

January 8, 2018

West Des Moines City Council Proceedings
Monday, January 8, 2018

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, January 8, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending a change to the Ordinance language for Item 7(d) Modification to Sanitary Sewer Charges.

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

Vote 18-001: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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

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

Council member Sandager reported he attended a meeting of the West Des Moines Water Works Board of Trustees, where an economic development grant to the City was approved. He also attended a meeting of the Library Board of Trustees, where discussion was held on a recent fire incident in the library, the proposed city campus amphitheater project, a van-wrap sponsored by the Library Friends Foundation, and it was reported that the library was served by nearly 4,000 volunteer hours this past year. He also reported a Legislative Subcommittee meeting was held, where the new lobbyists for the City were introduced.

Council member Mickelson reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on potential regulations on TV antennas for residential areas and on roll screens at restaurants, bars and retail businesses, and an update was given on the Westfield Office Building project.

Council member Hardman reported she has been meeting with City staff to educate herself on the City's operations, and she expressed appreciation for the helpfulness and hospitality of the staff.

Mayor Gaer reported the committee exploring the possibility of regionalizing water utilities continues to meet, and the Des Moines Register Editorial Board has scheduled a meeting with representatives of that group to discuss that subject.

January 8, 2018

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of December 27, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Great Plain's Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 2. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 3. F & K Hagar, L.L.C. d/b/a Manhattan Grill, 1960 Grand Avenue, Suites 29-31 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 4. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal
 - 5. Waterfront Seafood Market, Inc. d/b/a Waterfront Seafood Market, 2900 University Avenue - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
- d. Approval of Tobacco Permit
- e. Approval of Reappointment - Human Rights Commission
- f. Approval to Sell Surplus City Equipment
- g. Approval of Purchase - PC Replacement
- h. Approval and Acceptance of Ingress/Egress Easement - Schroder Construction Services, 1120 Railroad Avenue
- i. Order Construction:
 - 1. 2017 Sewer Rehabilitation Program
 - 2. Middle Creek Trunk Sewer Extension
 - 3. Valley View Aquatic Center Partial Roof Replacement
 - 4. Veterans Parkway Tree Cutting, SE 50th Street to SE Maffitt Lake Road
- j. Accept Work:
 - 1. 2016 Sewer Rehabilitation Program
 - 2. SE 35th Street Bridge Replacement
- k. Approval of Proposal from MidAmerican Energy Company for Underground Electric Service Extension - Walnut Creek Outfall Pump Station
- l. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement - The Parkways

Vote 18-002: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

January 8, 2018

On Item 4(m) Approval of Amendment to Property Tax Rebate Program

Council member Mickelson stated he is supportive of expanding this program, but he inquired why this proposed amendment is adding this particular this area.

Clyde Evans, Director of Community and Economic Development, reported the proposed area includes some parcels with the potential for infill development. There are also some property owners in that area considering funding major renovations through the IEDA High Quality Jobs program, and City funds allocated through the property tax rebate program would count towards the City's match requirement for the IEDA High Quality Jobs program.

Mayor Gaer noted the property tax rebate program is set to expire on December 31, 2018, so he requested that staff place it on an agenda of the Finance and Administration Subcommittee for review, so that it can be determined whether the program will continue far in advance of that expiration date.

It was moved by Mickelson, second by Sandager to approve Item 4(m) Approval of Amendment to Property Tax Rebate Program.

Vote 18-003: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), and Chapter 10 (Performance Standards) - Update Definitions and Regulations Pertaining to Alternative Residential Structures, 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 18-004: Hardman, Mickelson, Sandager, Trevillyan...4 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 18-005: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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

January 8, 2018

Vote 18-006: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations) - Regulate Variety Stores in the Neighborhood Commercial District, initiated by Wellington Square, LLC

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

Vote 18-007: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-008: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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

Vote 18-009: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Maple Grove Lift Station, 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 December 29, 2017 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 Mickelson, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Gator Excavating, Inc.

Vote 18-010: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

January 8, 2018

On Item 7(a) The Preserve on Grand Plat 2, north of Grand Avenue at South 33rd Street - Approval and Release of Final Plat for Single Family Residential Development, initiated by Diligent Grand Avenue 67, LLC

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

Council member Mickelson requested confirmation that the proposed development would not worsen stormwater drainage conditions in the area,

Jake Becker, McClure Engineering Company, confirmed that the stormwater drainage conditions will not be worsened at all by the proposed development, and in some cases will actually be improved.

Vote 18-011: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(b) Continental Plaza Plat 2, 7300 Westown Parkway - Plat Property into Two Commercial Lots, Two Street Lots, and One Outlot for Detention, initiated by Penta Partners, LLC

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

Vote 18-012: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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

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

Vote 18-013: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-014: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

January 8, 2018

On Item 7(d) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 8C (Sanitary Sewer System User Charges) - Modification of Rates, initiated by the City of West Des Moines

It was moved by Sandager, second by Hardman to consider the first reading of the ordinance, with the correction as noted by the memorandum from staff.

Vote 18-015: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the first reading of the ordinance, with the correction as noted by the memorandum from staff.

Vote 18-016: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(e) Inter-Fund Loan between the Sewer Enterprise Fund and the Stormwater Enterprise Fund, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to approve Inter-Fund Loan

Council member Mickelson inquired if this action could have any impact on the bond rating agencies' opinions of the City's finances.

Tim Stiles, Finance Director, responded this is not an uncommon transaction for cities, and it doesn't affect the City's overall cash position or any metrics used by the bond rating agencies.

Vote 18-017: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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

On Item 9 - Other Matters

Mayor Gaer noted for "Legislative Updates", there is nothing to discuss at this time.

Dennis Garcia, 204 7th Street, read an article from the July 29, 1976 issue of the Des Moines Tribune, which related to the City's efforts to relocate the residents of Lincoln Street, including Mr. Garcia's grandparents, as there was no sewer or water services in that area at that time, and it was prone to flooding from the Raccoon River. He noted he is currently dealing with his own issues that are somewhat related.

January 8, 2018

Council member Hardman reported she and staff already have a meeting scheduled with Mr. Garcia to discuss his concerns.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor