

February 22, 2016

West Des Moines City Council Proceedings
Monday, February 22, 2016

Mayor Steven K. Gaer 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 22, 2016 at 5:30 PM. Council members present were: J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 16-045: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

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

Police Chief Shaun LaDue introduced Police Officer John Alex Curtis, who was then sworn in by Mayor Gaer.

Fire Chief Craig Leu introduced Fire Lieutenant Vince DeBoer, who was then sworn in by Mayor Gaer.

Greg Edwards, President and CEO of the Greater Des Moines Convention and Visitors Bureau, gave an update on his organization's activities over the past year, stating it brought approximately \$109 million in economic impact to the Des Moines metro during 2015.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed the possible creation of a SSMID (self-supported municipal improvement district) for the Valley Junction Business District, and noted that the subcommittee recommended approval of the district only if they can get support from 50 percent of the property owners within the proposed district, as opposed to the state requirement of 25 percent. The subcommittee also discussed the proposed High Quality Jobs application from Businessolver.com, possible economic development incentives for FC Stone, and potential updates to the City's purchasing policy. He also reported the City has now transitioned its banking services to West Bank and its investments to Miles Capital.

On Item 4. Consent Agenda.

Council members pulled Item 4(f) for discussion. It was moved by Trimble, second by Sandager to approve the consent agenda as amended.

- a. Approval of Minutes of February 8, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Lin Corporation d/b/a China Garden, 2020 Grand Avenue, Suite 1300 - Class BW Permit with Sunday Sales - Renewal
 - 2. Coppi Enterprise, LLC d/b/a Dino's, 5962 Ashworth Road - Class LC Liquor License with Sunday Sales - New
 - 3. Famous Dave's Ribs, Inc. d/b/a Famous Dave's, 1720 22nd Street - Class LC Liquor License with Sunday Sales - Renewal
 - 4. Hy-Vee, Inc. d/b/a Hy-Vee #4, 555 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - March 10, 2016
 - 6. Kum & Go LC d/b/a Kum & Go #66, 5308 University Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 7. Anything Improv, LLC, d/b/a The Last Laugh Comedy Theater, 1701 25th Street - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
 - 8. Rogers Entertainment, Ltd., d/b/a Legends American Grill, 640 South 50th Street, Suite 2110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 9. Sri Ganesh, LLC d/b/a Paradise Biryani Pointe, 6630 Mills Civic Parkway, Suite 3102 - Class BW Permit with Native Wine and Sunday Sales - Renewal
 - 10. Samurai Sushi & Hibachi Restaurant, Inc. d/b/a Samurai Sushi & Hibachi Restaurant, 7125 Mills Civic Parkway, Suite 110 - Class LC Liquor License with Sunday Sales - Renewal
 - 11. Team United Roller Derby d/b/a Team United Roller Derby, 2019 Grand Avenue (Skate West) - 5-Day Class BB Permit for Event on March 5, 2016 - New
 - 12. The Wine Experience at Younkers Jordan Creek, LC, d/b/a The Wine Experience at Younkers Jordan Creek, 101 Jordan Creek Parkway, Building 6000 - Class BW Permit with Carryout Wine and Sunday Sales - Renewal
 - 13. Cost Plus, Inc. d/b/a World Market, 4100 University Avenue, Suite 210 - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
- d. Approval of Extended Sound Permit - Glen Oaks Country Club, 1401 Glen Oaks Drive
- e. Approval of Appointment - Board of Adjustment
- g. Approval of Agreement Amendment - Raccoon River Park Softball Complex Irrigation
- h. Order Construction:
 - 1. 2014 Street Rehabilitation Sidewalk Ramp Program
 - 2. 2016 PCC Reconstruction Program
- i. Accept Work - 2015 Sewer Rehabilitation Program
- j. Approval of Compensation - City Attorney
- k. Approval of High Quality Jobs Program Application - Businessolver.com, Inc.

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- l. Acceptance of Public Improvements - Mills Crossing (Turn Lanes, Median Improvements and Sanitary Sewer)
- m. Approval and Acceptance or Purchase Agreements, Deeds and Easements - South 60th Street Improvements Project
- n. Affirming Development Requirements Related to Transfer of Property - Hurd Real Estate Services, Inc.
- o. Approval of Access Agreements with Martin Marietta Corporation and Raccoon River Land Company, LLC Related to the Grand Prairie Parkway Improvement Project

Vote 16-046: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(f) Approval of Renaming of West Des Moines Community Center

Council member Trevillyan inquired how staff reached the recommendation to rename it the “Valley Junction Activity Center”.

Gary Scott, Director of Parks and Recreation, responded staff brainstormed 80 to 100 possible names for the facility and “Valley Junction Activity Center” was recommended to the Parks and Recreation Advisory Board, and they approved it, so that is the name being recommended to the Council tonight. He stated staff conducted Google searches and “Valley Junction Activity Center” was one name that did not generate results for other facilities that could cause confusion. He also stated the name meets the criteria to define what the facility is.

Council member Trevillyan inquired if the Council could defer on renaming the facility until the remodeling is complete and the use of the facility is better defined.

Mr. Scott stated the current name does create confusion with Polk County’s Westside Community Center, so staff would prefer to change the name at this time.

It was moved by Mickelson, second by Sandager to approve Item 4(f) Approval of Renaming of West Des Moines Community Center.

Vote 16-047: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(a) Village of Ponderosa, east of South 60th Street at Village View Drive - Amend Specific Plan Ordinance to Modify Commercial Wall Signage Regulations, initiated by W West Investments, LLC

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

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Vote 16-048: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-049: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 16-050: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - Grand Avenue and I-35 Ramps, initiated by the City of West Des Moines

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

Council member Trevillyan inquired when these traffic signals will have electrical power.

Bret Hodne, Public Works Director, responded staff is waiting for Mid-American Energy to provide the electric service to these traffic signals but anticipates it will be within the next couple weeks.

Vote 16-051: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-052: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 16-053: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 2016-17 FY Operating and Capital Budget, 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 12, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

City Manager Tom Hadden stated the proposed budget will keep the tax rate constant, and it adds ten new positions, most of which will be in the public safety departments. He noted the budget has been vetted by the City Council during their budget workshop.

It was moved by Trevillyan, second by Sandager to adopt Motion - Approval of Budget.

The Council members commended staff for their time and efforts in preparing the proposed budget.

Vote 16-054: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed \$9,100,000 Essential Corporate Purpose General Obligation Bonds, 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 11, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Sandager, second by Trimble to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 16-055: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds, 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 11, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Sandager to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 16-056: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider SE Soteria Avenue - SE Pine Avenue to SE Willow Creek Drive, 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 12, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Corell Contractor, Inc.

Vote 16-057: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2016 City Parking Lot Repair Program, 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 12, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Iowa Erosion Control, Inc.

Vote 16-058: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Valley View Aquatic Center and Holiday Park Aquatic Center Heater Replacement Project, 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 5, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Base Bid Contract and Add Alternate B to Pleva Mechanical, Inc.

Council member Trevillyan inquired how long the heaters had been operating.

Gary Scott, Director of Parks and Recreation, responded they have been operating for 10 to 15 years, which is the typical life expectancy for pool heaters that operate in a harsh environment of water and chlorine.

Vote 16-059: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2015 Channel Repair Program, 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 12, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Elder Corporation.

Vote 16-060: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Southwoods Plat 2, 5003 EP True Parkway - Subdivide Property into Two Lots, initiated by Kum & Go, LC

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It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements.

Ryan Hardisty, Civil Design Advantage, explained the proposed preliminary would divide the property into two lots, with one lot being used for a new Kum & Go convenience store, and the application is not proposing any revisions to the current entrances onto EP True Parkway or 50th Street. He noted the applicant has no objections to any of the staff comments, and the plat would create additional street lots for the potential future widening of EP True Parkway and 50th Street.

Council member Trevillyan inquired what the future plans are for the existing store building on the property, considering the parking capacity on the property would be reduced greatly by the construction of the proposed convenience store.

Siobhan Harman, Kum & Go, stated the store building lot will go on the market for sale. She also stated Kum & Go understands the parking regulations, and if the store building lot needs to be repurposed, they will address the parking situation at that time.

Vote 16-061: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(b) Aspen Valley, 8241 and 8249 Bailey Drive - Approval of Plat-of-Survey to Create Two Parcels for Transfer of Ownership, initiated by Arrow Properties

It was moved by Trimble, 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 following conditions of approval:

1. A lot tie agreement to permanently lot tie the two parcels with the 8270 Ashworth Road property shall be executed and provided to City staff prior to recording this Plat of Survey.

Vote 16-062: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(c) Issuance of Not to Exceed \$9,250,000 (Essential Corporate Purpose and General Corporate Purpose) General Obligation Bonds, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Resolution - Authorizing the Issuance and Levying a Tax.

Vote 16-063: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 7(d) 2016-17 FY Hotel/Motel Tax Allocations, initiated by the City of West Des Moines

City Manager Tom Hadden stated staff recommends continuing this item to the next Council meeting to allow time for further discussions on the City's hotel/motel tax obligations to the Greater Des Moines Convention and Visitors Bureau and Bravo Greater Des Moines.

It was moved by Mickelson, second by Trevillyan to continue Item 7(d) 2016-17 FY Hotel/Motel Tax Allocations to March 7, 2016.

Council member Trimble explained that the proposed hotel/motel tax allocations recommended by the Finance and Administration Subcommittee have minimal changes from the previous year's allocations. He stated the Subcommittee has requested that hotel/motel tax recipients also seek hotel/motel tax funds from other impacted communities in addition to West Des Moines.

Vote 16-064: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 6:39 p.m.

It was moved by Sandager, second by Trimble to go into Executive Session per Chapter 21 of the Iowa Code, to discuss pending/threatened litigation.

Vote 16-065: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

Entered Executive Session at 6:43 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Mickelson, Sandager, Trevillyan and Trimble; City Manager, City Attorney, and City Clerk.

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

Vote 16-066: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

Executive Session was adjourned at 7:14 p.m.

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Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor