August 6, 2018

West Des Moines City Council Proceedings
Monday, August 6, 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, August 6, 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 18-485: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Tim Sickel, 405 2nd Street, expressed appreciation to the City for its response during the recent rain event on June 30th.

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

Jim Romar, West Des Moines Police Benevolent Association, stated the two-year anniversary of Police Sergeant Shawn Miller's death was August 3rd. He expressed appreciation to the Mayor and Council for recognizing him with a proclamation and their support for the Sergeant Shawn Miller Memorial Bridge.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed funding options for the proposed Central Iowa All Sports and Events Complex project, how to allocate funds for affordable housing, and a forthcoming budget amendment. He reported he also attended a meeting of the Public Safety Subcommittee, where discussion was held on the potential termination of the 28E agreement with the City of Clive regarding the shared use of Public Safety Station 22.

Council member Mickelson expressed appreciation to West Des Moines Water Works for its responsiveness during a recent water main break incident.

Council member Hardman commended the Parks and Recreation Department for organizing a series of ice cream social over the past several weeks. She also served at the City's employee recognition luncheon, and she expressed appreciation to all City staff for all the work they do to make West Des Moines a great city. She reported she also attended a meeting of the Development and Planning Subcommittee, where discussion was held on the monument sign ordinance and the recommendations of the housing needs assessment. She also met with residents impacted by the proposed Grand Avenue Trail project.

City Manager Tom Hadden stated information on the proposed Central Iowa All Sports and Events Complex project can be found on the City's website. He also stated a steering committee has been established for that project, which will be chaired by Gerry Neugent of Knapp Properties and Council members Trimble and Hardman. He also reported the "Battle of the Burbs" run/fundraiser was held this past weekend, hosted by NCMIC Insurance Company, and West Des Moines had the highest number of participants of the communities included.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of July 23, 2018 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Master of None, LLC d/b/a Barn Town Brewing, 9500 University Avenue, Suite 1110 - Class BB Beer Permit with Sunday Sales and Outdoor Service - New
    2. Five K Enterprises, LLC d/b/a Brazil Terra Grill, 2800 University Avenue, Suite 405 - Class LC Liquor License with Outdoor Service and Catering Privileges - New
    3. Pepe's, Inc. d/b/a Cabo Sol Mexican Food, 5010 Mills Civic Parkway, Suite 100 - Class LC Liquor License with Sunday Sales - Renewal
    4. Casey's Marketing Company, d/b/a Casey's General Store #2150, 2125 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
    5. Chipotle Mexican Grill of Colorado d/b/a Chipotle Mexican Grill, 490 South 68th Street, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    6. Frank's Divine Pie 8950, d/b/a Gusto Pizza Company, 8950 University Avenue - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
    7. Hometown Pizza, LLC d/b/a Hometown Pizza, 1960 Grand Avenue - Class BB Beer Permit with Sunday Sales - Renewal
    8. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #2, 1990 Grand Avenue (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
    9. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #3, 1725 Jordan Creek Parkway (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
    10. Jethro's Bacon Bacon, Inc., d/b/a Jethro's BBQ n'Bacon Bacon, 1480 22nd Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    11. Richman Enterprises, LLC, d/b/a Krueger BP, 1272 8th Street - Class BC Beer Permit - Renewal
    12. Trader Joe's East, Inc. d/b/a Trader Joe's #721, 6305 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal

13. Twin Restaurant Des Moines, LLC d/b/a Twin Peaks, 4570 University Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
14. Stu's Petroleum, d/b/a Valley West Corner Store, 1400 Valley West Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal

d. Approval of Revised 2018-19 Committee and Other Assignments
f. Approval to Sell Surplus City Equipment
g. Approval to Purchase Emergency Vehicle Preemption Equipment
h. Approval of Memorandum of Agreement - DMARC Food Pantry
i. Approval of Professional Services Agreement - Document Scanning
j. Approval of Amendment No. 1 to Professional Services Agreement - Valley Junction Alley Improvements, Phase 5
k. Approval of Change Orders:
   1. Veterans Parkway, SW Wild Rose Lane to SW Grand Prairie Parkway, #5
   2. Woodland Hills Park Tennis and Basketball Courts, #2
l. Accept Work - South 60th Street Improvements, Phase 1
m. Accept Public Improvements - The Parkways Hy-Vee Sanitary Sewer
n. Approval of Professional Services Agreements:
   1. Public Services Facility Salt Storage Building Maintenance
   2. Public Safety Station #21 and Library Generator Replacements
   3. Public Safety Facilities Exhaust Hood Fire Suppression Study
   4. Library Interior Renovation Study
   5. Valley Junction Activity Center Remodel Phase 3
   6. Raccoon River Park Concessions Remodel and Valley View Aquatic Center HVAC Replacement Study
   7. Holiday Park and Valley View Aquatic Centers Facility Assessments
   8. Booneville Road Reconstruction - South 88th Street to west of South 100th Street
   9. South 88th Street and Mills Civic Parkway Reconstruction
   10. Grand Avenue Reconstruction, east of I-35 and Trail west of I-35
   11. Fuller Road Concept Study - South 16th Street to South 19th Street
   12. City Entrance Enhancements - Level 1
   13. Traffic Signal - Grand Avenue and Raccoon River Park Entrance
   14. Central Iowa All Sports and Events Complex
o. Approval of 28E Agreements:
   1. Section 8 Housing - City of Des Moines Municipal Housing Agency
   2. Metropolitan Advisory Council Homeland Security Services - City of Des Moines
p. Establish Public Hearing - Issuance of Not to Exceed $15,400,000 General Obligation Urban Renewal Bonds
q. Approval and Acceptance of Storm Water Facility Maintenance Covenant and Permanent Easement Agreement - Westfield Office Building, 1080 Jordan Creek Parkway
r. Approval and Acceptance of Public Utility Easements - Kings Landing Plat 2

Vote 18-486: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(e) Approval to Advertise and Receive Bids for the Sale of City-Owned Property Located at 4097 High Street

Council member Trevillyan inquired if these properties will be open for anybody from the public to bid on.

City Attorney Dick Scieszinski responded yes, anybody from the public will be able to bid on these properties.

It was moved by Trevillyan, second by Sandager to approve Item 4(e) Approval to Advertise and Receive Bids for the Sale of City-Owned Property Located at 4097 High Street.

Vote 18-487: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(s) Proclamation - Recognition of Broc Everett

It was moved by Sandager, second by Hardman to approve Item 4(s) Proclamation - Recognition of Broc Everett.

Vote 18-488: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer read Proclamation - Recognition of Broc Everett

Broc Everett expressed appreciation to the Mayor and Council for recognizing his accomplishments. He also stated he is very proud to be from West Des Moines.

On Item 5(a) Somerfield, southeast corner of Mills Civic Parkway and South 50th Street - Amend the Planned Unit Development (PUD) to Modify Buffer Park Regulations, initiated by Somerfield, southeast corner of Mills Civic Parkway and South 50th Street - Amend the Planned Unit Development (PUD) to Modify Buffer Park Regulations

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

Maureen Barton, 4931 Fieldstone Drive, requested City Council approval to reduce the buffer to allow a fence to be constructed four feet from the sidewalk. She noted there are many homes around the city with fences that close to the sidewalk, so she believes a precedent has already been set to allow it.

Linda Schemmel, Development Coordinator, reported planning staff and the City's urban forester met on site with the owner and fence contractor, and found multiple feasible locations where a fence could be installed, including 10 feet from the sidewalk and several locations

within the range of 16 to 30 feet from the sidewalk. Staff expressed concerns about the requested four-foot distance, as it would destroy valuable shrubs that add to the buffer. She also stated a 15-foot setback would be consistent with how the City has applied the fence ordinance for other corner lots within the city.

Vote 18-489: 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 18-490: 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 18-491: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 5C (Solid Waste Control) - Modifications to Fees and Charges, 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 18-492: 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 18-493: 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 18-494: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 6 (Municipal Recycling), Section 6 (License Application, Term, Revocation) - Remove the Licensing Requirements for Haulers of Municipal Recycling, 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 18-495: 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 second reading of the ordinance.

Vote 18-496: 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.

Vote 18-497: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - South 34th Street and Valley View Drive, 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 18-498: 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 second reading of the ordinance.

Vote 18-499: 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.

Vote 18-500: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(e) Grand Avenue Trail - Jordan Creek to Fuller Road, initiated by the City of West Des Moines (Continued from June 11, 2018 and June 25, 2018)

Mayor Gaer noted Council member Trimble had suggested this item be continued two weeks to allow for further discussion with the property owners.

It was moved by Trimble, second by Hardman to adopt Motion - Continue Item 5(e) Grand Avenue Trail to August 20, 2018.

Vote 18-501: 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 Amendment #7 to the Amended and Restated Mills Parkway Urban Renewal Area (Subdistricts 7 and 9), 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 July 27, 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 Trevillyan to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 18-502: 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 Agreement for Private Development, initiated by Ballenger Real Estate, LLC (Continued from July 23, 2018). He asked for the date the notice was published and the City Clerk indicated the notice was published on July 13, 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 stated this agreement was previously considered by the Council, but failed on a 2-2 vote with Council member Sandager absent. Council member Trimble, as a member of the prevailing side on that vote, requested the item come back for reconsideration with the full Council present.

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 adopt Resolution - Approval of Agreement.

Vote 18-503: Hardman, Mickelson, Sandager ...3 yes
Trevillyan, Trimble ... 2 no
Motion carried.

Council member Sandager stated he spoke with a realtor about the difficulty in getting this property developed, and the realtor confirmed that the only reason these development projects are moving forward is because of the City's property tax rebate program.

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 LTR Pointe Properties, LLC (Continued from June 11, 2018, June 25, 2018, July 9, 2018, and July 23, 2018). He asked for the date the notice was published and the City Clerk indicated the notice was published on June 1, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated.

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 adopt Resolution - Approval of Agreement.

Vote 18-504: Hardman, Mickelson, Sandager ...3 yes
Trevillyan, Trimble ... 2 no
Motion carried.

Council member Hardman stated she had conversations with both business owners, and she believes these development projects serve the intended purpose of the property tax rebate program.

Council member Trevillyan noted the property tax rebate program's rules clearly state a project is not eligible if construction has started prior to submitting an application, therefore he does not support property tax rebates being awarded for these two projects because the applicants did not comply with that rule.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Walnut Creek Outfall - Project 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 July 27, 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Shank Constructors.

Vote 18-505: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Florer Park Site 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 July 27, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Caliber Concrete.

Council member Trimble inquired about the importance of the add alternate for this project, which staff is not recommending for inclusion.

Sally Ortgies, Parks and Recreation Director, responded the add alternate for a new drinking fountain in the park would have been nice to have, but the existing drinking fountain works and replacing it would require significant underground work. Staff is recommending not including the add alternate to keep the project under budget.

Vote 18-506: 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 2017 Guardrails 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 July 27, 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Dave Gryp Construction, Inc.

Vote 18-507: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7 - New Business: no items

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

On Item 9 - Other Matters

Council member Trimble thanked staff and commended them for doing research and providing information to the Council to help them make informed decisions.

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

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

_____
Steven K. Gaer, Mayor