December 26, 2018

West Des Moines City Council Proceedings
Wednesday, December 26, 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 Wednesday, December 26, 2018 at 5:30 PM. Council members present were: J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson noted staff is recommending a change to Item 4(q) Amendment to Project Osmium Development Agreement, as a small change has been made to one of the exhibits.

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

Vote 18-660: Mickelson, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 2. Public Forum

Jonas Cutler, 204 Holiday Circle, expressed opposition to the proposed Local Option Sales and Services Tax special election in Polk County scheduled for March 2019. He suggested it would be better to include that on the ballot for the next City election in November 2019, as he believes it would result in higher voter turnout and reduce election costs to the City.

Richard Rogers, 2417 Fuller Road, agreed with Mr. Cutler's suggestion that the Local Option Sales and Services Tax special election in Polk County should not be held in March 2019, because he believes not enough time has passed since the March 2018 special election. He also spoke in opposition to the proposed Local Option Sales and Services Tax, because he doesn't believe any quality of life improvements are needed in West Des Moines.

On Item 3. Council/Manager/Other Entities Reports: No reports.

On Item 4. Consent Agenda.

It was moved by Mickelson, second by Sandager to approve the consent agenda as presented.

a. Approval of Minutes of December 10, 2018 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Class BW Permit with Sunday Sales - Renewal

2. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
3. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal
4. Waterfront Seafood Market, Inc. d/b/a Waterfront Seafood Market, 2900 University Avenue - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal

d. Approval of Appointments:
   1. Revised 2018-19 Committee and Other Assignments
   2. Board of Adjustment

e. Acceptance of 2019 Emergency Solutions Grant - Iowa Finance Authority

f. Approval of Lease Agreement - Free Clinics of Iowa

g. Approval of Contract Agreement Amendment - Library Custodial Services

h. Approval of Change Order #1 - Veterans Parkway, SW 60th Street to SW Wild Rose Lane

i. Approval of Professional Services Agreement - Raccoon River Park River Access

j. Approval of REAP Grant Agreement and Reallocation of CIP Funds - Raccoon River Park Boathouse

k. Accept Work - Florer Park Site Improvements

l. Approval of Professional Services Agreements:
   1. Johnson Creek Realignment - Environmental Permitting
   2. West Public Services Facility - Arc Flash Study

m. Approval of 28E Agreement - North Raccoon River Watershed Management Coalition Authority

n. Establish Just Compensation and Approve Acquisition of Property - Cedar Ridge Sewer Extension

o. Establish Public Hearing - Amendment #6 to Jordan Creek Urban Renewal Area

p. Approval of Continuation of Property Tax Rebate Program

q. Approval of Amendment #1 to Development Agreement - Microsoft Corporation (Project Osmium)

Vote 18-661: Mickelson, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning) - Provide for the Implementation of High-Density Residential Buildings within the Professional Commerce Park District, initiated by the City of West Des Moines

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

Vote 18-662: Mickelson, Sandager, 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 18-663: Mickelson, Sandager, 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 18-664: Mickelson, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

Council member Hardman began participating via telephone at 5:39 p.m.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office, and Industrial Zoning District) - Allow Appliance Stores in Neighborhood Commercial and Support Commercial Districts, 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 18-665: 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 18-666: 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 18-667: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) - South Grand Prairie Parkway, Raccoon River Drive to southern terminus, 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 18-668: 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 18-669: 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 18-670: 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 5 (No Parking Zones) - South 93rd Street, 250 north of Stagecoach Drive to 200 feet south of Stagecoach Drive on the west side of the street, initiated by the City of West Des Moines

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

Vote 18-671: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 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 18-672: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 18-673: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - South Grand Prairie Parkway, Raccoon River Drive to southern terminus, 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 18-674: 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 18-675: 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 18-676: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(f) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) - Eliminate Garage Requirement for Single Family Detached and Multi-Family Condominium Regime Developments, initiated by the City of West Des Moines (Continued from December 10, 2018)

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Second Reading to January 21, 2019.

Vote 18-677: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Raccoon River West, south of Raccoon River adjacent to the future extension of SW Grand Prairie Parkway - Amend Comprehensive Plan Land Use Map to Designate Medium Density Residential and Open Space Land Use and Establish Single Family Residential (R-1), Residential Medium Density (RM-12) and Agricultural/Open Space Zoning, initiated by Raccoon River Land Company, LLC (Continued from November 26, 2018).

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 Motion - Continue Public Hearing Indefinitely.

Vote 18-678: 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 Wirtz PUD, 815 South 51st Street - Amend Comprehensive Plan Land Use Map and Planned Unit Development (PUD) for PUD Parcel C to Change Land Use Designation and Zoning from Office to Support Commercial, initiated by Steak N Shake Iowa, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 7, 2018 in the Des Moines Register. Mayor Gaer 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 comprehensive plan amendment and PUD amendment, and one correspondence was received which was included with the council communication.

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

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Comprehensive Plan Amendment.

Council member Trimble inquired if the proposed Comprehensive Plan amendment would increase the size allowed for a sign on this property.

Lynne Twedt, Development Services Director, responded yes, the amendment would allow for an interstate sign.

Vote 18-679: Hardman, Mickelson, Sandager, Trevillyan … 4 yes
Trimble … 1 no
Motion carried.

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

Vote 18-680: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-681: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(c) Acceptance of Bid for the Sale of Real Property (locally known as 8086 South Orilla Road, Norwalk, Iowa), initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to January 7, 2019.

Vote 18-682: 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 Conveyance of City-Owned Property to City of Des Moines - Located at the northwest corner of Iowa Highway 28 and Browns Woods Drive n/k/a Veterans Parkway, 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 December 14, 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 Mickelson to adopt Resolution - Approval of Conveyance of Property.

Vote 18-683: 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 Booneville Road Reconstruction, South 88th Street to west of South 100th 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 December 14, 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 Acquisition of Agricultural Property.

Vote 18-684: 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 South 88th Street and Mills Civic Parkway Reconstruction, 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 December 14, 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 Acquisition of Agricultural Property.

Vote 18-685: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Covenant Cove Plat 1, southeast corner of 98th Street and Bishop Drive - Subdivide Property for a 212 Unit Townhome Development, initiated by Covenant Cove, LLC

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

Vote 18-686: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Mercy Clinic, 1535 and 1525 Grand Avenue - Approval of Site Plan to Construct a 10,955 sq. ft. Medical Clinic, initiated by Downing Construction

It was moved by Trevillyan, second by Trimble 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 18-687: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Comprehensive Annual Financial Report - 2017-18 FY - Received and Filed

On Item 8(b) West Des Moines Water Works - 2019 Budget - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 5:53 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

December 26, 2018

ATTEST:

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Steven K. Gaer, Mayor