August 20, 2018

West Des Moines City Council Proceedings
Monday, August 20, 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 20, 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 Trevillyan approve the agenda as presented.

Vote 18-508: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Mark Rocha, 495 South 51st Street, reported the sixth annual Taste of the Junction festival will be held on Saturday, September 1st in Railroad Park.

Jonas Cutler, 204 Holiday Circle, addressed the City Council regarding the importance of a trail connection along Grand Avenue, as he considers bicycling to be a critical mode of transportation, in addition to being a recreational activity. He noted there are challenges associated with installing a trail along either the west or east side of Grand Avenue, so he expressed support for the Fuller Road option.

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

Clyde Evans, Community and Economic Development Director, reported that the City's 30-second commercial, that was produced by Bing Bang and aired during the 2017 Solheim Cup, has won a "Telly" award. He noted Bing Bang is also working on a website for the City's "Go West" campaign, which will be rolled out in the coming weeks.

Brandon Bingham, Bing Bang, thanked the City for the opportunity to work with them on this commercial, which was selected as a winner in the government relations category out of approximately 500 entries. He then presented the "Telly" award to Mayor Gaer.

Council member Hardman congratulated Carole Chambers, President/CEO of the West Des Moines Chamber of Commerce, for her selection as a "Women of Influence" honoree by the Des Moines Business Record. She also reported she participated in a panel on women in politics at an event in Urbandale.

City Manager Tom Hadden reported staff has begun working on a comprehensive plan update, and he invited Lynne Twedt, Development Services Director, to provide a report on the progress.

Lynne Twedt, Development Services Director, reported the comprehensive plan update is primarily being done internally by staff, and the main focus at this point is citizen engagement. She presented graphics, such as the logo and tagline, which will be used to draw attention to the project. She also reported the website (www.ourwdm.com) will be interactive and conveniently allow the public to provide input.

On Item 4. Consent Agenda.

Council members pulled Items 4(c)3, 4(c)7, and 4(p) for discussion. It was moved by Trimble, second by Mickelson to approve the consent agenda as amended.

a. Approval of Minutes of August 6, 2018 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. 515 bar&grill, LLC d/b/a 515 bar&grill, 165 South Jordan Creek Parkway, Suite 120 & 125 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    2. Embassy Club West, LLC, d/b/a Embassy West - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    4. G.O.C.C. Investments, LLC, d/b/a Glen Oaks Country Club, 1401 Glen Oaks Drive - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    5. Fall Foods, Inc., d/b/a Godfathers Pizza, 5919 Ashworth Road - Class B Beer Permit with Sunday Sales - Renewal
    6. KRG JCS, LLC d/b/a Joe's Crab Shack #10739, 130 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    8. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Class LC Liquor License - New
    9. International Event Center, Inc., d/b/a Val Air, 301 Ashworth Road - Class LC Liquor License Extension of Outdoor Service - September 2-5, 2018
d. Approval of Special Event Lane Closures:
    1. Giles Street Block Party, August 25, 2018
    2. Taste of the Junction Multicultural Festival, September 1, 2018
e. Approval of Parking on School Property Grass - 2018 Valley Stadium Football Games
f. Approval to Sell Surplus City Equipment
g. Acceptance of Byrne-JAG Law Enforcement Grant
h. Approval of Professional Services Agreement - Hidden Point Park
i. Approval of Official Depositories
j. Accept Purchase of Equipment - Advanced Technology Traffic Signal Detector Units at Four Intersections
k. Completion of Work - East Area Traffic Adaptive Signal System

l. Approval of Deer Management Zones:
   1. 1715 SE Walnut Woods Drive
   2. 2220 South 92nd Street
m. Accept Work - Raccoon River Drive over Sugar Creek Bridge Replacement
n. Approval of Professional Services Agreements:
   1. Valley Junction Master Planning
   2. Nature Lodge HVAC Replacement, Roof Repairs and Exterior Improvements
   3. City Wide Facility Space Planning
   4. South Jordan Creek Parkway - Grand Avenue to Raccoon River Drive
   5. Cedar Ridge Sewer Extension
o. Approval of Amended 28E Agreement - Westside Fire Station

Vote 18-509: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(c)3 Approval of Liquor License - Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - Renewal

Council member Trimble stated he will abstain on this item due to a potential conflict of interest, as he has an investment with Fox Brewing, LLC.

It was moved by Trevillyan, second by Mickelson to approve Item 4(c)3 Approval of Liquor License - Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - Renewal.

Vote 18-510: Hardman, Mickelson, Sandager, Trevillyan…4 yes
Trimble… 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(c)7 Approval of Liquor License - Mac Shack, LLC d/b/a Mac Shack, 1551 Valley West Drive, Suite 253 - Class LC Liquor License with Sunday Sales - New

Council member Mickelson requested additional information on the staff concerns regarding this liquor license application.

City Attorney Richard Scieszinski reported one of the owners had several OWI arrests in his criminal history, which might reflect poorly on the applicant's moral character. However the applicant has indicated he no longer has those issues and has successfully operated other businesses. Therefore, staff does recommend approval of this application, but the language in the council communication is intended to put the applicant on notice that staff may recommend denial of a renewal if any issues arise before then.

It was moved by Mickelson, second by Hardman to approve Item 4(c)7 Approval of Liquor License - Mac Shack, LLC d/b/a Mac Shack, 1551 Valley West Drive, Suite 253 - Class LC Liquor License with Sunday Sales - New.

Vote 18-511: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(p) Approval of Dissolution of Lot Tie Agreement and Approval and Acceptance of Ingress/Egress Cross Access and Shared Parking Agreement - Country Club Dental, 1025 and 1035 60th Street

Council member Mickelson stated he will abstain on this item due to a potential conflict of interest.

It was moved by Trevillyan, second by Trimble to approve Item 4(p) Approval of Dissolution of Lot Tie Agreement and Approval and Acceptance of Ingress/Egress Cross Access and Shared Parking Agreement - Country Club Dental, 1025 and 1035 60th Street.

Vote 18-512: Hardman, Sandager, Trevillyan, Trimble…4 yes
Mickelson… 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) Grand Avenue Trail - Jordan Creek to Fuller Road, initiated by the City of West Des Moines (Continued from June 11, 2018, June 25, 2018 and August 6, 2018)

Council member Trimble stated staff has already reviewed multiple options for a trail alignment, but a couple additional options have been raised for consideration, so he would like to continue this item to allow time for staff to evaluate those options.

It was moved by Trimble, second by Hardman to adopt Motion - Continue Item 5(a) Grand Avenue Trail - Jordan Creek to Fuller Road to September 17, 2018.

Vote 18-513: 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 Boone Farm, 1809 South 50th Place - Amend the Comprehensive Plan Land Use Map from Medium Density Residential to Low Density Residential and Rezone the Property from Residential Medium Density to Residential Estate, initiated by Berniece M. Boone Charitable Trust. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 3, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent,

the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and 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 Hardman to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 18-514: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 18-515: 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 first reading of the ordinance.

Vote 18-516: 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 Amendment #3 to Alluvion 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 August 10, 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 18-517: 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 #2 to Osmium 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 August 10, 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 18-518: 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 2018-19 FY Operating and Capital Budget - Amendment #1, 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 August 10, 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 Trimble to adopt Resolution - Approval of Approval of Budget Amendment #1.

Vote 18-519: 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 Issuance of Not to Exceed $15,400,000 General Obligation Urban Renewal Bonds, 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 August 7, 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 - Instituting Proceedings to Take Additional Action.

Vote 18-520: 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 Ashworth Road Reconstruction - I-80 to 98th Street, 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 August 10, 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 Sandager to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 18-521: 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 Veterans Parkway - SE 50th Street to SW 60th Street, 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 August 10, 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 Concrete Technologies, Inc.

Vote 18-522: 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 Public Services Fueling Facility Modifications, 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 August 10, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Reject All Bids.

Vote 18-523: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Gilbert and Cook Parking Waiver, 5058 Grand Ridge Drive - Waive 12 of the Required 67 Parking Spaces, initiated by Chris Cook

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

Vote 18-524: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Deerr Property, 6225 Brookview Drive - Request to Waive Sewer Capital Charge and Direct Sewer Connection Requirement, initiated by Dennis and Jeanette Deerr

Mayor Gaer noted both staff and the Public Services Subcommittee recommended denial of these requests.

Brian Hemesath, City Engineer, reported the property owner's septic system failed, so they now need to connect to the City's sanitary sewer. Their home can be connected to the sewer either by way of an existing stub, which would require a waiver to cross another person's property, or by connecting to the manhole. He noted the property owners have also requested a waiver of the sewer capital charge, which is usually paid by the developer at the time a subdivision is platted. In this case, the subdivision was platted prior to annexation into the City, and the sewer capital charge has not been consistently paid over the years in such cases.

Jeannette Deerr, 6225 Brookview Drive, stated they are willing to connect to the manhole, so they would not need the waiver of the direct sewer connection requirement. They are requesting the waiver of the sewer capital charge, because there has been no case of the fee being charged to an individual homeowner in recent history, and they believe it would create an economic hardship for their family.

Mayor Gaer stated since the waiver of the direct sewer connection requirement is no longer being requested, the Council can deny that request.

It was moved by Trevillyan, second by Trimble to deny Resolution - Waiver of Direct Sewer Connection Requirement.

Vote 18-525: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Council member Trevillyan stated the Public Services Subcommittee recommended denial of the waiver of the sewer capital charge, because City policy requires that it be paid, and the subcommittee had concerns about setting a precedent that could lead to developers requesting the same waiver.

The Council held discussion on how this case could be differentiated so that a waiver could be granted without setting an unwanted precedent. A majority of the Council reached a consensus in support of a waiver limited to homes in the Barnes Heights development that currently have a septic system but are close enough to the City sewer to require them to connect to the sewer when their septic system fails.

Council member Trevillyan stated he would prefer a waiver be based on objective criteria that demonstrates an economic hardship as opposed to a waiver for this specific location.

It was moved by Mickelson, second by Sandager to adopt Resolution - Approval of Waiver of Sewer Capital Charge for the two properties in the Barnes Heights development that currently have a septic system but are close enough to the City sewer to require them to connect to the sewer when their septic system fails.

Vote 18-526: Hardman, Mickelson, Sandager, Trimble…4 yes
Trevillyan… 1
Motion carried.

On Item 7(c) Agreement for Private Development, initiated by Chayse Holdings, LLC

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Agreement.

Vote 18-527: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Funding Allocations for City-Wide Housing Programs, initiated by the City of West Des Moines

Christine Gordon, Housing Planner, reported the Housing Needs Assessment identified needs, priorities, and issues to inform the City's decisions to prioritize and program funds from the Woodland Hills TIF district that must be spent on low and moderate income housing. She stated staff expects the first phase to bring in approximately $1 million for low and moderate income housing, while a possible second phase is expected to bring in approximately $4 million. She then presented proposed allocations for the first $1 million of funds.

Council member Trevillyan expressed a desire to see less money allocated to the upper-story housing units program and more money allocated to the owner-occupied rehabilitation and down payment assistance programs.

The Council held discussion and expressed support for the proposed allocations, but also expressed a desire to provide input on the program guidelines.

Mayor Gaer requested that the program guidelines be reviewed at an upcoming Council workshop.

It was moved by Hardman, second by Mickelson to adopt Motion - Approval to Direct Staff to Proceed with Implementation of the Proposed Programs and Budget Amendments Necessary to Carry Out the Programs, with the allocations as recommended by staff.

Vote 18-528: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 7:07 p.m.

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor