

May 14, 2018

West Des Moines City Council Proceedings
Monday, May 14, 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, May 14, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

Acting City Clerk Katie Johnson stated staff is recommending an amendment to Public Hearing Item 6(j) Development Agreement - R&H Properties, LLC and Hannah Homes, LLC to continue it to the May 29th meeting.

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

Vote 18-264: 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:

Teree Caldwell-Johnson presented a report on the "One Economy" initiative, which serves to improve economic conditions for people of color in Polk County.

Council member Mickelson reported he attended a budget workshop for the Greater Des Moines Convention and Visitors Bureau. He also reported he, along with Council members Hardman and Trevillyan, attended the Greater Des Moines Partnership trip to Washington D.C., where discussions were held with other local leaders from the metro and a meeting was held with Representative David Young regarding the new tax bill and its potential impact on cities.

Council member Hardman reported she attended the West Des Moines Citizens of the Year ceremony, and she congratulated Tim Miller, 2018 Citizen of the Year, and JJ Kapur, 2018 Emerging Citizen of the Year. She also encouraged the public to support the Police Week activities scheduled this week. She also reported the housing needs assessment is currently in the process of soliciting input from the public, with the next public meeting scheduled for May 23rd.

Council member Trevillyan noted the West Des Moines delegation attending the Greater Des Moines Partnership trip to Washington D.C. made a request to Representative David Young for a Congressional proclamation to recognize this year's 125th anniversary of West Des Moines.

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Mayor Gaer reported he presented keys to the city to the award recipients at the West Des Moines Citizen ceremony. He also spoke at the West Des Moines Community School District's teacher appreciation ceremony.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of April 30, 2018 and May 2, 2018 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Revenge Is a Dish, LLC d/b/a Blue Moon Dueling Piano Bar and Restaurant, 5485 Mills Civic Parkway - Class LC Liquor License Extension of Outdoor Service - June 9-10, 2018
 2. Drury Development Corporation d/b/a Drury Inn & Suites, 5505 Mills Civic Parkway - Class LB Liquor License with Sunday Sales - Renewal
 3. Dino Investment, Corp. d/b/a The Filling Station, 305 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 4. BBMG Mills Civic Parkway, LLC d/b/a Grumpy Goat Tavern, 6420 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 5. Hy-Vee, Inc. d/b/a Hy-Vee Food Store #1, 1700 35th Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
 6. MM, LLC d/b/a Ladder #13, 1316 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 7. West Des Moines Hotel Associates, LLC d/b/a West Des Moines Marriott, 1250 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 8. The Operating Room, LLC d/b/a The Operating Room, 5515 Mills Civic Parkway, Suites 130 and 135 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 9. Pool IV TRS, LLC d/b/a Sheraton West Des Moines, 1800 50th Street - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service and Catering Privileges - Renewal
 10. Walgreen Co. d/b/a Walgreens #6623, 1660 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 11. Walgreen Co. d/b/a Walgreens #6677, 4900 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 12. Walgreen Co. d/b/a Walgreens #6678, 1999 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 13. Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #3762, 6365 Stagecoach Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal

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- d. Approval of Lane Closure for Special Event - Mustang Ford Show, June 3, 2018
- e. Approval of Amendment to Professional Services Agreement - West Public Services Facility
- f. Approval of Special Assessments - Nuisance Abatements (Sidewalks)
- g. Order Construction:
 - 1. Veterans Parkway, SW Wild Rose Lane to South Grand Prairie Parkway
 - 2. Valley View Park Shelter, Restroom, and Volleyball Courts
- h. Approval of Professional Services Agreement - Osmium Fiber Conduit
- i. Accept Public Improvements:
 - 1. Della Vita 88th Street Public Improvements
 - 2. Western Hills Elementary Sanitary Sewer Relocation
- j. Approval to Delete Condition of Approval - Eldorado Estates Plat of Survey
- k. Approval of Extension of Entitlement - Bridgewood Square Plat 1
- l. Establish Public Hearing - Amendment #3 to Ashworth Corridor Urban Renewal Area
- m. Approval of Sidewalk Deferral - 4100, 4200, and 4300 blocks of High Street
- n. Approval and Acceptance of Sanitary Sewer Easement - Middle Creek Trunk Sewer Extension
- o. Approval of License Agreement with Donald W. Wendl
- p. Approval of Proclamations:
 - 1. Kids to Parks Day, May 19, 2018
 - 2. Public Works Week, May 20-26, 2018

Vote 18-265: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) 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

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

Vote 18-266: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The acting 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 18-267: 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.

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Vote 18-268: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) 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

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

Vote 18-269: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The acting 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 18-270: 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 18-271: Hardman, 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 10 (Special Speed Zones) - Ashworth Road, 68th Street to 72nd Street, 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 18-272: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The acting 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 18-273: 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.

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Vote 18-274: 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 Florer Park, 1410 Locust Street - Rezone approx. 1.4 acres from Open Space to Single Family Valley Junction, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on April 27, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the rezoning request.

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 consider the first reading of the ordinance.

Vote 18-275: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The acting 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 18-276: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Sandahl Property, northwest corner of Mills Civic Parkway and South 88th Street - Amend the Comprehensive Plan Land Use Map and Establish a Planned Unit Development (PUD), initiated by Toby Torstenson.

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to June 11, 2018.

Vote 18-277: 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 Amendment to City Code - Title 2 (Boards and Commissions), Chapter 2 (Board of Adjustment), and Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures) - Eliminate the Provision that the Entitlement Runs with the Land and to Amend the Time Period in which to Establish an Approved Permitted Conditional Use, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on April 27, 2018 in the Des Moines Register. Mayor Gaer asked if any written

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comments had been received. The acting 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 Trevillyan, second by Trimble to consider the first reading of the ordinance.

Vote 18-278: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The acting 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 18-279: 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 Amendment #4 to the Westtown V Urban Renewal Area, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 4, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting 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 Urban Renewal Plan Amendment.

Vote 18-280: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(e) Agreement for Private Development, initiated by JARCOR, LLC. (Continued from April 16, 2018 and April 30, 2018)

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to May 29, 2018.

Vote 18-281: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(f) Agreement for Private Development, initiated by Clinic Investments, Inc. (Wolfe Eye Clinic).

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to May 29, 2018.

Vote 18-282: 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 Agreement for Private Development, initiated by Busy Beaver Holdings, LLC and Inspire Papercrafting, LLC. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 4, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting 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 Agreement.

Vote 18-283: 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 Agreement for Private Development, initiated by Mazur, LLC and Big Acai Corporation. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 4, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting 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 Agreement.

Vote 18-284: 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 Agreement for Private Development, initiated by Cyrus Quick and Food with Flair Catering, Inc. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 4, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated none had been received.

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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 Agreement.

Vote 18-285: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(j) Agreement for Private Development, initiated by R&H Properties, LLC and Hannah Homes, LLC

It was moved by Trevillyan, second by Hardman to adopt Motion - Continue Public Hearing to May 29, 2018.

Vote 18-286: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(k) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Steven Mumma. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 4, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting 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 Agreement.

Vote 18-287: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(l) Mayor Gaer indicated this was the time and place for a public hearing to consider Termination of Public Roadway Easement - South Grand Prairie Parkway Improvements, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 10, 2018 in the Dallas County News. Mayor Gaer asked if any written comments had been received. The acting 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 - Termination of Public Roadway Easement.

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Vote 18-288: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(m) Mayor Gaer indicated this was the time and place for a public hearing to consider Veterans Parkway, Alluvion TIF Boundary to SE 50th Street, initiated by the City of West Des Moines (continued from April 30, 2018 and May 2, 2018). He asked for the date the notice was published and the acting 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 acting 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 Elder Corporation.

Vote 18-289: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(n) Mayor Gaer indicated this was the time and place for a public hearing to consider Veterans Parkway Bridge over I-35, initiated by the City of West Des Moines (continued from April 30, 2018 and May 2, 2018). He asked for the date the notice was published and the acting 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 acting 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 Elder Corporation.

Vote 18-290: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(o) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018 HMA Resurfacing Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 4, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated none had been received.

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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 Des Moines Asphalt & Paving.

Vote 18-291: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(p) Mayor Gaer indicated this was the time and place for a public hearing to consider Booneville Road Bridge over Sugar Creek, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 4, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments.

Scott Steelman, 1477 South Sugar Creek Court, requested information on what the bridge will look like, as his property will be impacted by the project

Interim City Engineer Brian Hemesath offered to meet with Mr. Steelman and show him the plans for the project.

Mayor Gaer asked if there were any additional 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 Herberger Construction.

Vote 18-292: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(q) Mayor Gaer indicated this was the time and place for a public hearing to consider Intersection Improvements - Intersection of South 51st Street and Mills Civic Parkway and Intersection of the Jordan Creek Town Center south entrance and Mills Civic Parkway, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on May 4, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated none had been received.

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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 Absolute Concrete.

Council member Trimble inquired if this project will alleviate congestion on South 51st Street.

Interim City Engineer Brian Hemesath responded this project includes the addition of a southbound right turn lane on South 51st Street, which should alleviate some of the long traffic backups on South 51st Street.

Vote 18-293: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Comfort Inn and Suites, 1625 Jordan Creek Parkway - Approval of a Site Plan to Allow Construction of a Hotel, initiated by Jai Hanuman, LLC

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.

Vote 18-294: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Issuance of \$8,110,000 General Obligation Bonds, Series 2018A, initiated by the City of West Des Moines

Susanne Gerlach, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulations of bids for the four bond issuances. Series 2018A received eight bids, which included over 50 bidders that went in as syndicates. The low bid, submitted by Janney Montgomery Scott, LLC, came in at a true interest rate of 2.64 percent. Series 2018B received ten bids, which included over 50 bidders that went in as syndicates. The low bid, submitted by J.P. Morgan Securities, LLC, came in at a true interest rate of 2.75 percent. Series 2018C received six bids, which included 46 bidders that went in as syndicates. The low bid, submitted by Fifth Third Securities, Inc., came in at a true interest rate of 3.04 percent. Series 2018D received ten bids, which included over 50 bidders that went in as syndicates. The low bid, submitted by FTN Financial Capital Markets, came in at a true interest rate of 2.99 percent.

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

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Council member Trimble requested that staff re-send the list of CIP projects that will be funded by this bond issuance.

Vote 18-295: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Issuance of \$12,540,000 General Obligation Urban Renewal Bonds, Series 2018B, initiated by the City of West Des Moines

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

Vote 18-296: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Issuance of \$6,465,000 General Obligation Urban Renewal Bonds, Series 2018C, initiated by the City of West Des Moines

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

Vote 18-297: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Issuance of \$16,785,000 General Obligation Urban Renewal Bonds, Series 2018D, initiated by the City of West Des Moines

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

Vote 18-298: 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:

The 2018 Legislative Session Summary, prepared by Davis Brown Law Firm, was received and filed.

Mayor Gaer commended Representative Peter Cownie and Senator Charles Schneider for their leadership in their respective chambers and consideration for local option sales tax regarding the tax bill.

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The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor