, 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; hearing none he declared the public hearing closed.

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

Vote 24-225: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

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

June 3, 2024

Vote 24-226: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-227: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 6(b) Conveyance of Property to Benjamin L. Lounsbury and Andrew J. Lounsbury - Portion of Parcel F, Acquisition Plat Grand Avenue Right of Way, initiated by the City of West Des Moines (Continued from May 20, 2024)

It was moved by Hudson, second by McKinney to adopt Motion - Continue Public Hearing to June 17, 2024.

Vote 24-228: Hudson, Loots, 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 Conveyance of Property to Hurd Land Company, LLC - 2.82 acres generally located near SE 11th Street and Veterans Parkway, 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 May 30, 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 - Approval of Conveyance of Property.

Vote 24-229: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 6(d) Mayor Trimble indicated this was the time and place for a public hearing to consider Conveyance of Property to Hurd Real Estate Services, Inc. - 0.54 acres generally located near SE 11th Street and Veterans Parkway, 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 May 30, 2024 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated none had been received.



June 3, 2024

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 Conveyance of Property.

Vote 24-230: 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 Southeast Fire Training Facility, 1998 SE Maffitt Lake Road - Conveyance of Electric Easement to MidAmerican Energy Company, 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 May 28, 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 Conveyance of Property Interest.

Vote 24-231: 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 Mills Civic Parkway, Sugar Creek and Fox Creek Crossings, 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 May 17, 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 McAninch Corporation.

Vote 24-232: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 7(a) Della Vita Plat 6, EP True Parkway and Venice Avenue - Replat of Della Vita Plat 5 to Modify Lot Lines to Accommodate a Revised Four-Plex Building Footprint, initiated by

June 3, 2024

Della Vita, LLC

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

Vote 24-233: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 7(b) Settlement Agreement between the City of West Des Moines and Multiple Entities Owned by Richard Hurd, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Loots to adopt Resolution - Approval of Agreement

Vote 24-234: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 8(a) West Des Moines Water Works Audit - 2023 - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 6:33 p.m.

Respectfully submitted,

---

Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

---

Russ Trimble, Mayor