October 29, 2018

West Des Moines City Council Proceedings
Monday, October 29, 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 29, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated there is one amendment to the agenda, as Item 3(a) Greater Des Moines Convention and Visitors Bureau update has been removed.

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

Vote 18-579: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

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

Rachel Wacker, Business Development Coordinator, reported the "Go West" website (www.gowestdesmoines.com), which was developed with Bing Bang as a promotional tool for the city, is now live. She then presented some of the features on the website, including a promotional video.

Council member Trimble reported he attended a meeting of the MPO Water Trails and Greenways Committee where discussion was held on the committee's governance structure. He also attended a meeting of the Finance and Administration Subcommittee, where discussion was held on funding for the Raccoon River Park Boathouse project, proposed amendments to the Redevelopment Funding Programs in Historic West Des Moines, a proposed contract for Sports Facility Consulting Services, and the proposed repair and replacement of items on a ladder truck. He also reported that the Des Moines Area Regional Transit Authority (DART) is considering seeking legislation to allow additional types of tax levies that are available to the cities they serve.

Council member Mickelson reported he attended the announcement of the MidAmerican Energy RecPlex, where MidAmerican Energy was revealed publicly as the naming sponsor and potential private donors were given an update on the project.

Council member Hardman reported she attended the Finance and Administration Subcommittee meeting with Council member Trimble. She also attended a meeting of the Library Board of Trustees, where discussion was held on enhancements to the library that could be funded by the

Library Friends Foundation. She reported she served as a judge at the city staff costume contest, which was part of the city's United Way campaign.

Council member Mickelson reported he also attended the "Farewell 125" event, where junior high students in West Des Moines presented information on the 125-year history of West Des Moines.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of October 15, 2018 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. On The Rise Valley West, LLC, d/b/a Blaze Pizza, 1551 Valley West Drive, Suite 225 - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
    2. Frank's Divine Pie 2800, LLC d/b/a Gusto Pizza Company, 2800 University Avenue, Suite 400 - Class BW Permit with Sunday Sales and Outdoor Service Privileges - Renewal
    3. Hy-Vee, Inc., d/b/a Hy-Vee Gas, 7280 University Avenue - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    4. Kum & Go, LC, d/b/a Kum & Go #532, 5901 Mills Civic Parkway, Building 2000 - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
    5. Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
    6. Target Corporation d/b/a Target Store T-0069, 1800 35th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
d. Approval of Repair and Replacement of Items on Fire Department Ladder Truck
f. Approval of Agreement - Sports Facility Consulting Services
g. Approval of Amendment #1 to Professional Services Agreement - Booneville Road Reconstruction, South 88th Street to west of South 100th Street
h. Approval of Change Order #3 - Woodland Hills Park Tennis and Basketball Courts
i. Approval of 28E Agreement with Iowa Alcoholic Beverages Division - Iowa Pledge Tobacco Compliance Program
j. Accept Work:
    1. Holiday Park Parking Lot Repairs
    2. Woodland Hills Park Tennis and Basketball Courts
k. Approval of Professional Services Agreements:
    1. MidAmerican Energy Company RecPlex - Commissioning
    2. MidAmerican Energy Company RecPlex - Owner's Representative Services
    3. Public Safety Station 21 Flat Roof Replacement

4. Public Services Facility and Public Safety Stations 17, 18 and 19 Garage Door Replacement
5. West Public Services Facility Commissioning

l. Approval and Acceptance of Purchase Agreements and Property Interests - Project Osmium Public Infrastructure (Veterans Parkway, SW 60th Street to SW Wild Rose Lane)

n. Proclamation - Extra Mile Day - November 1, 2018

Vote 18-580: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 4(e) Approval of Request for Proposals - Development of 221 and 225 8th Street

Council member Trevillyan stated he had previously suggested these properties be used for a community build with Habitat for Humanity. He inquired about staff's reason for recommending this go through an RFP process.

Clyde Evans, Community and Economic Development Director, responded staff is recommending the RFP process to avoid potential criticism that the City is selecting one non-profit for the project without considering others. The RFP process would make the project available to any organization, and scoring criteria will be used to select the organization that will ultimately develop the parcels.

It was moved by Trimble, second by Mickelson to approve Item 4(e) Approval of Request for Proposals - Development of 221 and 225 8th Street.

Vote 18-581: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 4(m) Approval of Subcommittee Recommendation - Redevelopment Funding Programs in Historic West Des Moines

Council member Trevillyan expressed opposition to these proposed amendments, citing concerns that a property would potentially be able to take advantage of these programs through both a property owner and a tenant, which he would consider to be "double dipping" and not consistent with the intent of these programs.

Council member Trimble stated the City did not anticipate situations like the one that initiated this request, where Nick Kuhn, a tenant in the Foundry, needs regulatory compliance funds to start a non-profit commissary kitchen operation, but the Foundry has already been awarded a property tax rebate. He noted he supports the amendments as long as the tenant has no ownership in the property, and he spoke in support of the project proposed by Mr. Kuhn.

Council member Trevillyan noted this proposed commissary kitchen project was coming all along, but the request for regulatory compliance funds only came up recently, so he feels any award of funds would not fit the criteria of a true incentive.

It was moved by Trimble, second by Hardman to approve Item 4(m) Approval of Subcommittee Recommendation - Redevelopment Funding Programs in Historic West Des Moines, with an amendment that would prohibit a tenant from receiving redevelopment incentive funds if the property has already been awarded a property tax rebate and the tenant has ownership in the property.

Council member Mickelson spoke in support of the proposed commissary kitchen project, but he stated when the redevelopment incentive programs were developed, this type of situation was not anticipated. He does not believe these cases were intended to be eligible for the program, so he will not support the proposed amendments.

Council member Hardman spoke in support of the proposed commissary kitchen project, and she expressed support for the proposed amendments because this project involves a tenant that needs the funds to advance their business and the tenant has no ownership in the property. She also noted the pilot period of the redevelopment incentive programs ends on December 31, 2018.

Council member Trimble stated since Council member Sandager is absent tonight, he would prefer to continue this item to the November 12th meeting, when the full Council will be present to vote on this item.

Council member Trimble rescinded his original motion, and Council member Hardman rescinded her second to the original motion.

It was moved by Trimble, second by Hardman to continue Item 4(m) Approval of Subcommittee Recommendation - Redevelopment Funding Programs in Historic West Des Moines to November 12, 2018.

Vote 18-582: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

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

Vote 18-583: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-584: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

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

Vote 18-585: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(b) Grand Ridge Urban Renewal Area, initiated by the City of West Des Moines

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

Vote 18-586: Hardman, Mickelson, Trevillyan, Trimble…4 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 18-587: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

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

Vote 18-588: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 2017-2018 FY Community Development Block Grant Program - Consolidated Annual Performance Evaluation Report (CAPER), 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 19, 2018 in the Des Moines Register, October 17, 2018 in the Indianola Record-Herald, October 18, 2018 in the Dallas County News, and October 17, 2018 in the Madisonian 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 Trimble, second by Hardman to adopt Resolution - Approval of CAPER.

Vote 18-589: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018-19 FY Operating and Capital Budget - Amendment #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 October 19, 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 Budget Amendment #2.

Vote 18-590: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Trail - Fuller Road to Jordan Creek, 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 19, 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 JAS Construction, LLC.

Council member Trevillyan stated he will not support this item because his preferred alignment for this project was the six-foot wide sidewalk option instead of a trail.

Vote 18-591: Hardman, Mickelson, Trimble … 3 yes
Trevillyan … 1 no
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Valley View Aquatic Center Play Structure, 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 19, 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 Fischer Bros., LLC.

Council member Trevillyan inquired if this play structure is the original from when Valley View Aquatic Center was opened.

Sally Ortgies, Parks and Recreation Director, responded this play structure has been in place since Valley View Aquatic Center first opened approximately 15 years ago.

Vote 18-592: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(a) Covenant Cove, southeast corner of Bishop Drive and 98th Street - Phased Site Plan for Footings and Foundations, initiated by Covenant Cove, LLC

It was moved by Trevillyan, second by Trimble 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.

Mayor Gaer stated there is a disagreement over a shared access drive between two private parties, but that is not related to this item.

Vote 18-593: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(b) Veterans Parkway Enhancements Folded Flags, northeast corner of SE Browns Woods Drive and Veterans Parkway - Site Plan for Site Improvements to Accommodate Folded Flag Art Display, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements.

Vote 18-594: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(c) Parkways Hy-Vee Fast & Fresh, 425 South Jordan Creek Parkway - Approval of Plat-of-Survey, initiated by Hurd Parkway, LLC

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

Vote 18-595: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(d) W & G McKinney Farms Plat-of-Survey, south side of Grand Avenue and east of South Jordan Creek Parkway - Approval of Plat-of-Survey to Create Parcel for Ownership Transfer, initiated by W & G McKinney Farms, LC

It was moved by Trimble, second by Hardman to adopt Resolution - Approval and Release of Plat-of-Survey, subject to the applicant complying with all applicable City Code requirements.

Vote 18-596: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 13 (Sister Cities Commission), Section 4 (Qualifications) - Revise the Qualifications for Sister Cities Commission Members, initiated by the City of West Des Moines

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

Mayor Gaer stated this ordinance came up because there is a very strong applicant that could assist the city in establishing a sister cities partnership in China, but she lives in Des Moines.

Council member Trevillyan expressed concerns that the Sister Cities Commission is pursuing a sister cities partnership in China when we already have one with Mateh Asher, Israel, which has not yet produced any significant outcomes. He also expressed concerns about appointing a non-resident, as he believes there must be people in West Des Moines with expertise on China.

Council member Mickelson agreed that the Sister Cities Commission needs to start producing results.

Mayor Gaer stated those concerns can be addressed another time, but the item on tonight's agenda is simply a change in the member qualifications for the Sister Cities Commission.

Vote 18-597: Hardman, Mickelson, Trevillyan, Trimble…4 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 18-598: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 8(a) Ila Plasencia Resignation - Human Rights Commission - Received and Filed

The Mayor and Council expressed appreciation to Ila Plasencia for her service to the city.

On Item 9 - Other Matters: none

The meeting was adjourned at 6:34 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor