

October 7, 2024

West Des Moines City Council Proceedings  
Monday, October 7, 2024

Mayor Pro tem Kevin Trevillyan 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, October 7, 2024 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, D. Loots, and K. Trevillyan. Council member M. McKinney participated via telephone.

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

Vote 24-389: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

City Manager Tom Hadden read a statement prepared by Mayor Trimble regarding the Raccoon River Bridges Feasibility Study.

On Item 2. Public Forum:

Margo Blumenthal, 951 South 35<sup>th</sup> Street, expressed concerns about cases of suspected corruption by the City of West Des Moines dating back to 1989.

Theresa Benskin, 900 67<sup>th</sup> Street, spoke in opposition to the construction of any new bridge over the Raccoon River, citing concerns about potential negative impacts to the environment, potential engineering issues with constructing a bridge through a floodway, and the potential negative impacts on the existing property owners in the area, such as increased traffic, noise, and light pollution. She requested that the City Council take note of the citizens' concerns, clarify the necessity for constructing a bridge over the Raccoon River, and visit the locations along the Raccoon River.

Kelley Koch, 36793 Beachwood Drive, Cumming, spoke in opposition to the construction of any new bridge over the Raccoon River, citing concerns about the environmental impact on the Maffitt Lake Reservoir, potential contamination of the public's water supply, and a potential increase in traffic throughout the local streets near the Raccoon River.

Tom Stull, 3530 Commerce Drive, spoke in opposition to the construction of any new bridge over the Raccoon River, and he expressed a desire to preserve the natural beauty and historical significance of the areas near the Raccoon River. He requested that the City Council commit to doing no damage to the Purple Martin Lake, Walnut Woods State Park, the Maffitt Lake Reservoir, or the Chain of Lakes Recreation Area.

Sue Seaman, a resident of the Greenbrier Estates development, spoke in opposition to the construction of any new bridge over the Raccoon River, and she expressed a desire to preserve

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the natural beauty and tranquility of the area. She expressed concerns that an increase in traffic could result in an increase in crime and an increase in car vs. deer accidents. She also expressed concerns about potential contamination of the public's water supply.

Jan Goldsmith, 1675 SE Walnut Woods Drive, inquired if the City had provided public notice of the Council's vote on the Raccoon River Bridges Feasibility Study. She also requested clarifications on which areas will be included in the feasibility study.

Mayor Pro tem Trevillyan stated the Council's consideration of the Raccoon River Bridges Feasibility Study was publicly noticed as part of the agenda for the September 16<sup>th</sup> City Council meeting; however, notices were not mailed out to the residents.

Deb Gadlin, 35099 Maffitt Lake Road, Cumming, noted the feasibility study includes areas, such as Maffitt Lake Road, which are outside the corporate limits of West Des Moines, and she inquired if the City plans to annex that area.

Bob Ready, 2195 SE Browns Woods Place, spoke in opposition to the construction of any new bridge over the Raccoon River, citing concerns about a potential increase in traffic on SE Brown's Woods Drive.

Landon Stull, 3530 Commerce Drive, expressed concerns that the professional services agreement for the feasibility study requires that minutes be taken for any meetings held related to the study, but when he inquired with City staff and learned that one meeting had been held, there were no meeting minutes available for that meeting. He requested that the Council enforce that requirement from the agreement and require the consultant to make meeting minutes publicly available.

Mark Cullen, 3428 Scenic Valley Drive, spoke in opposition to the construction of a new bridge over the Raccoon River at South 35<sup>th</sup> Street, because he believes a bridge at that location would not make sense from an economic development perspective or an environmental impact perspective. He stated he believes it is a waste of time and money to include that area in the feasibility study.

Tina Dewey, 4240 High Street, spoke in opposition to the construction of any new bridge over the Raccoon River, citing concerns that it could potentially increase traffic throughout her neighborhood and disrupt the peaceful nature and wildlife of the area. She stated the residents of the areas near the Raccoon River should have been personally notified of the September 16<sup>th</sup> Council consideration of the Raccoon River Bridges Feasibility Study.

Council member Trevillyan requested that everyone in attendance raise their hand if they are opposed to the construction of a new bridge over the Raccoon River, to which a vast majority of those in the room raised their hands. He estimated there were approximately 135 to 140 individuals that had raised their hands.

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Brian Hemesath, City Engineer, responded to questions from the Council, stating the City has the ability to do a feasibility for any areas outside the corporate limits but within our future planning areas. He reported the feasibility study will look at all areas along the Raccoon River between South 35<sup>th</sup> Street and just west of South Jordan Creek Parkway, and it will take into consideration the environmental impacts, including archaeological, drinking water, wetlands, and forested areas, and it will identify areas where a possible bridge could be located. He noted the scope of work also includes the preparation of a preliminary design and estimate of costs. He explained that the first meeting with the consultant was to review the scope of work, but he does not believe any minutes were taken of that meeting.

Council member Loots suggested that any future meetings regarding the feasibility study be recorded and posted on the City website, as he believes it would be best to go above and beyond for the sake of transparency.

Council member Hudson stated he does not see how any potential route for a new bridge over the Raccoon River would make sense, and since it would cost approximately \$15 million or more to construct one, he believes there a lot better things the City could do with that amount of money.

Craig Pepper, 2051 South 50<sup>th</sup> Street, inquired if the upcoming widening of I-35 to add a third lane, allowing it to accommodate additional traffic where it passes over the Raccoon River, could alleviate the need for any of the existing local streets to have a bridge spanning across the Raccoon River.

Council member Hardman expressed support for the feasibility study, as its purpose is to provide information. She stated when the study is completed, she will take that information into consideration, along with all the concerns expressed by the residents tonight.

Council member McKinney expressed a desire to retain the environmental, recreational, and historical nature of those areas along the Raccoon River, and he stated if the feasibility study identifies a feasible location for a bridge crossing but there are concerns with that location, then the Council will have discussions and take everything into consideration as they determine how to move forward.

Danielle Stull, 3530 Commerce Drive, noted the scope of services within the professional services agreement lists a number of project assumptions. She expressed concerns that this might not truly be a feasibility study, because one of the project assumptions states “The study will include two crossings of the Raccoon River, one approximately 1.6 miles west of I-35 and one approximately 1.0 mile east of I-35.”

Mark Cullen, 3428 Scenic Valley Drive, inquired if the City has done any traffic studies.

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Mr. Hemesath responded the City has not conducted a traffic study for any location where a bridge might go, as it makes more sense to conduct a traffic study once a potential bridge crossing location could be located; however, the traffic engineers have determined there is a need for an additional bridge crossing over the Raccoon River somewhere between 1<sup>st</sup> Street and Grand Prairie Parkway.

Council member Loots expressed support for the feasibility study, as its purpose is to provide information, but it doesn't necessarily mean the City Council will vote to construct anything. He stated he would never support constructing a road over Purple Martin Lake.

Mayor Pro tem Trevillyan stated he did not support the feasibility study, because he believes it is only common sense that there is no feasible location for a bridge crossing over the Raccoon River.

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

Council member Hardman reported the City recently kicked off the Community of Care campaign, which is intended to encourage the residents and business within our community to demonstrate care for others within our community. She expressed appreciation to the Police Department for their initiative to pack the patrol cars with donated items for West Des Moines Human Services. She also reported she attended a ribbon cutting ceremony for Merchants Bonding Company.

Council member Hudson reported the City collaborated with the West Des Moines Community School District to hold the kick-off event for the Community of Care campaign on Thursday, October 3<sup>rd</sup>. He also reported early voting for the November 5<sup>th</sup> general election will be starting in the next couple weeks.

On Item 4. Consent Agenda.

Council members pulled Items 4(a), 4(n), and 4(q) for discussion. It was moved by Hudson, second by Loots to approve the consent agenda as amended.

- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Marshall Alum, LLC d/b/a Chowrastha Indian Grill and Eatery, 5910 Ashworth Road - Special Class C Retail Alcohol License - Renewal
  - 2. Costco Wholesale Corporation d/b/a Costco Wholesale #788, 7205 Mills Civic Parkway - Class E Retail Alcohol License - Renewal
  - 3. New Silk Road, LLC d/b/a Heavenly Asian Cuisine and Lounge, 225 5<sup>th</sup> Street – Class C Retail Alcohol License with Catering Privileges - Renewal
  - 4. Kiss My Grits, LLC, d/b/a The Irish, 560 South Prairie View Drive, Suite 105 – Class C Retail Alcohol License with Outdoor Service - Renewal

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5. Jethro's and Jaspers, Inc. d/b/a Jethro's Jambalaya, 9350 University Avenue, Suite 102 - Class C Retail Alcohol License with Outdoor Service and Catering Privileges - Renewal
6. Monterrey III, LLC, d/b/a Monterrey III, 6630 Mills Civic Parkway, Unit 3116 – Class C Retail Alcohol License - Renewal
7. Bowl New England, Inc. d/b/a Spare Time Des Moines, 340 Jordan Creek Parkway - Class C Retail Alcohol License - Renewal
8. Tacos Happy Place, LLC d/b/a Westown Tap, 3530 Westown Parkway - Class C Retail Alcohol License - New
- d. Approval of Orders for Violation of Alcohol Laws
- e. Approval of Special Event Lane Closures - Des Moines IMT Marathon, October 20, 2024
- f. Approval of Professional Services Agreement - MidAmerican Energy RecPlex Expansion Pre-Design Building Services - Expanded
- g. Approval of Interfund Transfers
- h. Approval of Compensation - City Manager
- i. Order Construction:
  1. 2024 Sewer Cleaning and Televising Program
  2. Mills Civic Parkway Widening, South 81<sup>st</sup> Street to South 88<sup>th</sup> Street
  3. Scenic Valley Park Court and Asphalt Trail Improvements
- j. Accept Work:
  1. 2023 Sport Court Improvements
  2. Holiday Park Baseball, Phase 8 - Parking Lot and Entry Improvements
- k. Approval of Professional Services Agreements:
  1. 2024 Bridge Evaluations for Emergency and Permitted Vehicles
  2. 2024 Parking Lot Repair Program, Phase 2
  3. 2024 PCC Patching Program, Phase 2
  4. Bridgewood Boulevard, EP True Parkway to South 91<sup>st</sup> Street
  5. EP True Parkway, Bridgewood Boulevard to Wendorver Lane
  6. EP True Parkway, Grand Prairie Parkway to Bridgewood Boulevard
  7. Grand Prairie Parkway and EP True Parkway Intersection Improvements
  8. On-Call Miscellaneous Land Surveying Services
  9. Southeast Fire Station (Public Safety Station #13)
- l. Approval and Acceptance of Indemnification/Hold Harmless Agreement - Martin's Flag Company, 131 5<sup>th</sup> Street
- m. Approval of Amended and Restated Development Agreements:
  1. DEGH, LLC
  2. High Point, LLC
- o. Approval of Lease Agreement with Migliero Real-Estate, Inc. d/b/a G. Mig's 5<sup>th</sup> Street Pub to Allow Use of City's Walkways and Sidewalks as Outdoor Service
- p. Approval and Acceptance of Condemnation Award, Purchase Agreement, and Property Interests - Mills Civic Parkway Widening, South 81<sup>st</sup> Street to South 88<sup>th</sup> Street

Vote 24-390: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes

Motion carried.

On Item 4(a) Approval of Minutes of September 16, 2024 Meeting

Council member Trevillyan stated the council communication for Item 4(n)3 of the September 16<sup>th</sup> Council meeting inaccurately indicated that the Public Services Subcommittee recommended approval of the item; however, it had been presented to the subcommittee as an informational item and no recommendation was made. He suggested that the meeting minutes should be amended to include a note reflecting that correction.

It was moved by Trevillyan, second by Hudson to approve Item 4(a) Approval of Minutes of September 16, 2024 Meeting, with an amendment to include the following under Item 4(n)3: “Note: The council communication for this item inaccurately indicated that the Public Services Subcommittee recommended approval of this agreement; however, it was presented to the subcommittee as an informational item and no recommendation was made.”

Vote 24-391: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 4(n) Establish Consultation Meetings and Public Hearings:

1. Grand Experience Affordable Housing Urban Renewal Area
2. Grand Experience Water Park Urban Renewal Area
3. Grand Experience East Commercial Urban Renewal Area
4. Grand Experience West Commercial Urban Renewal Area
5. Grand Experience Southeast Commercial Urban Renewal Area
6. Grand Experience Southwest Economic Development Urban Renewal Area

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

It was moved by Hudson, second by Loots to approve Items 4(n)1-6.

Vote 24-392: Hardman, Hudson, Loots, Trevillyan...4 yes  
McKinney ... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 4(q) Proclamation - Disability Employment Awareness Month, October 2024

Mayor Pro tem Trevillyan read Proclamation - Disability Employment Awareness Month.

It was moved by Hardman, second by Hudson to approve Item 4(q) Proclamation - Disability Employment Awareness Month.

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Council member Hardman spoke in support of this important proclamation, and she expressed appreciation to all employers that provide employment to individuals with disabilities, because without them, this world would not be what it is today.

Vote 24-393: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 5(a) Iles Funeral Home, 7200 and 7010 Ashworth Road - Amend the Reed's Crossing Planned Unit Development (PUD) Ordinance to Incorporate 7010 Ashworth Road into the PUD and to Regulate Funeral Services and Crematories Development, initiated by Iles Funeral Homes Real Estate, LLC

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

Vote 24-394: 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 Loots to approve the second reading of the ordinance.

Vote 24-395: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

Vote 24-396: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 5(b) Amended and Restated Mills Parkway Urban Renewal Area (Subdistrict #5) - Terminate the Subdistrict #5 Tax Increment Financing (TIF) District and Repeal Portions of Ordinance Nos. 1384, 1560, 1740, 1800, 1824, 2014, 2072, 2314, 2427, 2466, 2558, and 2587, initiated by the City of West Des Moines

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

Vote 24-397: 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 Hardman to approve the second reading of the ordinance.

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Vote 24-398: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

Vote 24-399: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 5(c) South 81st Street Urban Renewal Area - Amended TIF Ordinance (Jordan Ridge Project Area), 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 24-400: 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 Loots to approve the second reading of the ordinance.

Vote 24-401: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

Vote 24-402: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 5(d) Westown V Urban Renewal Area - Terminate the Urban Renewal Area and Repeal Ordinance Nos. 1848 and 2125, initiated by the City of West Des Moines

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

Vote 24-403: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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



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Vote 24-404: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

Vote 24-405: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 6(a) Mayor Pro tem Trevillyan indicated this was the time and place for a public hearing to consider Pavilion Park, west and south of the intersection of EP True Parkway and Wendover Lane - Amend the Planned Unit Development (PUD) to Revise the Configuration of the PUD Parcels and Establish Uses and Development Regulations for Each Parcel, initiated by Pavilion Park, LC and Wendover Reserve, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 18, 2024 in the Des Moines Register. Mayor Pro tem Trevillyan asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the PUD amendment.

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

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

Vote 24-406: 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 Loots to approve the first reading of the ordinance.

Vote 24-407: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 6(b) Mayor Pro tem Trevillyan indicated this was the time and place for a public hearing to consider Amendment #5 to the Coachlight Drive 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 September 27, 2024 in the Des Moines Register. Mayor Pro tem Trevillyan asked if any written comments had been received. The City Clerk stated none had been received.

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

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

Vote 24-408: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 6(c) Mayor Pro tem Trevillyan indicated this was the time and place for a public hearing to consider 2024-25 FY Operating and Capital Budget - Amendment #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 September 27, 2024 in the Des Moines Register. Mayor Pro tem Trevillyan asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Hardman, second by Hudson to adopt Resolution - Approval of Budget Amendment #1.

The Council expressed appreciation to the Finance Department for their great work in managing the City's budget and being good stewards of taxpayer money.

Vote 24-409: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 6(d) Mayor Pro tem Trevillyan indicated this was the time and place for a public hearing to consider 2024 Parking Lot Repair Program, Phase 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 September 27, 2024 in the Des Moines Register. Pro tem Trevillyan asked if any written comments had been received. The City Clerk stated none had been received.

Pro tem Trevillyan asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Loots, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Caliber Concrete, LLC.

Vote 24-410: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 7(a) Woodland Hills Urban Renewal Area - Terminate the Tax Increment Financing

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(TIF) District and Repeal Ordinance Nos. 1935, 2315, 2400 and 2414, initiated by the City of West Des Moines

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

Council member Hudson, McKinney, and Hardman shared comments on the significant growth that has occurred within this TIF district and generated revenue that helped fund some of the City's housing programs.

Vote 24-411: 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 Hudson to approve the first reading of the ordinance.

Vote 24-412: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 7(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - Traffic Signals at Intersection of South Jordan Creek Parkway and Grand Avenue, initiated by the City of West Des Moines

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

Vote 24-413: 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 24-414: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 7 (U-Turn Prohibited) - Jordan Creek Parkway and 850 ft. south of EP True Parkway (southbound), initiated by the City of West Des Moines

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

Vote 24-415: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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The City Clerk read the preamble to the ordinance.

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

Vote 24-416: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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

On Item 9 - Other Matters: none

On Item 10(a) Executive Session for Pending/Threatened Litigation (with retained legal counsel Kristopher Madsen of Stuart Tinley Law Firm LLP)

It was moved by Hardman, second by Trevillyan to go into Executive Session per Chapter 21 of the Iowa Code, to discuss Pending/Threatened Litigation.

Vote 24-417: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

Entered Executive Session at 7:29 p.m. with the following persons present in the Teamwork Room of City Hall: Council members Hardman, Hudson, Loots, and Trevillyan, with Council member McKinney participating via teleconference; City Manager, City Attorney, City Clerk, and retained legal counsel Kristopher Madsen of Stuart Tinley Law Firm LLP.

It was moved by Hudson, second by Hardman to adjourn from Executive Session.

Vote 24-418: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

Executive Session was adjourned at 7:52 p.m.

The regular meeting reconvened in open session at 7:54 p.m.

On Item 10(b) Settlement and Mutual Release Agreement with Estate of Susan Farrell, initiated by the City of West Des Moines

It was moved by Hudson, second by Loots to adopt Motion - Approval of Settlement and Mutual Release Agreement.

Vote 24-419: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

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The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Kevin L. Trevelyan, Mayor Pro tem