October 15, 2018

West Des Moines City Council Proceedings
Monday, October 15, 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, October 15, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending an amendment to agenda Item 7(b) Hy-Vee Fast and Fresh Site Plan, as the address listed should be corrected to 9150 University Avenue.

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

Vote 18-567: 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:

Eighth grade students Noah Kennedy, Greg Holm, Alayna Nelson, and Lillian Tuai from Indian Hills Junior High School presented on the "Farewell 125" celebration, which will be held on Saturday, October 20th.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed future funding options for the Des Moines Area Regional Transit Authority (DART) and budget amendment #2. He also attended the Fire Department pancake breakfast on Saturday, October 13, which was very well attended.

Council member Mickelson wished a happy birthday to City Manager Tom Hadden. He reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on the entrance signage project and a proposed Steak 'n Shake restaurant.

Council member Hardman attended the West Des Moines Chamber of Commerce luncheon, where City staff presented on the comprehensive plan update. She also attended the training session on "Equity & Inclusion in America's Changing Racial Landscape." She reported the Public Safety Subcommittee met and discussed the crossing guard program and saw the new mural in the police station. She also attended the Police Department's recruiting open house and the Fire Department pancake breakfast. She stated she was interviewed by students from Stillwell Junior High School for a project related to the "Farewell 125" celebration.

City Manager Tom Hadden reported a breakfast meeting will be held Wednesday morning with potential donors for the Central Iowa All Sports and Events Complex, which will kick off the second phase of that project's fundraising effort. At that meeting, an announcement will be made regarding a naming sponsor for the project.

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 October 1, 2018 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Casey's Marketing Company, d/b/a Casey's General Store #2150, 2125 Grand Avenue - Add Carryout Wine to Existing Class BC Beer Permit
    2. Casey's Marketing Company d/b/a Casey's General Store #2297, 108 8th Street - Add Carryout Wine to Existing Class BC Beer Permit
    3. Casey's Marketing Company d/b/a Casey's General Store #3098, 125 Grand Avenue - Add Carryout Wine to Existing Class LE Liquor License
    4. Firebirds of West Des Moines, LLC d/b/a Firebirds Wood Fired Grill, 440 South 68th Street, Suite 101 - Class LC Liquor License with Sunday Sales - Renewal
    5. Kinseth Hospitality Company, Inc. d/b/a Holiday Inn Express & Suites, 240 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales - New
    6. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - October 24-26, 2018
    7. Jethro's and Jaspers, Inc. d/b/a Jethro's Jambalaya, 9350 University Avenue - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    8. Pho Shobu, LLC d/b/a Pho Shobu, 8950 University Avenue, Suite 103 - Class LC Liquor License with Sunday Sales - Renewal
    9. Riley Drive Entertainment V, Inc., d/b/a Taco Hangover, 265 50th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
d. Approval for Order of Violation of Alcohol Laws
e. Approval of Tobacco Permit
f. Approval of Revised 2018-19 Committee and Other Assignments
g. Approval of Purchase and Payment - SAN Storage Refresh
h. Approval of Memorandum of Understanding - Holiday Park Well House Buildings
i. Approval of Change Orders:
    1. Holiday Park Parking Lot Repairs, #2
    2. Valley View Park Shelter, Restroom and Volleyball Courts, #2
j. Order Construction:
    1. 2018 Durable Pavement Markings

2. 62nd and Railroad Gate Structure Repairs
3. Valley West Drive and Westown Parkway Storm Sewer Improvements

k. Accept Work - Public Safety Station 21 HVAC Improvements
l. Approval of Professional Services Agreement - Grand Avenue, South Jordan Creek Parkway to South 88th Street
m. Approval to Initiate Development Agreement - RB WDM Grand, LLC
n. Approval and Acceptance of Purchase Agreement for Property for the Central Iowa All Sports and Events Complex - W&G McKinney Farms, LC and West Grand Business Park Commercial Property Owner's Association

Vote 18-568: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5 - Old Business: no items

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Ridge 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 October 5, 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.

Vote 18-569: 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 18-570: 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 Sandager to approve the first reading of the ordinance.

Vote 18-571: 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 Veterans Parkway - SW 60th Street to SW Wild Rose Lane, 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 October 5, 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 McAninch Corporation.

Vote 18-572: 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 City Hall Renovations, 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 October 5, 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 Lang Construction Group.

Council member Trevillyan expressed concerns that the low bid was significantly over the estimate, and he inquired how staff plans to pay for the project.

Tim Stiles, Finance Director, responded staff plans to work with the contractor to redesign some components of the project to reduce the cost. He stated staff had identified cash in the general fund as the funding source for this project, which is now expected to end FY 2018 with a surplus that would help cover the additional cost. He noted there is also a possibility of using money from special revenue funds that are overfunded.

Council member Mickelson inquired if staff is confident that the quality of work from this contractor will be built to last long-term and not need additional work to be done sooner than expected, as has been the case with some other city facility projects.

Mr. Stiles responded this contractor has a good reputation, and since the bids were tight, the bidders likely had a good understanding of the project. He also noted the City hired a Facilities Engineer that is actively overseeing the project.

Council member Trevillyan inquired who will be handling inspections throughout the construction process

Brian Hemesath, City Engineer, responded Josh Clayworth, Facilities Engineer, will oversee the engineers and architects throughout the project, and the City will also contract out for commissioning of the project.

Vote 18-573: 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 Sewer Cleaning and Televising 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 October 5, 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 Diversified Infrastructure Services.

Vote 18-574: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Kings Grove Townhomes, 9975 Booneville Road - Subdivide Property into 90 Lots and One Outlot for a Townhome Development, initiated by King's Grove, LLC

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Preliminary Plat and Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 18-575: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Hy-Vee Fast and Fresh, 9150 University Avenue - Construction of a 7,925 sq. ft. Convenience Store with Gas and Drive-Thru Coffee Shop, initiated by Hy-Vee, Inc.

It was moved by Sandager, second by Trevillyan 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 18-576: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Mercy Clinic Grand, 1525 and 1535 Grand Avenue - Phased Site Plan for Footings, Foundations, and Private Utilities, initiated by Downing Construction

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

Vote 18-577: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Xcaret Club and Lounge, LLC d/b/a Xcaret Club and Lounge, 2700 University Avenue, Suite 200 - Class LC Liquor License - New

City Attorney Dick Scieszinski reported a previous application was submitted from Xcaret Club and Lounge, LLC under the ownership of Jorge Sanchez, but was denied by the City Council due to multiple criminal violations that were not disclosed on his application. The applicant has since transferred the ownership of the corporation to Maria Mendoza, who is married to Jorge Sanchez, and submitted a new application. He noted Ms. Mendoza has no criminal record, and the applicant has indicated she will be the manager of this business, while Mr. Sanchez will have very limited involvement; therefore staff is recommending approval of this application.

Police Chief Chris Scott responded to questions from the Council, stating if the Police Department is able to document and prove that Mr. Sanchez has more involvement with the business than was indicated during the application process, the City could have grounds to deny the renewal of their liquor license. He also stated the Police Department will provide the applicant information about the TIPS training program.

Maria Mendoza, owner of Xcaret Club and Lounge, LLC, stated she wants the opportunity to have a successful business.

It was moved by Trimble, second by Hardman to adopt Motion - Approval of Liquor License Application.

Vote 18-578: 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: none

The meeting was adjourned at 6:08 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor