

October 21, 2024

West Des Moines City Council Proceedings
Monday, October 21, 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, October 21, 2024 at 5:30 PM. Council members present were: R. Hardman, D. Loots, M. McKinney, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending two amendments to the agenda:

- Amendment to the Resolution for Item 4(h) Special Assessments for Nuisance Abatements
- Removal of Item 7(g) Purchase of Vacant Property at 3535 Westown Parkway

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

Vote 24-420: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum:

Brian Hemesath, City Engineer, and Eric Petersen, Principal Traffic Engineer, presented an overview of the upcoming Ashworth Road reconstruction project, from 1st Street to 50th Street, which is needed due to deteriorating pavement conditions and traffic safety issues along the corridor. They provided background information on the results of a before and after study that conducted on the temporary pilot project of re-striping Ashworth Road, between 1st Street and 19th Street, from four lanes to three lanes. They reported after the road was converted to three lanes, the speeds along that roadway and the number of crashes have both decreased. They also reported the vehicle capacity of a three-lane Ashworth Road would be able to handle the existing and forecasted future traffic volumes for most of the corridor. They also noted the transition from four lanes to three lanes would make the Ashworth Road reconstruction project a good candidate for federal and state transportation grants. They stated staff is recommending the Council approve the design criteria that would convert Ashworth Road, generally between 1st Street and 50th Street, from four lanes to three lanes that are 11 to 12 feet wide.

Council member Trevillyan inquired how a three-lane Ashworth Road could accommodate event traffic for events held at the Val Air Ballroom.

Mr. Petersen stated staff has been in communication with the General Manager of the Val Air Ballroom, and they are working on adding new gates and electronic ticketing system, which are expected to allow incoming traffic to flow more efficiently. Staff will continue working with the Val Air Ballroom to address the issues, but the design of Ashworth Road is not intended to have vehicles blocking traffic.

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Mayor Trimble suggested the Val Air Ballroom could hire off-duty police officers to direct traffic for larger events.

Mr. Hemesath responded to questions from the Council, stating if Ashworth Road is reconstructed with four lanes, the City would need to obtain right-of-way from all properties along the entire stretch; however, with the three-lane configuration, the City would only need to obtain right-of-way from eight properties between 19th Street and 22nd Street. He also stated he recommends that staff holds a public meeting with those property owners between 19th Street and 22nd Street to discuss design options and which tradeoffs would be most acceptable to the property owners.

Shane McClinton, 1910 Ashworth Road, spoke in opposition to the proposed conversion of Ashworth Road from four lanes to three lanes, citing concerns that the staff recommendation for 12-foot-wide lanes is excessive and will result in the City acquiring more right-of-way than necessary, which will have a negative impact on the properties. He also referenced a study that indicated an increase to 12-foot-wide lanes increases the risk of crashes, so he believes the roadway would be safer with narrower lanes.

Kathy Dehnert, 1935 Ashworth Road, spoke in support of the proposed conversion of Ashworth Road from four lanes to three lanes. She stated since the pilot project began, it has been easier to back out from her driveway onto Ashworth Road due to fewer traffic backups in front of her house. She also expressed concerns that she believes the four-foot-wide sidewalks along Ashworth Road are too narrow.

Srijan Karim, 1225 28th Street, stated he believes the 12-foot-wide lanes encourages high speed travel. He also stated he would prefer to see a multi-use trail be constructed along Ashworth Road.

Linda Hendel, 3917 Ashworth Road, inquired how the roadway in front of her house will be impacted by the proposed reconfiguration, as there are already ten-foot-wide lanes in front of her house. She also inquired if this project would include expanding the width of the sidewalks along Ashworth Road, and she expressed opposition to widening the sidewalks, citing concerns about routing pedestrian traffic closer to her house.

Carlie Hofer, 6201 EP True Parkway, spoke in opposition to the proposed conversion of Ashworth Road from four lanes to three lanes, citing concerns that her commute time has increased significantly during the pilot program. She also expressed concerns that buses and delivery vehicles block traffic by parking in the travel lane and she believes the timing of the traffic signals only allows a couple of the cars traveling east-west on Ashworth Road pass through the intersection each cycle. She also noted that with the three-lane configuration, one vehicle traveling below the speed limit slows everyone down behind them.

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Dell Christensen, 932 32nd Street, spoke in opposition to the proposed conversion of Ashworth Road from four lanes to three lanes, citing concerns that the roadway is not able to handle traffic with three lanes like it can with four lanes. He stated he believes the proposed reconfiguration could cause more traffic issues than exist today, especially during instances where I-235 traffic is re-routed onto Ashworth Road.

Bev Belieu, 1905 Ashworth Road, spoke in opposition to the proposed conversion of Ashworth Road from four lanes to three lanes, citing concerns about the use of eminent domain and expressing her desire for the City to minimize the impact on property owners. She stated the roadway has existed for decades with four lanes as it is today, and she believes it can continue to exist that way.

Alicia Trogdon, 1000 21st Street, stated she agrees the lanes on Ashworth Road need to be widened, but she expressed a desire to minimize the impact on property owners. She noted all the proposals include a raised median on Ashworth Road to block westbound traffic from turning Road south onto 23rd Street. She suggested the City explore alternatives that might be cheaper and require less right-of-way to be acquired.

Lori Young, 2000 Ashworth Road, spoke in opposition to the proposed conversion of Ashworth Road from four lanes to three lanes, expressing a desire to minimize the impact on property owners. She also expressed concerns that the 12-foot-wide lanes could encourage high speed travel, which could be problematic with the number of driveway entrances along Ashworth Road. She also expressed concerns that West Des Moines Water Works is waiting for this project to move forward before the move forward with the replacement of water mains.

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

Dawn Davis, ETC Institute, reported on the results of the 2024 citizen survey, stating the residents have a very positive perception of the city overall.

On Item 4. Consent Agenda.

Council members pulled Items 4(c)5 and 4(o)1 for discussion. It was moved by Loots, second by McKinney to approve the consent agenda as amended.

- a. Approval of Minutes of October 7, 2024 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Aldi, Inc. d/b/a Aldi #40, 6050 Mills Civic Parkway - Class B Retail Alcohol License - Renewal
 2. On The Rise Valley West, LLC, d/b/a Blaze Pizza, 1551 Valley West Drive, Suite 225 - Special Class C Retail Alcohol License with Outdoor Service - Renewal

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3. Des Moines Golf and Country Club d/b/a Des Moines Golf and Country Club, 1600 Jordan Creek Parkway - Class C Retail Alcohol License with Outdoor Service - Renewal
4. Firebirds of West Des Moines, LLC d/b/a Firebirds Wood Fired Grill, 440 South 68th Street, Suite 101 - Class C Retail Alcohol License - Renewal
6. Pho Shobu, LLC d/b/a Pho Shobu, 8950 University Avenue, Suite 103 - Class C Retail Alcohol License - Renewal
- d. Approval of Settlement Agreement and Consent Order for Violation of Alcohol Laws
- e. Approval of Appointment - Human Rights Commission Youth Ex Officio Member
- f. Approval of Professional Services Agreement - 1st Street Trail, Raccoon River Bridge to Lincoln Street
- g. Approval of Change Order #3 - 2023 HMA Resurfacing Program
- h. Approval of Special Assessments - Nuisance Abatements
- i. Order Construction - 2024 PCC Patching Program, Phase 2
- j. Accept Work:
 1. 2023 HMA Resurfacing Program
 2. 2023 Sewer Pipe Rehabilitation Program
 3. Grand Avenue West Segment 6DB Sewer Extension
 4. Riverview Drive Erosion Control and Stabilization
 5. Val-Gate District Signage
- k. Approval of Professional Services Agreement - Historic City Hall, Exterior Stair Replacement
- l. Approval and Acceptance of Agreement Regarding a Second Dwelling Unit - 4300 Fuller Road
- m. Acknowledgment of Withdrawal of Proposal for the Award and Sale of City-Owned Property Near the Southeast Corner of Grand Avenue and Raccoon River Drive and Return of Proposal Security
- n. Approval and Acceptance of Property Interests:
 1. Grand Avenue Reconstruction, west of I-35 to South 60th Street
 2. Mills Civic Parkway Reconstruction, South 91st Street to South Grand Prairie Parkway
- o. Proclamations:
 2. Extra Mile Day, November 1, 2024

Vote 24-421: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 4(c)5 Approval of Liquor License - Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class E Retail Alcohol License - Renewal

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

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It was moved by Loots, second by Trevillyan to approve Item 4(c)5 Approval of Liquor License - Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class E Retail Alcohol License - Renewal.

Vote 24-423: Hardman, Loots, Trevillyan...3 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(o)1 Proclamation - Community Planning Month, October 2024

It was moved by Hardman, second by Trevillyan to approve Item 4(o)1 Proclamation - Community Planning Month.

Mayor Trimble read Proclamation - Community Planning Month.

Vote 24-424: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 5(a) 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

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

Vote 24-425: Hardman, Loots, McKinney, Trevillyan...4 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 24-426: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

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

Vote 24-427: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

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On Item 5(b) Woodland Hills Urban Renewal Area - Terminate the Tax Increment Financing (TIF) District and Repeal Ordinance Nos. 1935, 2315, 2400 and 2414, initiated by the City of West Des Moines

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

Vote 24-428: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 24-429: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

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

Vote 24-430: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

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

Vote 24-431: Hardman, Loots, McKinney, Trevillyan...4 yes
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 24-432: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

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

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Vote 24-433: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

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

Vote 24-434: Hardman, 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 24-435: Hardman, 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 24-436: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 5(e) Ashworth Road, 1st Street to 50th Street, initiated by the City of West Des Moines

It was moved by Loots, second by Hardman to adopt Motion - Approval of Design Criteria.

Brian Hemesath, City Engineer, provided responses to the questions asked during citizen forum. He stated the proposed lanes would be 11 feet wide with a one-foot curb offset. He stated there are varying lane-widths along Ashworth Road, and the lanes are generally ten feet wide from Valley West Drive to 50th Street, so the entire roadway would actually become narrower through that segment as a result of the proposed conversion to three lanes. He stated some sidewalks might need to be reconstructed as a result of the reconstruction of Ashworth Road, but staff intends to reconstruct any sidewalks as four-foot-wide sidewalks as they are today.

Eric Petersen, Principal Traffic Engineer, stated staff would not recommend reducing the proposed width of the turn lanes below the minimum standards of 11 to 12 feet, because of the larger vehicles using the roadway and the fact that large vehicles need more width to complete their turns.

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Mr. Hemesath stated the staff recommendation is for the minimally acceptable lane widths, as opposed to the preferred lane widths, to minimize the amount of right-of-way needed for the project.

Mayor Trimble stated if the proposed design criteria is passed tonight, he would request that staff place a standing item on the agenda for Public Services Subcommittee to update the subcommittee on how things are progressing for the configuration between 19th Street and 22nd Street.

Council member Trevillyan stated he does not support the proposed design criteria, and he expressed a preference for the roadway to exclude the one-foot curb offset to reduce the amount of right-of-way that would need to be acquired from the property owners.

Council member Loots expressed support for the proposed design criteria, but he requested that staff do whatever they can to minimize the amount of right-of-way that needs to be acquired from the property owners.

Council member McKinney expressed support for the proposed design criteria because the pilot project has indicated the three-lane configuration will improve safety along Ashworth Road. He also suggested that the motion adopted by the Council should include a requirement that the issue of the Ashworth Road design between 19th Street and 22nd Street would be brought to the Public Services Subcommittee for review and discussion. He also requested that the Police Department ensure traffic laws are enforced against delivery vehicles parking illegally in the travel lane of Ashworth Road.

Council member Hardman expressed support for the proposed design criteria because she believes the three-lane configuration will improve safety along Ashworth Road. She also requested that staff do whatever they can to minimize the amount of right-of-way that needs to be acquired from the property owners. She also expressed support for the matter being brought to the Public Services Subcommittee for review and discussion throughout the process.

Mayor Trimble also expressed support for the proposed design criteria, but he requested that staff do whatever they can to minimize the amount of right-of-way that needs to be acquired from the property owners.

Council member McKinney reiterated his suggestion that the motion adopted by the Council should include a requirement that the issue of the Ashworth Road design between 19th Street and 22nd Street would be brought to the Public Services Subcommittee for review and discussion.

Council member Loots rescinded his motion, and Council member Hardman rescinded her second to the motion.

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It was moved by Loots, second by Hardman to adopt Motion - Approval of Design Criteria, with an amendment to require staff to present regular updates throughout the design process to the Public Services Subcommittee.

Vote 24-437: Hardman, Loots, McKinney...3 yes
Trevillyan ... 1 no

Motion carried.

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider Development Agreement Regarding the Construction of Public Roadway Improvements at Bridgewood Boulevard, initiated by Pavilion Park, L.C. and Waukee Community School District. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 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 Hardman, second by Loots to adopt Resolution - Approval of Agreement.

Vote 24-438: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(b) Mayor Trimble indicated this was the time and place for a public hearing to consider Development Agreement Regarding the Construction of Public Roadway Improvements at EP True Parkway, initiated by Pavilion Park, L.C. and Waukee Community School District. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 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 McKinney, second by Loots to adopt Resolution - Approval of Agreement.

Vote 24-439: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(a) Prime 39 Plat 1, 930 76th Street - Acceptance of Surety and Approval of Final Plat to Create 38 Footprint Lots for Multi-Family Development, Six Outlots for Common Space and Storm Water Detention and Two Outlots for Private Streets, initiated by JLP Holdings, LLC

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

Vote 24-440: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(b) Eagle Brook, south of Veterans Parkway and east of SE 35th Street - Approval of Preliminary Plat to Create 168 Lots for Single Family Residential Development, Eight Outlots and 16 Street Lots, initiated by Eagle Brook, LLC and Charles I. Colby and Ruth Colby Investment Trust

It was moved by McKinney, second by Loots 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 24-441: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(c) Iles Funeral Home, 7200 and 7010 Ashworth Road - Approval of Preliminary Plat to Create One Lot for Commercial Development and Approval of Site Plan to Allow Construction of an approx. 8,400 sq. ft. Funeral Home, initiated by Iles Funeral Home Real Estate, LLC

It was moved by McKinney, second by Loots to adopt Resolution - Approval of Preliminary Plat and Site Plan, subject to the applicant complying with all applicable City Code requirements.

Vote 24-442: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(d) Valley Church Community Center Building Addition, 4444 Fuller Road - Approval of Major Modification to Site Plan to Allow 23,500 sq. ft. of Additions to the Existing Community Center Building, initiated by Civil Engineering Consultants

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

Mayor Trimble noted one of the conditions of approval is the City Council deferring the widening of Fuller Road until the next major modification to the site plan, and he stated he believes Fuller Road does need to be widened and this would be the appropriate time to require it. He stated his suggestion was for it the cost to be split three ways between the City, the West Des Moines Community School District, and Valley Church; however, he respects the proposed

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solution worked out by staff and the Development and Planning Subcommittee, which was to defer the widening of Fuller Road.

Vote 24-443: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(e) Plat of Survey Parcel '2024-87', 4205 Quail Court - Approval of Plat of Survey to Create a 0.14-acre Parcel for the Transfer of Ownership, initiated by Fredesvindo Enamorado Diaz and Denice Enamorado

It was moved by Trevillyan, second by McKinney 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.

Vote 24-444: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(f) Plat of Survey Parcel '2024-165', adjacent to 7799 SW 112th Street (Cumming) - Approval of Plat of Survey to Create a 0.284-acre Parcel for the Transfer of Ownership, initiated by Tung Nguyen and Nhan Tran

It was moved by McKinney, second by Loots 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.

Vote 24-445: Hardman, Loots, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(g) Removed

On Item 8(a) Betsy Happe Resignation - Human Services Advisory Board - Received and Filed

Mayor Trimble expressed appreciation to Betsy Happey for her service as a member of the Human Services Advisory Board.

On Item 9 - Other Matters

Mayor Trimble apologized for missing the October 7th City Council meeting, which had a large number of residents attending as a result of a mailing that had been distributed regarding the Raccoon River Bridges Feasibility Study. He stated he believes the discussion held on that matter was premature and would have been more appropriate after the feasibility study has been completed, but he believes it was a good discussion. He also stated he believes Mayor Pro tem Trevillyan misrepresented his statement that was read during the meeting when he indicated

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Mayor Trimble did not want the residents to have the opportunity to speak. He expressed appreciation to Council members Hudson and Hardman for standing up for him in his absence.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Russ Trimble, Mayor