

April 30, 2018

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

Mayor Gaer welcomed the sixth grade students from Fairmeadows Elementary School participating in Student Government Day. The following students were introduced and the role they were playing: Campbell Benda, Mayor; Ava Bekkerus, Council member First Ward; Paris Walls, Council member Second Ward; Kaden Derry; Council member Third Ward; Coco Kooker, Council member at Large; Kevin Quito, Council member at Large; Stella Lovell, City Manager; Carsyn Mayer, City Attorney; Maddie Rumble, City Clerk; and Sadey Lietz, Deputy City Clerk.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to continue Public Hearing Item 6(e) Veterans Parkway, Alluvion TIF Boundary to SE 50th Street to a special council meeting on Wednesday, May 2nd.

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

Vote 18-230: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

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

Greg Edwards, President and CEO of the Greater Des Moines Convention and Visitors Bureau, presented an update on his organization's activities over the past year

Dylan Mullenix, Des Moines Area Metropolitan Planning Organization, and Evan Del Val, ISG, presented information on the engineering study that was recently completed for the Greater Des Moines Water Trails and Greenways project.

Council member Trimble expressed sympathies for the recent passing of West Des Moines resident Linda Robel.

Council member Mickelson expressed a desire for other elementary schools to have an opportunity to participate in student government day. He reported the Ashworth Road Improvements project is in progress and will significantly improve traffic flow in the area. He

also reported new businesses are opening in the Jordan West development.

Council member Hardman reported she participated in a number of activities celebrating Affordable Housing Week, including a bus tour and a symposium. She congratulated the Friends of the West Des Moines Public Library for hosting a successful wine and cheese fundraiser. She also attended a meeting with the Parks and Recreation Department, and she reported the City will be hosting a number of ice cream socials in City parks throughout the summer.

Deputy City Manager Jamie Letzring reported an Earth Day Event was held on Saturday, April 21st, which featured three goats that will soon be used for eating weeds in Southwoods Park. She also reported the Mayor's Bike Ride is coming up on Saturday, May 12th and National Public Works Week will be celebrated during the Valley Junction Farmers Market on Thursday, May 24th.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of April 16, 2018 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Tasting Station Restaurant Group, LLC d/b/a BeerStyles Gastropub & Taproom/SALT of the Hearth, 5513 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 2. Biaggi's Ristorante Italiano, LLC d/b/a Biaggi's Ristorante Italiano, 5990 University Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales and Catering Privileges - Renewal
 3. Bonsai Food Management, LLC d/b/a Dino's Bar & Grill, 5962 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
 4. Eat Thai, LLC d/b/a Eat Thai, Thai Eatery, 1821 22nd Street, #103 - Class BW Permit with Sunday Sales - Renewal
 5. Edin Imsirovic d/b/a Edin Imsirovic, 1701 25th Street (Events Center West) - 5-Day Class LC Liquor License - July 19-23, 2018
 6. El Fogon del Chivo, LLC d/b/a El Fogon, 1250 8th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 7. Kineth Hotel Corporation d/b/a Hampton Inn, 6160 Mills Civic Parkway - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
 8. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Six-Month Class LC Liquor License with Sunday Sales and Outdoor Service - New
 9. Kineth Hotel Corporation d/b/a Homewood Suites, 6220 Stagecoach Drive - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and

- Outdoor Service - Renewal
- 10. Hy-Vee, Inc., d/b/a Hy-Vee Clubroom, 555 South 51st Street, Clubroom Area - Class BW Permit with Sunday Sales - Renewal
- 11. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - May 23-24, 2018
- 12. Shekar & Oinos, LLC d/b/a Noah's Des Moines, 1805 90th Street - Class LC Liquor License with Sunday Sales - Renewal
- 13. Pike VII Management Inc. d/b/a Smashburger, 1821 22nd Street, Suite #106 - Class B Beer Permit with Sunday Sales - Renewal
- 14. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
- d. Approval of Agreement - Water Quality Xylophone Temporary Public Art
- e. Approval of Placement of Public Art - "Our Main Street" Project
- f. Approval to Advertise and Receive Bids – Sale and Re-Development of property at 5000 Westwood
- g. Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement:
 - 1. \$8,110,000 General Obligation Bonds, Series 2018A
 - 2. \$12,540,000 General Obligation Urban Renewal Bonds, Series 2018B
 - 3. \$6,465,000 General Obligation Urban Renewal Bonds, Series 2018C
 - 4. \$16,785,000 General Obligation Urban Renewal Bonds, Series 2018D
- h. Acceptance of Iowa Department of Transportation Traffic Safety Improvement Program (TSIP) Funds – Advanced Technology Traffic Signal Vehicle Detection Units
- i. Order Construction:
 - 1. 2017 Durable Pavement Markings Program
 - 2. Alluvion Water Booster Station
 - 3. South West Grand Prairie Parkway, SW Madison Avenue to Veterans Parkway
 - 4. Valley West Drive and Westtown Parkway Storm Sewer Improvements
 - 5. Intersection Improvements - Intersection of Mills Civic Parkway and South Jordan Creek Parkway and Intersection of Coachlight Drive and South Jordan Creek Parkway
 - 6. Intersection Improvements - Intersection of 1st Street and Ashworth Road and Intersection of 1st Street and Railroad Avenue
- j. Accept Work - SW 60th Street, SE 50th Street and SE Adams Street
- k. Approval of Professional Services Agreement - City Hall Renovations
- l. Approval to Initiate Development Agreement - Jai Hanuman, LLC
- m. Approval of Subcommittee Recommendations - Redevelopment Incentive Programs (Property Improvement Fund and Regulatory Compliance Fund)
- n. Approval of Settlement Agreement - Ashworth Road Improvements Project
- o. Approval of Termination of Public Easement
- p. Approval and Acceptance of Easements and Temporary Access License - Middle Creek

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- Trunk Sewer Extension
- q. Approval and Acceptance of Temporary Easement Contract Conveyance of Property Interests – Valley West Drive and Westown Parkway Storm Sewer Improvements
 - r. Accepting Public Improvements – Mill Ridge Plat 1 Phase 2
 - s. Approval of Amendment – Mill Ridge Plat 1 and Mill Ridge Plat 2 Storm Water Management Facility Maintenance Covenants and Permanent Easement Agreements
 - t. Approval of Proclamations:
 - 1. Bike Month, May 2018
 - 2. Police Officers Week - May 13-19, 2018
 - 3. Home Rule Proclamation

Vote 18-231: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Bob Josten, Dorsey & Whitney, LLP, presented information on the history of Iowa's home rule system, which was established in 1968. The City of West Des Moines, along with many cities across the state of Iowa, are adopting a home rule proclamation to celebrate the 50th anniversary of home rule in the state.

On Item 5(a) Nazarene Church Campground, 2001, 2251, and 2296 Fuller Road - Repeal Nazarene Church Campground Planned Unit Development (PUD), initiated by the City of West Des Moines

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

Vote 18-232: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-233: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 18-234: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) and Chapter 11 (Professional Commerce Park District) - Modify Bulk Regulations

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and Amend Lot Size and Lot Frontage Requirements for the Professional Commerce Park District, 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 18-235: 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 Mickelson to approve the second reading of the ordinance.

Vote 18-236: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 18-237: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 5 (Rules of the Road) - Use of Electronic Communication Device While Driving (Adopt State Code by Reference), 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 18-238: 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 Mickelson to approve the second reading of the ordinance.

Vote 18-239: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

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Vote 18-240: 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 West Grand Business Park, generally located at the intersection of Grand Avenue and South 88th Street - Amend the Planned Unit Development (PUD) to Remove Parcel 12 from the PUD Area, initiated by the City of West Des Moines (Continued from April 2, 2018 and April 16, 2018). He asked for the date the notice was published and the City Clerk indicated the notice was published on March 16, 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 PUD amendment.

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

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

Vote 18-241: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-242: 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 WDM Public Services, southwest corner of Grand Avenue and South 88th Street - Approval of a Planned Unit Development (PUD) to Allow Construction of a Public Services Facility with Associated Amenities, 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 March 16, 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 PUD ordinance.

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

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

Vote 18-243: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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The City Clerk read the preamble to the ordinance.

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

Vote 18-244: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Agreement for Private Development, initiated by JARCOR, LLC (Continued from April 16, 2018).

It was moved by Mickelson, second by Sandager to adopt Motion - Continue Public Hearing to May 14, 2018.

Vote 18-245: 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 2017-18 FY Operating and Capital Budget - Amendment #2, 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 April 20, 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 Sandager to adopt Resolution - Approval of Budget Amendment #2.

Vote 18-246: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(e) Veterans Parkway, Alluvion TIF Boundary to SE 50th Street, initiated by the City of West Des Moines

Mayor Gaer noted staff is recommending this item be continued to a special council meeting on Wednesday, May 2nd.

It was moved by Trevillyan, second by Hardman to adopt Motion - Continue Public Hearing to May 2, 2018.

Vote 18-247: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(f) Veterans Parkway Bridge over I-35, initiated by the City of West Des Moines

Mayor Gaer inquired if it would be appropriate to continue Item 6(f) to the May 2nd meeting as well.

City Attorney Dick Scieszinski responded that would be appropriate, as the two projects are related.

It was moved by Trevillyan, second by Sandager to adopt Motion - Continue Public Hearing to May 2, 2018.

Vote 18-248: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018 PCC Patching and Medians 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 April 20, 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 Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to The Concrete Company, Inc.

Vote 18-249: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Library and Law Enforcement Center HVAC Improvements, 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 April 20, 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 Sandager, second by Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Excel Mechanical Company, Inc.

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Vote 18-250: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Valley Junction Alley Improvements, Phase 5A, 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 April 20, 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 Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group, LLC.

Vote 18-251: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Fairmeadows Park Water Quality Improvements, 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 April 20, 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 Mickelson, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Apex Companies, LLC.

Vote 18-252: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Grey Hawk Business Park Plat 1, 901 South 50th Street - Subdivide Property into Two Lots for Professional Commerce Development, initiated by JM Commercial Holdings

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

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Vote 18-253: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Continental Plaza, 7300 Westown Parkway - Approval of a Site Plan to Allow Reconfiguration of the Parking Lot, initiated by Penta Partners, LLC

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

Vote 18-254: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Grand Valley Supply Well, northeast corner of South 35th Street and Grand Avenue - Approval of a Site Plan to Allow Installation of a Well to Supplement Water to a Pond, initiated by Engel Associates, Inc.

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

Vote 18-255: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) International Union of Operating Engineers, Local #234 and City of West Des Moines - Contract Period July 1, 2018 through June 30, 2022, initiated by the City of West Des Moines & Local #234

It was moved by Hardman, second by Trevillyan to adopt Resolution - Approval of Contract.

Vote 18-256: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9, Section 6-9-10 (Special Speed Zones) - Ashworth Road, 68th Street to 72nd Street, initiated by the City of West Des Moines

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

Vote 18-257: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-258: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) Comprehensive Annual Financial Report - 2016-17 FY - Received and Filed

On Item 9 - Other Matters

Jamie Letzring, Deputy City Manager, noted for “Legislative Updates”, there is nothing to discuss at this time.

The meeting was adjourned at 6:41 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor