

November 12, 2018

West Des Moines City Council Proceedings
Monday, November 12, 2018

Mayor Pro Tem Jim Sandager 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, November 12, 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 there is one amendment to the agenda, as the workshop regarding the amphitheater project is being cancelled.

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

Vote 18-601: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum

Ray Perez, 620 11th Street, spoke in opposition to the City's animal control ordinance, which has a limit of four pets per household, because he currently has approximately 70 show pigeons.

The City Council requested that staff review the animal control ordinance and respond to Mr. Perez.

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

Bret Hodne, Public Services Director, recognized Eric Goode and Jon Keimig, as their team won 1st place in the truck competition at the 2018 Snow Plow Roadeo.

Council member Trevillyan noted today is Veterans Day, and he expressed appreciation to his fellow military brothers and sisters that have served or are currently serving in the military.

Council member Trimble also expressed appreciation to the veterans, and he thanked the Parks and Recreation department for releasing content promoting the folded flags artwork that will be installed along Veterans Parkway. He also reported the Des Moines Area Regional Transit Authority (DART) Commission met and discussed potential funding options, such as seeking legislation to allow additional types of tax levies and seeking a 50-cent increase in the levy cap.

Council member Hardman also expressed appreciation to the veterans, and she reported she attended several Veterans Day celebrations.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of October 29, 2018 and November 5, 2018 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Bonefish Grill, LLC, d/b/a Bonefish Grill, 650 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 2. Pad Thai Garden, LLC d/b/a Pad Thai Garden Restaurant, 1221 8th Street - Class BW Permit with Native Wine - New
 - 3. LVP SHS Des Moines Holding Corp. d/b/a Springhill Suites Hotel, 1236 Jordan Creek Parkway - Class BC Permit with Sunday Sales - Renewal
- e. Approval of Tobacco Permit
- f. Approval of Appointment - Sister Cities Commission
- g. Approval of Oxbow Restoration Agreement
- h. Approval of Additional Property Tax Payment
- i. Establish Public Hearing - Not to Exceed \$10,750,000 General Obligation Urban Renewal Bonds
- j. Approval of Second Amendment to Indenture of Trust - Industrial Revenue Bonds - Woodgrain Millworks, Inc. d/b/a Windsor Windows
- k. Approval of Resolution of Support - Snow Fighter Appreciation Day
- l. Order Construction - Veterans Parkway Enhancements, Folded Flags
- m. Accept Work - Fox Creek Trunk Sewer, Phase 1
- n. Approval and Acceptance of Purchase Agreements and Property Interests - Ashworth Road Reconstruction, I-80 Bridge to 98th Street
- o. Approval of Professional Services Agreements:
 - 1. MidAmerican Energy Company RecPlex - Architectural Services
 - 2. West Public Services Facility Building Envelope
 - 3. The Parkways Turn Lane on South Jordan Creek Parkway
 - 4. Valley Junction Activity Center - Phase 3A Reception Remodel
- p. Approval of Seventh Amended and Substituted 28E Agreement and Amended and Substituted Bylaws - Des Moines Area Metropolitan Planning Organization
- q. Proclamation - Small Business Saturday, November 24, 2018

Vote 18-602: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(d) Approval of Order for Violation of Alcohol Laws

Council member Mickelson expressed concerns that Police Department staff time is being spent on enforcing alcohol laws at a retirement community.

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It was moved by Mickelson, second by Trimble to approve Item 4(d) Approval of Order for Violation of Alcohol Laws.

Vote 18-603: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) 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 second reading of the ordinance.

Vote 18-604: 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 18-605: 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 18-606: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Redevelopment Funding Programs in Historic West Des Moines, initiated by the City of West Des Moines (Continued from October 29, 2018)

It was moved by Trimble, second by Sandager to adopt Motion - Approval of Subcommittee Recommendation.

Council member Trimble stated he believes the proposed amendment to the program's eligibility requirements makes sense, as it would allow both landlords and tenants to receive funding for different projects within the same building.

Council member Trevillyan expressed opposition to the proposed amendment, because the second year of the program is almost complete, and this change was not even brought up until two weeks ago. He noted it would not be fair to other potential applicants that would become eligible through this amendment but were not eligible to apply previously and did not think to request a change in the eligibility requirements. He also noted the application that initiated this

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amendment was submitted on October 25th, but he believes it should not have been accepted by staff because it was not even eligible at the time.

Council member Mickelson stated he believed the intention for this program was to provide incentives to property owners but not tenants, therefore he does not support the proposed amendment.

Council member Trimble stated he believes the program has already awarded funding to tenants for projects done in conjunction with the property owner.

Clyde Evans, Community and Economic Development Director, confirmed several tenants have applied for and received funding from these programs, but those applications required signatures from the property owner as well.

Vote 18-607: Hardman, Sandager, Trimble ...3 yes
Mickelson, Trevillyan ... 2 no

Motion carried.

Mr. Evans requested clarification that the Council's motion to approve the amendment is also intended to allow the application that initiated this amendment to become eligible to proceed through the review process.

Mayor Pro tem Sandager confirmed the application should become eligible to proceed.

On Item 6(a) Mayor Pro Tem Sandager indicated this was the time and place for a public hearing to consider Bridgewood, northwest corner of Jordan Creek Parkway and Bridgewood Boulevard - Amend Planned Unit Development (PUD) to Allow Monument Signs on Parcel M to Include Any Business within Bridgewood Square Regardless of Property Lines, initiated by Bridgewood Commercial, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 30, 2018 in the Des Moines Register. Mayor Pro tem Sandager asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the PUD amendment.

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

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

Vote 18-608: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-609: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Pro Tem Sandager indicated this was the time and place for a public hearing to consider Valley West Drive and Westtown Parkway Storm Sewer 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 November 2, 2018 in the Des Moines Register. Mayor Pro tem Sandager asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro Tem Sandager 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 J&K Contracting, LLC.

Vote 18-610: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Pro Tem Sandager indicated this was the time and place for a public hearing to consider 62nd and Railroad Gate Structure Repairs, 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 November 2, 2018 in the Des Moines Register. Mayor Pro tem Sandager asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro Tem Sandager 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 J&K Contracting, LLC.

Vote 18-611: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Mayor Pro Tem Sandager indicated this was the time and place for a public hearing to consider 2018 Durable Pavement Markings, 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 November 2, 2018 in the Des Moines Register. Mayor Pro tem Sandager asked if any written comments had been received. The City Clerk stated none had been received.

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Mayor Pro Tem Sandager 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 Quality Striping, Inc.

Vote 18-612: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Campiello Point, 6460 Galleria Drive - Subdivide Property into 16 Postage Stamp Lots and One Outlot, initiated by NJREC, Inc.

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

Vote 18-613: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Cedar Ridge Village, 8950 Coachlight Drive - Construction of a Two-Story, 78,506 sq. ft. Continuum Care Facility, initiated by Scenic Development, LLC

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 and the conditions of approval listed in the Resolution.

Vote 18-614: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Greenway Crossing North Access Drive, 9100 block of University Avenue - Construction of North Access Road, initiated by Hubbell Metropolitan Development Fund I, LLC (Series B)

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 and the conditions of approval listed in the Resolution.

Vote 18-615: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Event Center West, 1701 25th Street - Parking Waiver for Your Private Bar Event Venue, initiated by Margulies Property Management

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

Vote 18-616: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Hardman inquired on the status of the report from the Greater Des Moines Convention and Visitors Bureau that had been scheduled for the October 29th meeting but was cancelled.

City Manager Tom Hadden responded that report is forthcoming and will be scheduled for a future council meeting.

The meeting was adjourned at 6:03 p.m.

It was moved by Trevillyan, second by Sandager to go into Executive Session per Chapter 20.17 of the Iowa Code, to discuss contract negotiations.

Vote 18-617: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Entered Executive Session at 6:17 p.m. with the following persons present in the Teamwork Room of City Hall: Council members Hardman, Mickelson, Sandager, Trevillyan, and Trimble; City Manager, City Attorney, City Clerk, Human Resources Director, and Legal Counsel Jim Hanks.

It was moved by Sandager, second by Trevillyan to adjourn from Executive Session.

Vote 18-618: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Executive Session was adjourned at 6:25 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

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ATTEST:

Jim Sandager, Mayor Pro tem