

July 9, 2018

West Des Moines City Council Proceedings
Monday, July 9, 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, July 9, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending amendments to Item 6(d) Electric Energy Franchise Agreement and Item 6(e) Natural Gas Franchise Agreement, as the expiration dates of those agreements should be June 30, 2038, as opposed to June 30, 2043.

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

Vote 18-422: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 2. Public Forum

Terry Gray, 1641 South 35th Street, expressed concerns about the capability of the City's stormwater infrastructure to handle extremely heavy rainfalls, such as the rain event on June 30th. He requested that the City consider improvements to the stormwater infrastructure near his home, as he has experienced flooding issues.

City Manager Tom Hadden stated staff will follow up with Mr. Gray on his concerns.

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

Police Chief Chris Scott introduced public safety chaplains Marion D. Eppright and Lincoln Guerra, who were then sworn in by Mayor Gaer.

Mayor Gaer recognized two youth baseball teams, the Iowa Saints and the Iowa Silver Sluggers.

David Lyons provided an update on the City's broadband initiative, which is intended to expand the community's access to internet service. This will start as a pilot project to offer free broadband access to an area of the Valley Junction neighborhood.

Mike Miles, Microsoft Corporation, stated Microsoft was attracted to this broadband project in West Des Moines because it supports the corporate mission of empowering people to achieve more by providing access to technology. He thanked the City for allowing Microsoft to collaborate on this project.

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Council member Mickelson commended the Parks and Recreation Department for a successful Independence Day parade. He also commended the Public Services Department for their responsiveness to a couple of recent issues. He also reported he volunteered with his company at the Valley Junction Farmers Market this past Thursday.

Council member Hardman also commended the Parks and Recreation Department for a successful Independence Day parade. She reported she attended a groundbreaking ceremony for the Wolfe Eye Clinic. She also reported she attended a meeting of the Development and Planning Subcommittee.

On Item 4. Consent Agenda.

Council members pulled Item 4(n) for discussion. It was moved by Sandager, second by Mickelson to approve the consent agenda as amended.

- a. Approval of Minutes of June 25, 2018 and June 29, 2018 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Casey's Marketing Company, d/b/a Casey's General Store #2824, 6630 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 2. Casey's Marketing Company, d/b/a Casey's General Store #2923, 1850 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 3. Casey's Marketing Company d/b/a Casey's General Store #3098, 105 Grand Avenue - Class LE Liquor License with Carryout Beer, Native Wine, and Sunday Sales - Renewal
 4. The Cheesecake Factory Restaurants, Inc., d/b/a The Cheesecake Factory, 101 Jordan Creek Parkway #12550 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 5. Hana Ramen Sushi, Inc. d/b/a Hana Ramen Sushi, 7450 Bridgewood Boulevard, #205 - Class LC Liquor License with Sunday Sales - Renewal
 6. Hy-Vee, Inc. d/b/a Hy-Vee Market Grille #4, 555 South 51st Street (Grille Area) - Class LC Liquor License with Sunday Sales - Renewal
 7. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - July 18-19, 2018
 8. Jordan Creek Lodging, LLC, d/b/a Hyatt Place at Jordan Creek, 295 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 9. P. F. Chang's China Bistro, Inc., d/b/a P. F. Chang's China Bistro, 110 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal

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10. Cinderella Story, LLC, d/b/a Shotgun Betty's - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 11. Hy-Vee, Inc. d/b/a Wahlburgers, 7105 Mills Civic Parkway, Suite 160 - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - New
- d. Approval of Order for Violation of Alcohol Laws
 - e. Approval of Parking on School Property Grass - Central Iowa Sports Opening Ceremonies at Valley Stadium
 - f. Approval of Professional Services Agreement - Pearson Park North Pedestrian Bridge Replacement
 - g. Approval of Amendment #1 to Professional Services Agreement - Raccoon River Basin Expanded Service Area
 - h. Order Construction:
 1. 2017 Guardrails Program
 2. Walnut Creek Outfall - Project 2
 3. Florer Park Site Improvements
 - i. Accept Work:
 1. 2017 Parking Lot Repair Program
 2. Fairmeadows Park Water Quality Improvements
 - j. Approval of Professional Services Agreement:
 1. North Slope Lift Station Diversion Plan
 2. 2018 Durable Pavement Markings Program
 3. 2019 PCC Reconstruction Program
 - k. Approval of Addressing - Various Locations within City Limits
 - l. Establish Public Hearing - Amendment #7 to Amended and Restated Mills Parkway Urban Renewal Area (Subdistrict #7)
 - m. Approval of Amendments to Development Agreements:
 1. National Forensic League
 2. Nine23, LLC

Vote 18-423: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 4(n) Approval of Purchase Agreement - West Des Moines Water Works

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(n) Approval of Purchase Agreement - West Des Moines Water Works.

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Vote 18-424: Hardman, Mickelson, Sandager ... 3 yes
Trevillyan... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) 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, LLLC

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

Vote 18-425: Hardman, Mickelson, Sandager, Trevillyan ...4 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 18-426: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

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

Vote 18-427: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 5(b) Amendment #5 to the Jordan Creek Urban Renewal Area, initiated by the City of
West Des Moines

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

Vote 18-428: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-429: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

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

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Vote 18-430: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 5(c) Amendment #6 to the Amended and Restated Mills Parkway Urban Renewal Area (Subdistrict 7), 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 18-431: Hardman, Mickelson, Sandager, Trevillyan ...4 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 18-432: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

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

Vote 18-433: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 5(d) Amendment #3 to the Woodland Hills Urban Renewal Area, 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 18-434: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-435_: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

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

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Vote 18-436: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 5(e) Amendment #2 to the Coachlight Drive Urban Renewal Area, 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 18-437: Hardman, Mickelson, Sandager, Trevillyan ...4 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 18-438: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

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

Vote 18-439: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 5(f) 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 Trevillyan, second by Hardman to consider the second reading of the ordinance.

Vote 18-440: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-441: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

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

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Vote 18-442: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 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 (Continued from June 25, 2018). 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; hearing none he declared the public hearing closed.

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

Vote 18-443: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-444: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Greenway Crossing, 9065 Bishop Drive - Amend the Comprehensive Plan Land Use Map and the Planned Unit Development (PUD) for PUD Parcel G to Change the Land Use Designation and Zoning from Office to High Density Residential, initiated by Hubbell Realty Company. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 29, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 3-0, with one member abstaining and three members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and PUD amendment.

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

It was moved by Sandager, second by Hardman to adopt Resolution - Approval of Comprehensive Plan Amendment.

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Vote 18-445: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

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

Vote 18-446: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-447: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 6(c) Agreement for Private Development, initiated by LTR Pointe Properties, LLC
(Continued from June 11, 2018 and June 25, 2018).

It was moved by Sandager, second by Mickelson to adopt Motion - Continue Public Hearing to
July 23, 2018.

Vote 18-448: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider
Electric Energy - Franchise Agreement Expiring June 30, 2043, initiated by MidAmerican
Energy Company (Continued from June 25, 2018). He asked for the date the notice was
published and the City Clerk indicated the notice was published on June 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 Trevillyan to consider the first reading of the ordinance.

Vote 18-449: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

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Vote 18-450: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Natural Gas - Franchise Agreement Expiring June 30, 2043, initiated by MidAmerican Energy Company (Continued from June 25, 2018). He asked for the date the notice was published and the City Clerk indicated the notice was published on June 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 Trevillyan to consider the first reading of the ordinance.

Council member Mickelson inquired about the rationale for a 20-year term for these franchise agreements.

City Manager Tom Hadden responded these agreements typically have a term of 20 or 25 years.

Vote 18-451: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-452: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 7(a) Woodland Hills of West Des Moines Plat 3, west side of South 91st Street, south of the Cascade Avenue and South 91st Street Intersection - Subdivide Property into 14 Postage Stamp Lots and One Outlot and Vacation of a Sanitary Sewer Easement, initiated by Kimberley Development Corporation, LLC

It was moved by Trevillyan, second by Sandager 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 18-453: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

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On Item 7(b) Woodland Hills of West Des Moines Plat 4, south side of Cascade Avenue, west of the Cascade Avenue and South 91st Street Intersection - Subdivide Property into Nine Postage Stamp Lots and One Outlot, initiated by Kimberley Development Corporation, LLC

It was moved by Trevillyan, second by Hardman 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 18-454: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 12 (Library Regulations), Section 2 (Rules and Regulations) - Behavior of Library Patrons, initiated by Library Board of Trustees

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

Vote 18-455: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-456: Hardman, Mickelson, Sandager, Trevillyan ...4 yes
Motion carried.

On Item 8(a) Housing Needs Assessment - Received and Filed

Mayor Gaer inquired what the next steps will be in the process.

City Manager Tom Hadden responded staff will review the assessment's findings and bring recommendations forward for Council consideration at a future meeting.

On Item 9 - Other Matters: none

The meeting was adjourned at 6:27 p.m.

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Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor