

August 5, 2024

West Des Moines City Council Proceedings
Monday, August 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, August 5, 2024 at 5:30 PM. Council members present were: G. Hudson, D. Loots, and K. Trevillyan. Council member R. Hardman participated via teleconference.

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

Vote 24-302: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum:

Gary Leffler, 1235 11th Street, stated he is disappointed that the Walnut Creek Church's lease for a storage shed on the Jordan House property, which he uses for storage of his personal items, will no longer be honored in the future.

Mayor Trimble directed staff to meet with Mr. Leffler to discuss the matter.

Liz Junker, a resident of the Woodland West Apartments located at 4403 Woodland Avenue, expressed concerns about ongoing maintenance issues with her living unit that have not been addressed, including a mold infestation, peeling plaster, and water leaking into the unit causing water damage. She stated she has contacted the property manager, but they have failed to correct the issues. She stated she has also spoken with a rental inspector for the City, who assured her the issues would be dealt with, but the issues have still not been corrected.

Mayor Trimble directed staff to look into the matter and follow up with Ms. Junker.

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

Council member Loots reported there is currently a campaign seeking signatures from Dallas County voters to petition for a question to be placed on the upcoming election ballot that would increase the number of Dallas County Supervisors from three to five.

Council member Hudson reported he attended a meeting of the Development and Planning Subcommittee, discussed the Grand Experience development. He reported he also attended a meeting of the Public Safety Subcommittee, and he expressed appreciation to the staff from our public safety departments and the Public Services Department for their response to recent events in our community, including the recent severe weather event.

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City Manager Tom Hadden reported the recent severe weather event caused significant damage throughout specific areas of the community, and the Public Services Department will be conducting a storm debris pick up for those areas over the next couple weeks. He noted for residents outside those areas, the Compost-It program is available for disposing tree branches and other yard waste.

On Item 4. Consent Agenda.

It was moved by Loots second by Hudson to approve the consent agenda as presented.

- a. Approval of Minutes of July 15, 2024 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Blue Agave Waukee, LLC d/b/a Blue Agave Street Tacos & Margaritas, 9500 University Avenue, Suite 2108 - Class C Retail Alcohol License with Outdoor Service - Renewal
 2. 515 bar&grill, LLC d/b/a Blue Shark Ale House, 165 South Jordan Creek Parkway, Suite 120 & 125 - Class C Retail Alcohol License with Outdoor Service - Renewal
 3. Bradley's Pub, Inc., d/b/a Bradley's Pub, 1300 50th Street, Suite 203 - Class C Retail Alcohol License - Renewal
 4. Casey's Marketing Company d/b/a Casey's General Store #2297, 108 8th Street - Class E Retail Alcohol License - Renewal
 5. Chipotle Mexican Grill of Colorado d/b/a Chipotle Mexican Grill, 490 South 68th Street, Suite 110 - Class C Retail Alcohol License with Outdoor Service - Renewal
 6. CTCC Rentals, LLC d/b/a Corner Tap, 1960 Grand Avenue, Suite 23 - Class C Retail Alcohol License - Renewal
 7. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #2, 1990 Grand Avenue (Cafe Area) - Class C Retail Alcohol License with Catering Privileges - Renewal
 8. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #3, 1725 Jordan Creek Parkway (Café Area) - Class C Retail Alcohol License with Catering Privileges - Renewal
 9. Sodexo Management, Inc. d/b/a Iowa Farm Bureau, 5400 University Avenue (Parking Lot) - Five-Day Special Class C Retail Alcohol License with Outdoor Service - September 10, 2024
 10. Jethro's Bacon Bacon, Inc., d/b/a Jethro's BBQ n'Bacon Bacon, 1480 22nd Street - Class C Retail Alcohol License with Catering Privileges - Renewal
 11. KHP DM, LLC d/b/a KPOT, 7105 Mills Civic Parkway, Suite 160 - Class C Retail Alcohol License - New
- d. Approval of Purchase - Body Worn Camera and In-Car Camera Systems
- e. Approval of Agreement Amendment - MidAmerican Energy RecPlex Lease Agreement with Can Play
- f. Order Construction - Fire Administration Building Exterior Improvements

- g. Accept Work - 2024 Slurry Seal Program
- h. Approval of Professional Services Agreements:
 - 1. 2024 Pavement Markings and On-Street Bike Markings Program
 - 2. 2024 Sewer Cleaning and Televising Program
 - 3. 2024 Sewer Manhole Rehabilitation Program
 - 4. 2024 Sewer Pipe Rehabilitation Program
 - 5. 2024-2025 Median Renovations Program
 - 6. 2025 PCC Patching Program, Phase 2
 - 7. 2025 Street Reconstruction Program
- i. Acceptance of Public Improvements - West Bank Headquarters Sanitary Sewer Improvements
- j. Approval and Acceptance of Encroachment Hold Harmless Agreement - Demolition Permit, 122 5th Street

Vote 24-303: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 5 (Police Regulations) and Title 9 (Zoning) - Align City Code Language to Accommodate “Homesteader Farm”, Allow the Sale of Horticultural Specialty Crops at Produce Stands, Allow Public Parking Lots with No Primary Structure, Allow Museums in the Agricultural/Open Space Zoning District, and to Modify Code References in the Land Use Tables, initiated by the City of West Des Moines

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

Vote 24-304: Hardman, Hudson, Loots...3 yes
Trevillyan ... 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-305: Hardman, Hudson, Loots...3 yes
Trevillyan ... 1 no
Motion carried.

On Item 5(b) Angel Estates, 1500 South 60th Street - Amend Comprehensive Plan Land Use Map and Amend the Zoning Map to Establish Detached Residential Land Use and Single-Family Residential (RS-30) Zoning, initiated by Angel Estates, LLC

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

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Vote 24-306: Hardman, Hudson, Loots...3 yes
Trevillyan ... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-307: Hardman, Hudson, Loots...3 yes
Trevillyan ... 1 no

Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning) - Modify Regulations Pertaining to Detached Accessory Buildings Located in a Front Yard, initiated by the City of West Des Moines

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

Vote 24-308: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-309: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

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

Vote 24-310: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 9 (Zoning), Chapter 18 (Signs) - Modify Regulations Pertaining to the Expiration Dates for Long Term Temporary Sign Permits and Sign Contractor Licenses, Modify Provisions for Enforcement of Signs on Public Property and the Process for Sign Variances and Appeals, initiated by the City of West Des Moines

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

Vote 24-311: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

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The City Clerk read the preamble to the ordinance.

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

Vote 24-312: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

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

Vote 24-313: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 5(e) University Avenue Corridor Urban Renewal Area - Amended TIF Ordinance (Three Fountains Parcel TIF District), initiated by the City of West Des Moines

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

Vote 24-314: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-315: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

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

Vote 24-316: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider West Grand Business Park, north and south sides of Grand Avenue between South 60th Street and South 88th Street - Amend the Comprehensive Plan Land Use Map to Designate Multi-Use Medium Land Use and Amend the Planned Unit Development (PUD) Ordinance to Modify Regulations for Parcels 3, 4 and 5 within the PUD for Entertainment, Commercial and Multi-Family Development, initiated by WDM Entertainment, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 17, 2024 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission

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recommended City Council approval of the comprehensive plan amendment and PUD amendment.

Mayor Trimble asked if there were any public comments.

Matt Brown, Formation Group, stated he is representing the applicant and is available to answer any questions.

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

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

Vote 24-317: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

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

Vote 24-318: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-319: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 6(b) Mayor Trimble indicated this was the time and place for a public hearing to consider Val Air Ballroom, 301 Ashworth Road - Amend the Planned Unit Development (PUD) Ordinance to Allow Additional Iconic Signage, initiated by VAB, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 17, 2024 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the PUD amendment.

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 consider the first reading of the ordinance.

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Vote 24-320: Hardman, Hudson, Loots, 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 first reading of the ordinance.

Vote 24-321: Hardman, Hudson, Loots, 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. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 29, 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 Hudson to consider the first reading of the ordinance.

Vote 24-322: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-323: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

It was moved by Loots, second by Hudson to adopt Resolution - Vacating, Releasing, and Terminating the Public Street Right-of-Way Easement.

Vote 24-324: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 6(d) Mayor Trimble indicated this was the time and place for a public hearing to consider Community Development Block Grant Program - 2024-25 Annual Action Plan, initiated by the City of West Des Moines (Continued from July 1, 2025). He asked for the date the notice was published and the City Clerk indicated the notice was published on July 26, 2024

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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 2024-25 Annual Action Plan.

Vote 24-325: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 7(a) Fox Ridge Plat 4, southeast of SE Creekhill Way and SE 25th Street - Accept Public Improvements and Approve Final Plat to Create 32 Lots for Single-Family Development and Four Street Lots, initiated by D.R. Horton-Iowa, LLC

It was moved by Trevillyan, second by Loots to adopt Resolution - Acceptance of Public Improvements and Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 24-326: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 7(b) Woodland Estates Plat 4, 9510 Mills Civic Parkway - Approval of Preliminary Plat to Create 21 Lots for Single Family Residential Development, Two Outlots, and One Street Lot, initiated by Silo 9 Plat 1, LLC

It was moved by Loots, second by Hudson 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.

Vote 24-327: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

On Item 7(c) Plat of Survey Parcels 24-53, 24-54, and 24-55, south of 362nd Place between Taber Road and Utica Trail - Extra Territorial Review Plat of Survey to Create Three Parcels Totaling 168.38 Acres for Future Transfer of Ownership, initiated by Exira Capital, LLC

It was moved by Loots, second by Trevillyan to adopt Resolution - Approval and Release of Plat of Survey, 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 24-328: Hardman, Hudson, Loots, Trevillyan...4 yes
Motion carried.

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

On Item 9 - Other Matters

Mayor Trimble stated there was a lengthy discussion at the July 15th Council meeting regarding the City's enforcement of non-conforming fences. Since then, a proposal has been suggested to amend the ordinance to allow each property with a non-conforming fence constructed 1999 or earlier to have one opportunity to replace the fence in its current location. Once that one opportunity has been used, a document will be recorded with the County, and the next time the property owner replaces the fence, they would be required to bring it into compliance with the setback requirements. He noted the one opportunity would be for the property, regardless of any changes in the ownership.

The Council held discussion on the proposed ordinance amendment and reached a consensus in support of the concept. The Council then directed staff to prepare an ordinance amendment reflecting this concept for formal consideration at a future council meeting.

The meeting was adjourned at 6:14 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor