

June 25, 2018

West Des Moines City Council Proceedings
Monday, June 25, 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, June 25, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 18-387: 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:

Council member Trevillyan reported he attended the “Great American Campout” event this weekend on the City Hall campus, which offered a number of outdoor activities and received a lot of positive feedback. He requested that staff provide additional information on the event.

Sally Ortgies, Parks and Recreation Director, reported this was a first-time event, but it was well attended with approximately 80 people. She stated staff received positive feedback and is considering putting the event on again next year.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed a number of items including: the proposed acquisition of the City Hall office space owned by West Des Moines Water Works, plans for multiple stormwater improvement projects near 1st Street and Grand Avenue, the proposed extension of redevelopment incentive programs in Historic West Des Moines, several proposed amendments to existing urban renewal areas, and proposed updates to the City schedule of fees and charges.

Council members Sandager and Mickelson both spoke in support of the proposed extension of the redevelopment incentive programs in Historic West Des Moines, noting they have spoken with property owners that would not have been able to redevelop their properties without the assistance of these programs.

Council member Hardman reported she attended meetings of the Development and Planning Subcommittee and the Human Rights Commission. She commended the Human Rights Commission and City Manager Tom Hadden for participating in a World Refugee Day event, and she also commended Police Captain Jim Barrett for his presentation at a meeting of the West Des Moines School District’s community equity, diversity and multicultural conversation series.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of June 11, 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 Extension of Outdoor Service - July 7-8, 2018
 - 2. Crazy Chicken, LLC, d/b/a Chicken Coop Sports Bar & Grill, 1960 Grand Avenue, Suite 23 - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
 - 3. NVN WDM, LLC d/b/a Courtyard Des Moines West/Jordan Creek, 410 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
 - 4. Blue Monday, LLC d/b/a Eggs & Jam, 1907 EP True Parkway, Suite 101 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 5. El Fogon del Chivo, LLC d/b/a El Fogon, 1250 8th Street - Class LC Liquor License Extension of Outdoor Service - July 8, 2018
 - 6. Hy-Vee, Inc. d/b/a Hy-Vee West Des Moines Health Market, 375 South Jordan Creek Parkway - Class BW Permit with Native Wine and Sunday Sales - New
 - 7. Kum & Go, LC d/b/a Kum & Go #576, 3501 EP True Parkway - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
 - 8. Wright Outdoor Solutions, Inc. d/b/a Wright Outdoor Solutions, 8000 Raccoon River Drive - Six-Month Class BW Permit with Outdoor Service - New
- d. Approval of Order for Violation of Alcohol Laws
- e. Approval of Special Event Lane Closures:
 - 1. Independence Day Parade, July 3, 2018
 - 2. Flatland Kids Triathlon, July 15, 2018
- f. Approval of Appointments:
 - 1. Revised 2018-19 Committee and Other Assignments
 - 2. Human Services Advisory Board
- g. Approval of Change Orders:
 - 1. Veterans Parkway - SW Wild Rose Lane to SW Grand Prairie Parkway, #1
 - 2. Veterans Parkway - SW Maffitt Lake Road to SE Adams Street, #2
- h. Approval of 2017-18 Fiscal Year End Transfers
- i. Approval and/or Ratification of Fees and Charges Effective July 1, 2018
- j. Order Construction - South Area Lift Station Improvements
- k. Accept Public Improvements - Jordan West Plat 3 (Paving and Storm Sewer)
- l. Approval of Professional Services Agreement:
 - 1. Citywide Benchmark Installation
 - 2. Construction Testing Services
 - 3. West Des Moines Broadband Policy and Coordination

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- 4. Design Services for Comprehensive Plan Update
- m. Establish Public Hearing Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property - South Area Lift Station Improvements
- n. Approval and Acceptance of Lot Tie Agreement and Temporary Construction Easement - Phenix Apartments, 417 5th Street
- o. Approval to Participate and Execute a Commitment Letter - Smart Growth America Small-Scale Manufacturing Technical Assistance Grant
- p. Approval of Vacation of Storm Sewer and Overland Flowage Easement - The Garrett Companies

Vote 18-388: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Cedar Ridge, northwest corner of Mills Civic Parkway and South 88th Street - Rezone 34.73 acres from 'Unzoned' to Planned Unit Development (PUD), initiated by Chayse Holdings, LLC

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

Vote 18-389: 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 Trimble to approve the second reading of the ordinance.

Vote 18-390: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 18-391: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Grand Avenue Trail - Jordan Creek to Fuller Road, initiated by the City of West Des Moines (Continued from June 11, 2018)

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue to August 6, 2018.

Vote 18-392: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 5(c) Future Funding for Redevelopment Incentive Programs in Historic West Des Moines, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Motion - Approval of Subcommittee Recommendations to Allocate \$265,267 from FY 2018-19 General Fund Reserves for the Property Improvement Fund and Regulatory Compliance Fund and Direct Staff to Include \$265,267 in the First Budget Amendment for FY 2018-19.

Vote 18-393: 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 Greenway Crossing, southeast corner of 92nd Street and University Avenue - Amend the Planned Unit Development (PUD) to Allow Additional Fuel Pumps, initiated by Hubbell Metropolitan Development Funds, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 8, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the rezoning request.

Mayor Gaer asked if there were any public comments.

Randy Downs, Hy-Vee, Inc., 5820 Westown Parkway, stated the City Council has already approved an ordinance to amend the maximum number of fuel pumps permitted in Community Commercial zoning districts, and the applicant is now following that up with an amendment to this PUD for a proposed future Hy-Vee store to be located at 92nd Street and University Avenue. He responded to questions from the Council, stating this proposed store will be the new “fast and fresh” concept, which is essentially an expanded convenience store with additional food offerings.

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 Sandager to consider the first reading of the ordinance.

Vote 18-394: 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 Sandager to approve the first reading of the ordinance.

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Vote 18-395: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) The Shoppes at Valley West, 3330 Westown Parkway - Amend Valley South/Watson Planned Unit Development (PUD) for Development Standards and Regulations, initiated by The Shoppes at Valley West, LLC

It was moved by Trimble, second by Hardman to adopt Motion - Continue Public Hearing to July 9, 2018.

Vote 18-396: 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 Agreement for Private Development, initiated by JARCOR, LLC (Continued from April 16, 2018, April 30, 2018, May 14, 2018, May 29, 2018, and June 11, 2018). He asked for the date the notice was published and the City Clerk indicated the notice was published on April 6, 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 Agreement.

Vote 18-397: 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 Agreement for Private Development, initiated by Clinic Investments, Inc. (Wolfe Eye Clinic) (Continued from May 14, 2018 and May 29, 2018, and June 11, 2018). He asked for the date the notice was published and the 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 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 Trevillyan to adopt Resolution - Approval of Agreement.

Vote 18-398: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(e) Agreement for Private Development, initiated by LTR Pointe Properties, LLC (Continued from June 11, 2018).

It was moved by Sandager, second by Hardman to adopt Motion - Continue Public Hearing to July 9, 2018.

Vote 18-399: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #5 to the Jordan Creek Urban Renewal Area, 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 June 15, 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 Urban Renewal Plan Amendment.

Vote 18-400: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 18-401: 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 first reading of the ordinance.

Vote 18-402: 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 Amendment #6 to the Amended and Restated Mills Parkway Urban Renewal Area (Subdistrict 7), 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 June 15, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The 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 Urban Renewal Plan Amendment.

Vote 18-403: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 18-404: 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 first reading of the ordinance.

Vote 18-405: 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 Amendment #3 to the Woodland Hills Urban Renewal Area, 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 June 15, 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 Trevillyan to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 18-406: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 18-407: 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 Sandager, second by Trevillyan to approve the first reading of the ordinance.

Vote 18-408: 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 Amendment #2 to the Coachlight Drive Urban Renewal Area, 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 June 15, 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 Urban Renewal Plan Amendment.

Vote 18-409: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 18-410: 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 first reading of the ordinance.

Vote 18-411: 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 Community Development Block Grant Program - 2018-19 Annual Action Plan, 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 June 8, 2018 in the Des Moines Register, June 14, 2018 in the Indianola Record Herald, June 13, 2018 in the Madisonian, and June 14, 2018 in the Dallas County News. 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.

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It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of 2018-19 Annual Action Plan.

Vote 18-412: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(k) Electric Energy - Franchise Agreement Expiring June 30, 2043, initiated by MidAmerican Energy Company.

It was moved by Sandager, second by Trevillyan to adopt Motion - Continue Public Hearing to July 9, 2018.

Vote 18-413: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(l) Natural Gas - Franchise Agreement Expiring June 30, 2043, initiated by MidAmerican Energy Company.

It was moved by Sandager, second by Trevillyan to adopt Motion - Continue Public Hearing to July 9, 2018.

Vote 18-414: 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 Sale and Removal of Single-Family Residence Located at 1875 County Line 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 June 21, 2018 in the North Warren County News. 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 - Open and Close the Public Hearing and Request that City Staff Provide a Subsequent Recommendation.

City Attorney Dick Scieszinski noted the staff recommendation will be to demolish the single-family residence.

Vote 18-415: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 7(a) Furry Friends Refuge, 3505 Mills Civic Parkway - Approval of a Site Plan to Construct an Animal Shelter, initiated by Furry Friends Refuge

It was moved by Trevillyan, second by Trimble 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.

Council member Trimble inquired what the plans are for the existing Furry Friends Refuge location at 1211 Grand Avenue.

Britt Gagne, Furry Friends Refuge, responded the 1211 Grand Avenue location will remain, so there will be two locations operating in West Des Moines.

Vote 18-416: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Benchmark Midtown Office Building, 1021 Office Park Road - Approval of a Site Plan to Allow Construction of a Two-Story, 40,000 sq. ft. Office Building, initiated by Jarcor, LLC

It was moved by Trevillyan, second by Trimble 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 18-417: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - Maple Street, 75 ft. west of 6th Street to 6th Street on the South Side, initiated by the City of West Des Moines

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

Vote 18-418: 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 18-419: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Trimble stated item 6(f) Agreement for Private Development - Ballenger Real Estate, LLC was voted down by a 2-2 vote at the June 11, 2018 meeting. However, due to the fact that Council member Sandager was absent from that meeting, he would prefer to bring it back for reconsideration with the full Council present. Under Rule 30 of the City Council Procedural Rules, he requested that the item be brought back for formal reconsideration at the July 23, 2018 council meeting.

Council member Trevillyan expressed a desire that the city-owned parcels in the 200 block of 8th Street be used for Habitat for Humanity homes, which could include a volunteer build event incorporated into an existing community event.

Council member Hardman noted that Habitat for Humanity does not build garages, which are required by City Code, so that is an issue that would need to be addressed.

Clyde Evans, Director of Community and Economic Development, stated because the lots were acquired with Woodland Hills TIF funds, they must be used for affordable housing. The intention of staff is to offer the lots to a builder to construct affordable homes, and Habitat for Humanity would qualify as such a builder. He noted Council member Hardman is correct that the garage requirement is an issue that would need to be addressed if the lots would be conveyed to Habitat for Humanity.

Mayor Gaer requested that staff place this item on an upcoming agenda of the Development and Planning Subcommittee for further discussion.

The meeting was adjourned at 6:11 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor