February 5, 2018

West Des Moines City Council Proceedings
Monday, February 05, 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, February 5, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, K. Trevillyan, and R. Trimble. Council member J. Sandager participated via telephone.

City Clerk Ryan Jacobson noted staff is recommending the swearing in of several Fire Department staff be postponed to the February 20th Council meeting.

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

Vote 18-043: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Mayor Gaer read a statement on behalf of the City regarding a recent incident of alleged racial profiling at a retail store in West Des Moines. He stated the City of West Des Moines strives to provide and foster a safe and respectful environment for all and condemns any actions that discriminate or provide unfair treatment to any individual or group. He also highlighted a number of actions taken by the City towards that goal, including participation in the West Des Moines School District's community equity, diversity and multicultural conversation series, the work of the Human Rights Commission, and the proposed ordinance requiring non-discrimination language in contracts.

Julie Stauch, 4712 Westwood Drive, spoke about the recent incident of alleged racial profiling at a retail store, and she stated this is a community issue and called for the Mayor and Council to stand in opposition to such behavior. She expressed appreciation for the City's efforts on inclusivity and stated she hopes to see those efforts continue.

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

Council member Hardman reported she attended a meeting of the Public Safety Subcommittee, where updates were given on the Police Department's implementation of body cameras and their recruitment open house coming up on February 17. She also reported she attended a number of ribbon cutting ceremonies at new businesses. She also reported she received a number of phone calls regarding the recent incident of alleged racial profiling at a retail store, and she concurs with the Mayor's comments.

Carole Chambers, President/CEO of the West Des Moines Chamber of Commerce, provided an update on the organization's activities over the past year, noting their membership has increased by more than 25 percent.

On Item 4. Consent Agenda.

It was moved by Trimble, second by Trevillyan to approve the consent agenda as presented.

a. Approval of Minutes of January 22, 2018 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Coach's Pizza, LLC d/b/a Coach's Pizza, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    2. 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
    3. 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
    4. 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, Sunday Sales, and Outdoor Service - Renewal
d. Approval of Tobacco Permit
e. Approval of Orders for Violations of Alcohol Laws
f. Approval of Appointments:
    1. Bicycle Advisory Commission
    2. Board of Adjustment
    3. Civil Service Commission
    4. Human Rights Commission
    5. Library Board of Trustees
    6. Plan and Zoning Commission
    7 Public Art Advisory Commission
g. Approval to Sell Surplus City Equipment
h. Approval and Acceptance of Private Access Road Installation Agreement - 9040 University Avenue
i. Establish Public Hearing - 2018-19 FY Operating and Capital Budget
j. Establish Public Hearings:
    1. Issuance of Not to Exceed $13,000,000 General Obligation Urban Renewal Bonds
    2. Issuance of Not to Exceed $8,675,000 General Obligation Bonds
k. Order Construction:
    1. 2017 Intake Repair Program
    2. Valley View and Holiday Aquatic Centers VFD Replacements
    3. Woodland Hills Park Tennis and Basketball Courts

l. Accept Work:
   1. 2017 HMA Resurfacing Program
   2. 98th Street Improvements Project
   3. Grand Prairie Parkway Improvements, Mills Civic Parkway to Wendover Road
   4. Holiday Park Baseball Improvements, Phases 4B and 5

m. Approval of IEDA Economic Development Assistance Contract - Zirous, Inc.

n. Establish Public Hearing - Amendment #1 to the Osmium Urban Renewal Area

o. Approval of Amended and Restated 28E Agreement with the City of Des Moines - Walnut Creek Outfall Pump Station

p. Approval and Acceptance of Permanent Easement - Walnut Creek Outfall Pump Station

q. Approval and Acceptance of Purchase Agreement and Easement - Raccoon River Drive Bridge Replacement

r. Approval and Acceptance of Purchase Agreements and Property Interests - Project Osmium Public Infrastructure

s. Approval of Right-of-Way Encroachment Easement - Electrical Engineering and Equipment

t. Approval to Advertise and Receive Bids for the Sale and Removal of Residential Improvements Located on City-Owned Property

Vote 18-044: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 2 (Board of Adjustment) and Title 9 (Zoning), Various Chapters - Modify the Process, Approval, and Requirements for Permitted Conditional Use Permits, initiated by the City of West Des Moines

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

Vote 18-045: Hardman, 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 second reading of the ordinance.

Vote 18-046: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 18-047: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 8 (Building Regulations), Chapter 5 (Site Grading Regulations) and Chapter 6 (Construction Site Erosion and Sediment Control) and Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures) - Modify the Procedures and Requirements for Grading Permits, initiated by the City of West Des Moines

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

Vote 18-048: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 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 18-049: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 18-050: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Modify the Bulk Regulations for Non-Residential Zoning Districts, initiated by the City of West Des Moines

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

Vote 18-051: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-052: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 18-053: Hardman, 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 2 (Through Streets Stop Required) - Maple Street, from 8th Street to 14th Street, initiated by the City of West Des Moines

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

Vote 18-054: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 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 18-055: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 18-056: Hardman, 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 5 (No Parking Zones) - 10th Street, from Grand Avenue to 80 ft. south of Grand Avenue, initiated by the City of West Des Moines

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

Vote 18-057: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-058: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 18-059: Hardman, 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 Middle Creek Trunk Sewer Extension, 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 January 26, 2018 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 Rognes Corporation.

Vote 18-060: Hardman, 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 2017 Sewer Rehabilitation 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 January 26, 2018 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 Hydro-Klean, LLC.

Council member Mickelson inquired if there is a reason why the bids are significantly under the engineer's estimate.

Brian Hemesath, Interim City Engineer, responded a lot of contractors were able to get caught up on their project backlog during the fall and early winter, due to good weather, so they are now eager to earn contracts for new projects.

Vote 18-061: Hardman, 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 Veterans Parkway Tree Cutting, SE 50th Street to SE Maffitt Lake Road, 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 January 26, 2018 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 Trevillyan, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to J. Pettiecord, Inc.

Vote 18-062: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Valley View Aquatic Center Partial Roof Replacement, 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 January 26, 2018 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 Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Mohr Construction.

Vote 18-063: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Elevate at Jordan Creek, northeast corner of South 91st Street and Cascade Avenue - Subdivide Property into One Lot for Construction of a 180-unit Apartment Complex with a Clubhouse and Pool, initiated by The Garret Companies

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

Council member Trimble requested that staff confirm the developer will not be allowed to build anything until they've taken care of the surety.

Lynne Twedt, Development Services Director, responded that is correct. The developer will have to take care of the surety before the final plat can be released for recordation.

Vote 18-064: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Dawson Ridge Plat of Survey, 9450 Boonville Road - Create One Parcel for Transfer of Ownership of an Existing Home and Create a Parcel for Dedication of Future Right of Way, initiated by 117 Land Company, LLC

It was moved by Trimble, second by Trevillyan 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 18-065: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 1 (Administrative), Chapter 10 (Finances) - Provide Mandatory Non-Discrimination Language in Contracts, initiated by the City of West Des Moines

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

Council member Hardman inquired if this ordinance would apply to contracts already in place or only future contracts.

Mayor Gaer responded it would only apply to future contracts going forward.

Vote 18-066: Hardman, 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 18-067: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) - Declare Substandard or Deteriorating Building Exteriors to Be Nuisances if Not Remedied within Six Months, initiated by the City of West Des Moines

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

Vote 18-068: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-069: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 8 (Building Regulations), Chapter 2 (Building Codes) - Declare That City-Issued Building Permits Expire Six Months from the Date of Issue Unless the City Has Approved of an Extension, initiated by the City of West Des Moines

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

Vote 18-070: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-071: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported staff had directed the City's lobbyist to register the City in support of HSB 552/SSB 3107, which addresses 911 emergency communication systems. The Mayor and Council agreed with that position.

Ms. Letzring also reported staff had directed the City's lobbyist to register the City as opposed to HF 2063, which would revise tax increment financing laws to the detriment of the City, and in favor of HF 2103, which would allow ground emergency transportation providers to receive supplemental reimbursements from the Federal Government for uncompensated care costs for Medicaid patients. The Mayor and Council agreed with that position.

Ms. Letzring also reported staff recommends the Council vote to register as opposed to HSB 568/SSB 3110, which addresses lease-purchase agreements. She stated the bill's current

language is very broad and could impede on the City's participation in public-private partnerships and economic development grants.

The Mayor and Council held discussion on HSB 568/SSB 3110 and agreed that, due to the ambiguity of the bill, the City should register as opposed.

Mayor Gaer stated that the City recently went through an RFP process for legal services, and Dorsey & Whitney, LLP has been retained for legal counsel regarding economic development and bond financing matters. He then invited attorneys Dave Grossklaus and John Danos to introduce themselves.

Mr. Grossklaus and Mr. Danos stated they are excited to serve the City as its legal counsel and look forward to working with the staff and elected officials.

It was moved by Sandager, second by Hardman to approve Motion - Direct Staff to Register the City as Opposed to HSB 568/SSB 3110

Vote 18-072: Hardman, Mickelson, Sandager, Trevillyan ... 4 yes
Trimble ... 1 abstain due to potential conflict of interest
Motion carried.

Council member Sandager stated he also concurs with the Mayor's comments regarding the recent incident of alleged racial profiling at a retail store in West Des Moines.

The meeting was adjourned at 6:26 p.m.

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

Vote 18-073: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Entered Executive Session at 6:32 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Hardman, Mickelson, Trevillyan and Trimble, with Council member Sandager participating via telephone; City Manager, City Attorney, City Clerk, Human Resources Director, Police Chief, and Legal Counsel Jim Hanks.

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

Vote 18-074: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Executive Session was adjourned at 7:22 p.m.

February 5, 2018

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor