

February 20, 2023

West Des Moines City Council Proceedings  
Monday, February 20, 2023

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, February 20, 2023 at 5:30 PM. Council members present were: G. Hudson, D. Loots, M. McKinney, and K. Trevillyan.

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

Vote 23-041: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 2. Public Forum:

Julia McGuire, 919 45<sup>th</sup> Street, expressed appreciation to the Mayor and City Council for their continued support of the community garden.

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

Steve Frevert, Executive Director of the Historic Valley Junction Foundation, and Stephanie Trannel, Board President for the Historical Valley Junction Foundation, presented an update on the organization's activities.

Council member McKinney reported he attended the West Des Moines Chamber of Commerce annual dinner, and it was a fantastic event.

Council member Hudson also stated that the West Des Moines Chamber of Commerce annual dinner was a great event. He reported the Finance and Administration Subcommittee met and discussed a project to improve the cell service at the MidAmerican Energy RecPlex and West Public Services Facility.

City Manager Tom Hadden stated a written legislative update has been placed on the dais tonight, and staff continues to monitor proposed legislation with potential impacts to the City.

Mayor Trimble congratulated the West Des Moines Chamber of Commerce for hosting a successful annual dinner.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of February 6, 2023 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Silverwest-I WDM, LLC d/b/a Element West Des Moines, 575 South Prairie View Drive - Class C Retail Alcohol License with Outdoor Service - Renewal
  - 2. WRLP West Des Moines, LLC d/b/a Hampton Inn, 7060 Lake Drive - Class BW Permit with Sunday Sales and Living Quarters - Renewal
  - 3. C.C.W., LLC d/b/a Huhot Mongolian Grill, 4100 University Avenue, Suite 101 – Special Class C Retail Alcohol License - Renewal
  - 4. Hy-Vee, Inc. d/b/a Hy-Vee #4, 555 South 51<sup>st</sup> Street - Class E Retail Alcohol License - Renewal
  - 6. Samurai Sushi & Hibachi Restaurant, Inc. d/b/a Samurai Sushi & Hibachi Restaurant, 7125 Mills Civic Parkway, Suite 110 - Class C Retail Alcohol License - Renewal
  - 7. Paper Street Watering Company, LLC d/b/a The Winchester Pub, 224 5<sup>th</sup> Street – Class C Retail Alcohol License - Renewal
  - 8. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Special Class C Retail Alcohol License with Outdoor Service - Renewal
- d. Approval of Order for Violation of Alcohol Laws
- e. Approval of Appointments:
  - 1. Board of Adjustment
  - 2. Civil Service Commission
  - 3. Parks and Recreation Advisory Board
  - 4. Plan and Zoning Commission
  - 5. Sister Cities Commission
- f. Approval to Sell Surplus City Equipment
- g. Approval of Renewal Contract - Swimming Pool Pump Maintenance and Repair Services
- h. Approval of Purchase and Implementation of Distributed Antenna System at the MidAmerican Energy RecPlex and West Public Services Facility
- i. Approval of Contract Agreement - MidAmerican Energy RecPlex Elevator Service
- j. Approval of Engagement Letter for Legal Services - Best Best & Krieger LLP
- k. Approval of Professional Services Agreements:
  - 1. Communication Consultant Services - Amplimark
  - 2. Comprehensive Study of Police Services - Center for Public Safety Management, LLC
- l. Approval of Amendment No. 1 to Professional Services Agreement - Valley Junction Business District Pavers and Sidewalk, Phase 3
- m. Approval of Change Order #1 - South Service Area Segment 3 Sewer
- n. Order Construction - 2023 PCC Patching Program
- o. Accept Public Improvements - Jordan Ridge South 81<sup>st</sup> Street Culvert
- p. Approval of Professional Services Agreements:
  - 2. EP True Parkway, South Grand Prairie Parkway to Ute Avenue

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- q. Approval of Development Agreements (Regulatory Compliance Fund):
  - 1. Cedar Hill Land and Cattle Co., Inc. and MoMere, LLC, 138 5<sup>th</sup> Street
  - 2. Junction Development Catalyst, LLC and DSM Culinary, LLC, 304 5<sup>th</sup> Street
- r. Approval of Amendment No. 2 to Development Agreement (Regulatory Compliance Fund) - Cyrus and Diana Quick and Food with Flair Catering, Inc.

Vote 23-042: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 4(c)5 Approval of Liquor License - Kum & Go LC d/b/a Kum & Go #66, 5308 University Avenue - Class E Retail Alcohol License - Renewal

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

It was moved by Hudson, second by Trevillyan to approve Item 4(c)5 Approval of Liquor License - Kum & Go LC d/b/a Kum & Go #66, 5308 University Avenue - Class E Retail Alcohol License - Renewal.

Vote 23-043: Hudson, Loots, Trevillyan...3 yes  
McKinney...1 abstain due to potential conflict of interest  
Motion carried.

On Item 4(p)1 Approval of Professional Services Agreement - Digital Enterprise Private Streets Deployment, Phase 2

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

It was moved by Hudson, second by Trevillyan to approve Item 4(p)1 Approval of Professional Services Agreement - Digital Enterprise Private Streets Deployment, Phase 2.

Vote 23-044: Hudson, Loots, Trevillyan...3 yes  
McKinney...1 abstain due to potential conflict of interest  
Motion carried.

On Item 4(s) Proclamation - Recognition of Sam Kranovich

Mayor Trimble expressed condolences for the recent passing of Sam Kranovich and expressed appreciation for his lifetime of service and contributions to the West Des Moines community. He then requested that those in attendance observe a moment of silence for Mr. Kranovich.

Council member Hudson stated he had the privilege of working with Sam Kranovich at Valley

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High School, and he stated Mr. Kranovich will be missed dearly. He then read Proclamation - Recognition of Sam Kranovich.

It was moved by Trevillyan, second by Hudson to approve Item 4(s) Proclamation - Recognition of Sam Kranovich.

Vote 23-045: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

Council member Trevillyan expressed appreciation to Sam Kranovich for his contributions to the community, and he stated it was an honor to know him and be able to call him a friend.

On Item 5 - Old Business: no items

On Item 6(a) Mayor Trimble indicated this was the time and place for a public hearing to consider Prairie Fire, southwest corner of I-80 and Ute Avenue - Amend Comprehensive Plan Land Use Map to Establish Multi Use Medium, Detached Residential, Mixed Residential, and Open Space Land Use, 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 February 3, 2023 in the Des Moines Register. Mayor Trimble asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with one member abstaining and two members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan 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 Hudson to adopt Resolution - Approval of Comprehensive Plan Amendment.

Council member McKinney expressed appreciation to City staff for the time and effort they put into addressing the citizen concerns related to this development.

Vote 23-046: Hudson, 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 Amendment No. 1 to Development Agreement, initiated by Keystone Phase II, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 10, 2023 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 Hudson, second by Trevillyan to adopt Resolution - Approval of Amendment No. 1 to Development Agreement.

Vote 23-047: 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 FY 2023-24 Proposed Maximum Property Tax Dollars, 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 February 3, 2023 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 Hudson to adopt Resolution - Approval of Maximum Property Tax Dollars.

Vote 23-048: 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 South Service Area Segment 4 and 10 Sewers, 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 February 3, 2023 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 Minger Construction Companies, Inc.

Vote 23-049: 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 City Hall Lighting Control Upgrades, 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

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on February 3, 2023 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 The Waldinger Corporation.

Vote 23-050: Hudson, Loots, Trevillyan...3 yes  
McKinney...1 no

Motion carried.

On Item 7(a) Fox Ridge, Veterans Parkway and SE 25th Street - Approval of a Revised Preliminary Plat Creating 195 Lots for Single Family Residential Development and 136 Footprint Lots for Medium Density Residential Development, Six Outlots, and Nine Street Lots, initiated by D.R. Horton-Iowa, LLC and Forestar (USA) Real Estate Group, Inc.

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

Vote 23-051: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 7(b) Ashworth Road Restriping, 1st Street to 19th Street, initiated by the City of West Des Moines.

Mayor Trimble stated staff is recommending restriping this segment of Ashworth Road to convert it into three 12-foot lanes, studying how it performs, and then making a decision for the roadway going forward.

Council member Trevillyan noted the council communication indicates staff is recommending the performance be observed for “a stretch of time.” He expressed a desire to specify the length of time for the observation period, and he expressed support for an observation period of 12 months in order to gather sufficient data during all seasons.

It was moved by Trevillyan, second by Loots to adopt Motion - Approval of Design Criteria, with an amendment to specify the length of the observation period as a minimum of 12 months.

Brian Hemesath, City Engineer, responded to questions from the Council, stating the roadway would not be able to be restriped until July 2023, due to significant construction work occurring

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on 8<sup>th</sup> Street until that time. He stated staff would prefer to allow for a six-month observation period until January 2024, to allow sufficient time to acquire all the necessary right-of-way and include the project in the 2025 construction season. He noted, if the observation period were to last until July 2024, he not confident the project could be included in the 2025 construction season.

Council member Loots expressed a desire to leave the timeframe of the observation period open to staff discretion.

Del Christenson, 932 32<sup>nd</sup> Street, inquired if the widening of Ashworth Road, between 19<sup>th</sup> Street and 23<sup>rd</sup> Street, would be constructed in conjunction with the restriping from 1<sup>st</sup> Street to 19<sup>th</sup> Street.

Mayor Trimble responded the widening will not be done in conjunction with the restriping. He stated the City Council will review the data from the observation period prior to making a decision on what to do with the roadway going forward.

Charlotte Weisenhorn, 1527 Ashworth Road, stated traffic on Ashworth Road is very different between the summer months and the school year months. She expressed support for an observation period of nine months.

Council member Hudson expressed a preference for an observation period of nine months.

Vote 23-052: McKinney, Trevillyan...2 yes

Hudson, Loots...2 no

Motion failed.

It was moved by Trevillyan, second by Hudson to adopt Motion - Approval of Design Criteria, with an amendment to specify the length of the observation period as a minimum of nine months.

Vote 23-053: Hudson, McKinney, Trevillyan...3 yes

Loots...1 no

Motion carried.

On Item 7(c) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 8B (Stormwater Fees and Charges) - Modification of Fees and Charges, initiated by the City of West Des Moines

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

Vote 23-054: Hudson, Loots, McKinney, Trevillyan...4 yes

Motion carried.

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The City Clerk read the preamble to the ordinance.

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

Vote 23-055: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 7(d) 2023-24 FY Operating and Capital Budget - Establish Public Hearing on March 20, 2023, initiated by the City of West Des Moines

It was moved by Hudson, second by McKinney to adopt Resolution - Establish Public Hearing.

Vote 23-056: Hudson, Loots, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 8(a) West Des Moines Water Works Budget Amendment - Received and Filed

On Item 9 - Other Matters: none

The regular meeting was adjourned at 6:38 p.m.

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

Vote 23-057: Hardman, Hudson, Loots, McKinney, Trevillyan...5 yes  
Motion carried.

Entered Executive Session at 6:48 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Trimble, Council members Hudson, Loots, McKinney, and Trevillyan, with Council member Hardman participating via teleconference; City Manager, City Attorney, City Clerk, and retained legal counsel Mike Richards of Dentons Davis Brown.

Retained legal counsel Mike Richards of Dentons Davis Brown left the executive session at 7:23 p.m.

Human Resources Director, Human Resources Generalist, and Retained legal counsel Ann Smisek of Ahlers & Cooney, P.C. (via teleconference) entered the executive session at 7:24 p.m.

Council member Hardman ceased her participation in the executive session at 7:35 p.m.

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

Vote 23-058: Hudson, Loots, McKinney, Trevillyan...4 yes



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Motion carried.

Executive Session was adjourned at 8:15 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Russ Trimble, Mayor