October 17, 2016

West Des Moines City Council Proceedings
Monday, October 17, 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, October 17, 2016 at 5:30 PM. Council members present were: J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson noted staff is recommending the following amendments to the agenda:

- Items 4(j)1 Establish Consultation Meeting and Public Hearing - Osmium Urban Renewal Area and 4(j)2 Establish Consultation Meeting and Public Hearing - Amendment #2 to Alluvion Urban Renewal Area both need corrections to the legal descriptions
- Item 4(n) Approval of Offer to Purchase and Agreement - Madison County Property for Future Park is being removed from the agenda and will be brought forward at a future meeting
- Item 6(a) Browns Woods Estates Comprehensive Plan Amendment and Rezoning should have listed two separate ordinances instead of one

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

Vote 16-398: Mickelson, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

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

Council member Messerschmidt arrived at 5:31 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 3. Council/Manager/Other Entities Reports

Fire Chief Craig Leu introduced Firefighters Brad Kain, Jerod Schenimann, and Tyler Wallace, who were then sworn in by Mayor Gaer.

Council member Trimble reported he participated in a firefighter challenge, and he expressed appreciation for the West Des Moines Fire Department.

Council member Mickelson reported the Iowa Wild have agreed to assist the City with installing an outdoor ice skating rink. He also reported he attended a meeting with Angelou Economics, where an update was given on the findings of their recent survey, and he noted in the coming weeks Angelou Economics will provide to the City a report with recommendations based on

their findings.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where an update was given on the Valley Junction Alley Improvements project. He also reported he is participating in a committee project with the West Des Moines Community School District intended to assist West Des Moines students with career preparation.

City Manager Tom Hadden reported the City has again been awarded the Government Finance Officer's Association Certificate of Achievement for Excellence in Financial Reporting Award, and he commended the finance department for this accomplishment.

Mayor Gaer reported he attended an unveiling of DART's public art bus in Valley Junction. He also attended a 7th grade humanities class at Stillwell Junior High School, where the students produced videos promoting the City of West Des Moines.

On Item 4. Consent Agenda.

Council members pulled Item 4(k)3 for discussion. It was moved by Trimble, second by Sandager to approve the consent agenda as amended.

a. Approval of Minutes of October 3, 2016 and October 7, 2016 Meetings
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Costco Wholesale Corporation d/b/a Costco Wholesale #788, 7205 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    2. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - November 10, 2016
    3. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - November 16-17, 2016
    4. Kountry Manor Antiques Collectables and Gifts, d/b/a Memory Lane Antiques Valley Junction, 208 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
    5. Miss NiNi's Fine Desserts, LLC d/b/a Miss NiNi's Desserterie, 9200 University Avenue, Suite 2104 - Class BW Permit - New
    6. Riley Drive Entertainment V, Inc., d/b/a Taco Hangover, 265 50th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    7. Target Corporation d/b/a Target Store T-0069, 1800 35th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
d. Approval of Memorandum of Agreement - DMARC Food Pantry

e. Approval of Grant Agreement - 2015 Continuum of Care Rapid Rehousing Program
f. Approval of IT Support Services Agreement - WestCom
g. Approval of Contract - Snow Removal and Ice Control Services
h. Approval of Contract Services Agreement - Architectural Design Standards
i. Approval of Change Order #2 - South 50th Street Widening Project
j. Establish Consultation Meeting and Public Hearing:
    1. Osmium Urban Renewal Area
    2. Amendment #2 to Alluvion Urban Renewal Area
k. Approval of Professional Services Agreements:
    1. City Hall Exterior Renovations
    2. Veterans Parkway Enhancements
l. Approval of Roadway Naming and Addressing Guidelines
m. Approval of Agreement with the City of Des Moines for Temporary Closure and Detour of Walnut Creek Trail - Grand Avenue Siphon Replacement Project
n. Removed

Vote 16-399: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(k)3 Approval of Professional Services Agreement - Water Quality Community Art Project

Council member Trimble requested additional information on this item and inquired why the contract doesn't end until July 31, 2017.

Sally Ortgies, Interim Director of Parks and Recreation, explained this project is the second commissioned piece of art that the Public Art Advisory Commission is undertaking, and it will be intended to promote awareness of water quality. The project is expected to include permanent artwork, temporary artwork, and a community event. She also stated the contract goes to July 31, 2017, because the project is expected to take at least that long.

It was moved by Trimble, second by Trevillyan to approve Item 4(k)3 Approval of Professional Services Agreement - Water Quality Community Art Project.

Vote 16-400: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) Della Vita, northwest corner of 88th Street and EP True Parkway - Rezone Property from Unzoned to a Planned Unit Development (PUD), initiated by Interchange Partners Property

It was moved by Sandager, second by Messerschmidt to consider the second reading of the ordinance.

Vote 16-401: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the second reading of the ordinance.

Vote 16-402: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-403: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) - South Grand Prairie Parkway, North Corporate Limits to Mills Civic Parkway, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to consider the second reading of the ordinance.

Vote 16-404: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the second reading of the ordinance.

Vote 16-405: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-406: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - South Grand Prairie Parkway, North

Corporate Limits to Mills Civic Parkway, initiated by the City of West Des Moines

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

Vote 16-407: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-408: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-409: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - South Grand Prairie Parkway, North Corporate Limits to Mills Civic Parkway, initiated by the City of West Des Moines

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

Vote 16-410: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-411: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-412: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 12 (Truck Routes) - South Grand Prairie Parkway, North Corporate Limits to Mills Civic Parkway, initiated by the City of West Des Moines

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

Vote 16-413: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-414: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-415: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Browns Woods Estates, west side of Veterans Parkway approx. 500 ft. south of SE Browns Woods Drive - Amend the Comprehensive Plan Land Use Designation from Low Density Residential to Single Family Residential and Rezone from Residential Estate to Residential Single Family, initiated by Venture Homes, LLC (Continued from October 3, 2016). He asked for the date the notice was published and the City Clerk indicated the notice was published on September 16, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-1, with two members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request, several correspondences have been received and included with the Council communication, and one additional correspondence was received today.

Mayor Gaer requested staff provide an overview report on this item.

Lynne Twedt, Development Services Director, reported the current zoning would allow 103 units to be placed in this development. The initial request for this development was an entirely smaller-lot, single-family development, but staff recommended that there be a transition of size between the existing estate lots to the north and west and the proposed small lots. She noted a number of the neighboring property owners have expressed a desire for the area to remain zoned

entirely as "RE". Staff has recommended that the lots be zoned RS-20, minimum of 20,000sf, have a minimum depth of 200 feet (there would be no depth requirement with the current "RE" zoning), the rear-yard setback be increased from 35 feet to 80 feet, and the rear-yard setback for detached accessory structures be increased from 5 feet to 50 feet. She also stated staff has drafted architectural standards for the development to ensure variety of housing designs and materials.

Mayor Gaer asked if there were any public comments.

Keven Crawford, Cooper Crawford and Associates, 475 South 50th Street, Suite 800, representing Venture Homes, stated the initial request was to rezone the development to "R-1" and develop 108 lots, but after incorporating the restrictions recommended by staff, the current proposal is down to 76 lots. He also noted Venture Homes has agreed to the architectural standards proposed by staff.

Chris Pose, 317 6th Avenue, Suite 300, Des Moines, representing Mark and Kathy Larson, who own property adjacent to the proposed development, requested that the north and west portions of the development remain zoned as "RE-1A", as it has been indicated in the comprehensive plan for decades. He stated the proposed "RS-20" zoning for those portions, even with the increased setbacks, would result in greater density in that area than there would be if it remained "RE-1A". He also noted the proposed development would only have one access to Veterans Parkway for the time being, so only the eastern 750 feet of the development could be developed until another connection is made or the homes beyond that 750 feet are constructed with sprinklers to comply with City Code. Since he does not consider that western portion to be development ready, he suggested the Council might only consider rezoning the eastern portion at this time, and consider the western portion once a second access is constructed.

Peter Pashler, 2075 SE Sylvan Rill Road, representing the Sylvan Rill Homeowners Association, requested that Ms. Twedt provide him with the report she gave to the Council in writing, as his association will meet to review it and provide feedback.

Lynn Planchon, 2235 SE Browns Woods Lane, stated she bought her home, which is north of the proposed development, with the expectation that the neighboring property would remain zoned "RE-1A". She expressed concerns that the smaller lot sizes of the proposed "RS-20" zoning would ruin the rural feel of the neighborhood. She requested that the north and west portions of the development remain zoned as "RE-1A".

Mark Smith, 2192 SE Browns Woods Ridge, noted a previous owner of 2.5 acres in this area had made a request to the City to subdivide his property into half-acre lots, but his request was denied at that time because the area is zoned "RE-1A". He requested clarification how that request differed from what the applicant is requesting today.

Jon Paulsen, 5917 Meadow Valley Court, stated he owns the property south of the proposed development, and his property is zoned "RM-8" for medium-density residential. He expressed

concerns that the proposed rezoning, which would allow smaller lot sizes, would result in having more lots adjoining his property line, and he believes those future property owners could be opposed to the development of his "RM-8" property. He stated he would support the request if the proposed development is required to put in some type of a buffer along his property line.

Ms. Twedt stated according to the City Code, if a zoning change results in a buffer requirement, it would be the responsibility of the property having its zoning changed, so in this case a segment of the buffer would be required on the single-family property and the remainder would be required on the medium-density property.

Kathy Stelford, 2225 SE Browns Woods Lane, representing the Julian Estates Homeowners Association, expressed concerns that the City is considering a zoning change for this property that differs from what has been indicated in the comprehensive plan for decades, and she expressed concerns that it could someday change again to something even more undesirable. She requested that the north and west portions of the development remain zoned as "RE-1A".

Mark Stelford, 2225 SE Browns Woods Lane, expressed concerns that the proposed development would have a much higher density than the existing neighborhoods in the area. He noted he lives on a 1.2 acre property, but the proposed rezoning would reduce the lot sizes behind him from 40,000 sq. ft. to 20,000 sq. ft.

Margaret Munro, 2480 SE 11th Street, requested that the north and west portions of the development remain zoned as "RE-1A" and expressed concerns that the proposed development will have a negative impact on her property's value and the wildlife in the area.

Barney Munro, 2480 SE 11th Street, noted the West Des Moines City Council set a precedent 20 years ago by denying a request to develop small residential lots in this area, so he bought his property with the expectation that any future requests for development would be subject to that precedent. He requested that the land remain as-is, and he expressed concerns about the proposed development having a negative impact on his property's value.

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

Council member Trevillyan expressed concerns that this process has not been proactive in soliciting feedback from the surrounding property owners.

It was moved by Trimble, second by Sandager to continue Item 6(a) Browns Woods Estates Comprehensive Plan Amendment and Rezoning to the October 31, 2016 meeting to allow time for the developer and residents to meet and try to find a compromise.

Vote 16-416: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) and Chapter 1 (Performance Standards) - Establish Performance Standards for Snow Maintenance Facilities, 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 30, 2016 in the Des Moines Register. Mayor Gaer 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 ordinance amendment.

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 consider the first reading of the ordinance.

Vote 16-417: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-418: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations) - Allow Eating Places and Drinking Places Uses in Light Industrial and General Industrial Zoning Districts, 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 30, 2016 in the Des Moines Register. Mayor Gaer 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 ordinance amendment.

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

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance.

Council member Trevillyan expressed concerns about adopting an ordinance to allow eating/drinking places in light industrial and general industrial districts to accommodate one

speculative business, when there are other areas available that are zoned for eating/drinking places.

Lynne Twedt, Development Services Director, explained there is a trend across the country of converting old warehouses into eating/drinking establishments. She noted this proposed ordinance is being brought forward due to a request for a distillery at a building in an industrial district, at which they want to also include elements of an eating/drinking establishment. Staff has reviewed the request and did not have any concerns with the proposed ordinance to allow eating/drinking places in light industrial and general industrial districts, as long as an industrial property can meet Code requirements for parking at an eating/drinking establishment.

Vote 16-419: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Trevillyan … 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance.

Vote 16-420: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Trevillyan … 1 no
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 2016-17 FY Operating and Capital Budget - Amendment #3, 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 October 7, 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 Messerschmidt to adopt Resolution - Approval of Budget Amendment #3.

Vote 16-421: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) West Green Industrial Park Plat 1, 175 South 9th Street - Approval of Final Plat to Create 39 Lots for Industrial Condominiums, initiated by West Green Industrial Park Plat, LLC

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

Vote 16-422: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Issuance of $7,200,000 General Obligation Bonds, Series 2016C, initiated by the City of West Des Moines

Jenny Blankenship, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulation of bids for this bond issuance and reported five bids were received, which included 44 bidders that went in as syndicates. She stated the low bid, submitted by Hutchinson, Shockey, Erley & Co., came in at a true interest rate of 1.7777 percent.

It was moved by Sandager, second by Trevillyan to adopt Motion - Receive and File Report of Bids and Resolution - Award Sale.

Vote 16-423: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Issuance of $11,425,000 General Obligation Urban Renewal Bonds, Series 2016D, initiated by the City of West Des Moines

Jenny Blankenship, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulation of bids for this bond issuance and reported six bids were received, which included 47 bidders that went in as syndicates. She stated the low bid, submitted by Robert W. Baird & Co., came in at a true interest rate of 2.2446 percent.

It was moved by Sandager, second by Trevillyan to adopt Motion - Receive and File Report of Bids and Resolution - Award Sale.

Vote 16-424: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - South 50th Street and Wistful Vista Drive, initiated by the City of West Des Moines

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

Vote 16-425: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-426: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) - 60th Street, North Corporate Limits to Grand Avenue, initiated by the City of West Des Moines

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

Vote 16-427: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-428: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 7:18 p.m.

It was moved by Sandager, second by Trevillyan to go into Executive Session per Chapter 20.17 of the Iowa Code, to discuss contract negotiations.

Vote 16-429: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Entered Executive Session at 7:23 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Messerschmidt, Mickelson, Sandager, Trevillyan and Trimble; City Manager, City Attorney, City Clerk, Human Resources Director, and Legal Counsel Jim Hanks.

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

Vote 16-430: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Executive Session was adjourned at 7:35 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor