

February 20, 2018

West Des Moines City Council Proceedings
Tuesday, February 20, 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 Tuesday, February 20, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

Mayor Gaer introduced Cub Scout Den 16 from Pack 242.

The members of Cub Scout Den 16 from Pack 242 led the reciting of the Pledge of Allegiance.

City Clerk Ryan Jacobson noted staff is recommending the swearing in of several Fire Department staff and the West Des Moines Robotics Club Presentation be postponed to the March 5th Council meeting.

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

Vote 18-075: Hardman, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

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

A report was given on the upcoming West Des Moines Quasquicentennial celebration, also known as "WDM125," by Sally Orgies, Director of Parks and Recreation, and Jim Miller, Executive Director of the Historic Valley Junction Foundation. The celebration will be tied in with many of the existing annual events that occur between May and September later this year.

Council member Sandager arrived at 5:32 p.m. The attendance was re-taken. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble

Council member Trevillyan reported he attended a meeting of the Public Services Subcommittee, where a report was given on the Iowa DOT crash analysis website and discussion was held on a drone purchased for City use. He stated a drone policy has been drafted and will be approved administratively by the City Manager.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed a grant application for the proposed Raccoon River Park boathouse project and reviewed applications for property tax rebate program. The subcommittee also discussed future funding of the Historic West Des Moines redevelopment programs, and there was a split

recommendation between the committee members.

Mayor Gaer suggested the funding for the Historic West Des Moines redevelopment programs be added to the agenda for an upcoming council meeting.

Council member Mickelson reported the Development and Planning Subcommittee met and discussed potential redevelopment along Ashworth Road, west of Jordan Creek Parkway, and a grant application for a proposed public art project that would produce solar energy. The subcommittee also discussed a potential ordinance to address the production and sale of medical cannabidiol.

Council member Hardman reported she attended a meeting of the Human Rights Commission, where Sanjita Pradhan was elected as the new chair and two new commission members were introduced. She reported she and other City staff and elected officials attended the West Des Moines Community School District's equity forum. She also expressed appreciation to the Public Services Department for their efforts in keeping the streets safe during recent winter weather events.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of February 5, 2018 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. The Dollar Experience, LLC d/b/a The Dollar Experience, 510 Elm Street - Class BC Beer Permit - 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. Gilroy's, LLC d/b/a Gilroy's Kitchen + Pub + Patio, 1238 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 5. Hy-Vee, Inc. d/b/a Hy-Vee Gas #4, 665 South 51st Street - Class BC Beer Permit with Sunday Sales - Renewal
 - 6. 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 7-8, 2018
 - 7. 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
 - 8. Samurai Sushi & Hibachi Restaurant, Inc. d/b/a Samurai Sushi & Hibachi Restaurant, 7125 Mills Civic Parkway, Suite 110 - Class LC Liquor License with

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- Sunday Sales - Renewal
- 9. Indianola Hotel, LLC d/b/a West Des Moines IA Sleep Inn & Suites, 885 51st Street - Class LB Liquor License with Carryout Wine and Sunday Sales - Renewal
- 10. Boggs Properties, LLC d/b/a Sully's Irish Pub, 860 1st Street - Class LC Liquor License Extension of Outdoor Service - March 17, 2018
- 11. Punyesh, LLC d/b/a Vine Food & Liquor, 2704 Vine Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
- 12. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Add Carryout Wine Privileges to Existing Class LC Liquor License
- 13. W2005/Fargo Hotels (Pool C) Realty, LP d/b/a West Des Moines Residence Inn, 160 South Jordan Creek Parkway - Special Class C Liquor License - Renewal
- d. Approval of Extended Sound Permits:
 - 1. Sully's Irish Pub, 860 1st Street
 - 2. Wellman's Pub & Rooftop, 597 Market Street
- e. Approval of Reappointment - Sister Cities Commission
- f. Approval of Contract Agreements:
 - 1. Landscape Maintenance
 - 2. Portland Cement Concrete
- g. Approval of Change Order #13 - South 60th Street Improvements, Phase 1
- h. Approval and/or Ratification of Specific Fees and Charges - Development Services and Police Department
- i. Order Construction:
 - 1. Miscellaneous Repairs at Parks Restrooms/Shelters
 - 2. 2018 Concrete Trail Renovation
 - 3. Woodland Hills Park Loop Trail
- k. Approval of Professional Services Agreement - Middle Creek Trunk Sewer Wetland Restoration Monitoring
- l. Acceptance of Public Improvements:
 - 1. Reed Warehouse Sanitary Sewer
 - 2. Hurd Jordan Plat 2 Sanitary Sewer
- n. Approval to Initiate Development Agreements:
 - 1. Clinic Investments, Inc. (Wolfe Eye Clinic)
 - 2. JARCOR, LLC and Benchmark Real Estate
- o. Approval and Acceptance of Warranty Deed for Right-of-Way - The Preserve on Grand Plat 1

Vote 18-076: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(j) Accept Work - 2016 Sidewalk Improvement Program

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Council member Trimble noted the cost of this project was only \$54,000, which is significantly less than previous sidewalk improvement programs. He expressed appreciation to staff for the changes made to the process, which have reduced costs for the City and the residents.

It was moved by Trimble, second by Trevillyan to approve Item 4(j) Accept Work - 2016 Sidewalk Improvement Program.

Vote 18-077: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(m) Approval of West Des Moines Waterworks Reimbursement Policy

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

It was moved by Sandager, second by Hardman to approve Item 4(m) Approval of West Des Moines Waterworks Reimbursement Policy.

Vote 18-078: Hardman, Mickelson, Sandager, Trimble...4 yes
Trevillyan... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) 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 Trevillyan to consider the second reading of the ordinance.

Vote 18-079: 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 18-080: 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 18-081: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 5(b) 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 Hardman to consider the second reading of the ordinance.

Vote 18-082: 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 18-083: 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 18-084: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) 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 Trimble to consider the second reading of the ordinance.

Vote 18-085: 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 18-086: 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 18-087: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(a) Covenant Cove, southeast corner of 98th Street and Bishop Drive - Approval of a Comprehensive Plan Land Use Amendment to Amend the Land Use Map from Manufactured Housing to Medium Density Residential and Approval of Amendment to the 98th Street Planned Unit Development (PUD) to Change Zoning from Manufactured Housing to Residential Medium Density and Establish Development Regulations, initiated by Covenant Cove, LLC.

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to March 5, 2018.

Vote 18-088: 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 Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Update Setback Regulations Pertaining to Accessory Structures in Residential Estate 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 February 7, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member 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 Trevillyan to consider the first reading of the ordinance.

Vote 18-089: 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 18-090: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Items 6(c) through 6(i):

- 6(c) 2018-19 FY Operating and Capital Budget
- 6(d) Issuance of Not to Exceed \$13,000,000 General Obligation Urban Renewal Bonds
- 6(e) Issuance of Not to Exceed \$6,100,000 Essential Corporate Purpose General Obligation Bonds (ECP)

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- 6(f) Issuance of Not to Exceed \$675,000 General Corporate Purpose General Obligation Bonds (GCP-1)
- 6(g) Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-2)
- 6(h) Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-3)
- 6(i) Issuance of Not to Exceed \$500,000 General Corporate Purpose General Obligation Bonds (GCP-4)

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing Items 6(c) through 6(i) to March 5, 2018.

Vote 18-091: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Items 6(j) and 6(k):

- 6(j) Law Enforcement Center Lower Level Remodel, Phase 3
- 6(k) Walnut Creek Outfall - Project 1

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing Items 6(j) and 6(k) to February 23, 2018.

Vote 18-092: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (All Night Parking Prohibited) - Elm Street, 4th Street to Alley between 6th Street and 7th Street, 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 18-093: 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 18-094: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 7(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 6 (Four Hour Limited Parking) - Elm Street, 4th Street to Alley between 6th Street and 7th Street, initiated by the City of West Des Moines

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

Vote 18-095: 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 18-096: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

On Item 9 - Other Matters

Jamie Letzring, Deputy City Manager, provided a brief legislative update.

Mayor Gaer reported he, along with Ankeny Mayor Gary Lorenz and Des Moines Water Works Board Chair Sue Huppert, met with Senators Whitver and Schneider and Representatives Hagenow and Landon to discuss the status of the ongoing water regionalization discussions.

Linda Schemmel, Development Coordinator, reported the State of Iowa has adopted new regulations on medical cannabidiol. Staff has received inquiries from prospective dispensaries, and now that the regulations have been released, staff has drafted an ordinance to address the production and sale of medical cannabidiol. Staff recently learned that prospective businesses in this industry need to submit proposals to the State by March 8th with a zoning certification letter from the City; therefore the City must adopt an ordinance addressing this as soon as possible. She then presented the details of the proposed ordinance as recommended by staff.

The Mayor and Council held discussion on the details of the proposed ordinance. They expressed agreement with the staff recommendations but requested changes to allow the production only in general industrial zoning districts and the sale in any zoning district where pharmacies are currently allowed.

Ms. Schemmel inquired if the Council would be interested in bringing this forward on an accelerated approval schedule, with all three readings and adoption at the March 5th council meeting.

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The Council expressed agreement with that accelerated approval schedule.

The meeting was adjourned at 6:27 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 and potential acquisition of real estate

Vote 18-097: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Entered Executive Session at 6:33 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Hardman, Mickelson, Sandager, Trevillyan and Trimble; City Manager, Assistant City Attorney, City Clerk, Human Resources Director, Police Chief, Deputy Police Chief, and Legal Counsel Jim Hanks.

Human Resources Director, Police Chief, Deputy Police Chief, and Legal Counsel Jim Hanks left the executive session at 6:50 p.m.

Community and Economic Development Director joined the executive session at 6:50 p.m.

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

Vote 18-098: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Executive Session was adjourned at 7:19 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor