February 19, 2019

West Des Moines City Council Proceedings
Tuesday, February 19, 2019

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 Tuesday, February 19, 2019 at 5:30 PM. Council members present were: J. Mickelson, K. Trevillyan, and R. Trimble. Council member R. Hardman participated via telephone.

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

Vote 19-066: 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:

Council member Hardman reported she is participating via telephone tonight because she is home recovering from knee surgery.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of February 4, 2019 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Famous Dave's Ribs, Inc. d/b/a Famous Dave's, 1720 22nd Street - Class LC Liquor License with Sunday Sales - Renewal
    2. FormaroStuffed.com, LLC d/b/a Formaro's Stuffed, 2500 Grand Avenue (softball complex) - Class BB Beer Permit with Sunday Sales and Outdoor Service - New
    3. Git N Go Convenience Stores, Inc. d/b/a Git N Go Convenience Store #4, 1325 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
    4. C.C.W., LLC d/b/a Huhot Mongolian Grill, 4100 University Avenue, Suite 101 - Class BW Permit with Sunday Sales - Renewal
    5. Hy-Vee, Inc. d/b/a Hy-Vee Fast & Fresh, 425 South Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - New
    6. Hy-Vee, Inc. d/b/a Hy-Vee West Des Moines Health Market, 375 South Jordan Creek Parkway - Class LE Liquor License with Carryout Wine and Sunday Sales - New

7. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - March 27-28, 2019
8. Kum & Go LC d/b/a Kum & Go #66, 5308 University Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
9. Sri Ganesh, LLC d/b/a Paradise Biryani Pointe, 6630 Mills Civic Parkway, Suite 3102 - Class BW Permit with Native Wine and Sunday Sales - Renewal
10. Samurai Sushi & Hibachi Restaurant, Inc. d/b/a Samurai Sushi & Hibachi Restaurant, 7125 Mills Civic Parkway, Suite 110 - Class LC Liquor License with Sunday Sales - Renewal
11. Punyesh, LLC d/b/a Vine Food & Liquor, 2704 Vine Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
12. Indianola Hotel, LLC d/b/a West Des Moines IA Sleep Inn & Suites, 885 51st Street - Class LB Liquor License with Carryout Wine and Sunday Sales - Renewal
13. Cost Plus, Inc. d/b/a World Market, 4100 University Avenue, Suite 210 - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal

d. Approval of Extended Sound Permits:
   1. Glen Oaks Country Club, 1401 Glen Oaks Drive
   2. Sully's Irish Pub, 860 1st Street
   3. Wellman's Pub & Rooftop, 597 Market Street

e. Approval of Reappointments - Sister Cities Commission

f. Approval of Payment for Microsoft Enterprise Agreement True-Up

g. Approval of Renewal Contract - Landscape Maintenance

h. Approval of Professional Service Agreements:
   1. Raccoon River Park Lighting Upgrade Study
   2. Holiday Park Signage Construction Documents

i. Approval of Artist Agreement - Water Quality Temporary Artwork

j. Approval of Special Assessments - Nuisance Abatements

k. Approval of Financing Agreement - Project Osmium Infrastructure - West Des Moines Water Works

l. Order Construction:
   1. Ashworth Road Reconstruction, I-80 Bridge to 98th Street
   2. SW 60th Street Phase 1, Veterans Parkway South
   3. 2018 Stormwater Intake Repair Program
   4. Hidden Point Park Improvements

m. Accept Work - Miscellaneous Repairs at Parks Restrooms/Shelters

n. Approval of Professional Services Agreement - 2018 FEMA Repairs

o. Approval of Agreement with Waukee Community School District for HAWK Beacon - EP True Parkway Widening, Jordan Creek Parkway to 81st Street

p. Approval and Acceptance of Purchase Agreements and Property Interests:
   1. Ashworth Road Reconstruction, I-80 Bridge to 98th Street
   2. Cedar Ridge Sewer Extension Project

3. EP True Parkway Extension Project, west of 88th Street
q Proclamation - Iowa Honey Bee Day, February 27, 2019

Vote 19-067: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(a) 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 Multi-Family Condominium Regime Developments, initiated by the City of West Des Moines

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

Vote 19-068: 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 third reading of the ordinance and adopt the ordinance in final form.

Vote 19-069: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

Council member Sandager arrived at 5:33 p.m. The attendance was re-taken. Council members present were: J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble, with Council member R. Hardman participating via telephone.

On Item 5(b) Continental Plaza, 7300 Westown Parkway - Rezone approx. 1.08 acres from Professional Commerce Park to Support Commercial, initiated by Penta Partners, LLC

Lynne Twedt, Development Services Director, reported that after the first reading on this proposed rezoning, Knapp Properties has inquired about adding support commercial to their adjacent property to the east at 7100 Westown Parkway. She stated staff would need to complete a traffic study, but if there are no traffic issues, staff would likely recommend rezoning the entire frontage of the Penta Partners property to support commercial as well, so the zoning would be consistent all the way across. She reported staff has also discussed with Knapp Properties the cross access requirement, which can be a simple parking lot connection and does not need to be a frontage road, and a potential future traffic signal at 71st Street and Westown Parkway, should warrants be met someday. She noted the proposed rezoning on the Penta Partners property for the construction of a coffee shop will generate less traffic than was projected under its current professional commerce park zoning. The City typically does not pay for traffic signals for non-

residential properties, so it would likely need to be paid for by the property owners surrounding the intersection.

Chris Costa, Knapp Properties, 5000 Westown Parkway, Suite 400, reported they met with Penta Partners to discuss their concerns with the proposed rezoning. Knapp Properties had concerns about the location of the cross access driveway, as the plans shown indicated it would enter their property in the middle of the parking lot, which would conflict with their plans to construct another office building on the site. Knapp Properties had suggested to Penta Partners that the cross access driveway be located further to the south end of the parking lot, and Penta Partners was agreeable to that. He stated Knapp Properties does not currently desire traffic signals to be constructed at 71st Street and Westown Parkway, so they do not want to bear the financial responsibility associated with them. Since Knapp Properties considers the traffic signals to be an unresolved issue, they have concerns about this rezoning being approved tonight.

Mayor Gaer stated if the Penta Partners development is projected to generate less traffic under the proposed rezoning, he doesn't believe this item should be delayed over questions about the need for traffic signals.

Council member Trimble inquired about who should be financially responsible for the traffic signals when they are needed.

Brian Hemesath, City Engineer, reported the staff perspective is there is no urgency to install traffic signals at 71st Street and Westown Parkway, because the intersection is far from meeting the warrants to do so. He noted traffic signal assessments have typically assigned responsibility to the property owners at each of the four corners.

City Attorney Dick Scieszinski stated the City would have the right to assess all properties within a larger area determined by a traffic study's findings for which properties generate traffic through the intersection.

Council member Trimble inquired, if the Council only approved the second reading tonight and delayed the third reading to the March 4th meeting, would that be detrimental to this development project.

Travis Sisson, Penta Partners, 5700 University Avenue, stated a two-week delay of the third reading would be problematic to the timing of this project. He also stated he doesn't know what could be accomplished by a two-week delay, as the proposed development is actually going to decrease the projected traffic generated by their property. He stated they would be willing to locate the cross-access driveway wherever it would be agreeable to Knapp Properties.

The Council members held discussion on the potential future need for traffic signals at 71st Street and Westown Parkway and which parties should bear the financial responsibility to construct them. They expressed a desire that when traffic signals are deemed warranted at that intersection,

the City shall conduct a traffic study to determine which properties are generating traffic through the intersection, as those properties should bear the financial responsibility. It was noted that the City may bear some of the financial responsibility if the traffic study finds that a significant amount of the traffic through that intersection is general city traffic not associated with any of the properties in that area.

Jim Gocke, Penta Partners, 5700 University Avenue, stated since their property currently does not have a cross-access driveway to the Knapp property, it would not have access to a traffic signal at 71st Street and Westown Parkway if it were built today. He stated if a future traffic study shows that their property is generating traffic through that intersection, they would be willing to pay their share for the traffic signals.

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

Vote 19-070: 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 Hardman to approve the second reading of the ordinance.

Vote 19-071: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-072: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Kivell Property, 655 South 88th Street - Consistency Zone approx. 8.37 acres from 'Unzoned' to High Density Residential, initiated by the City of West Des Moines

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

Vote 19-073: 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 Mickelson to approve the second reading of the ordinance.

Vote 19-074: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-075: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) Grand Valley, generally located at the northeast corner of South 35th Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Modify Miscellaneous Residential Bulk Area Standards, initiated by Russell Ver Ploeg (CRVP, LLC)

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

Vote 19-076: 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 Mickelson to approve the second reading of the ordinance.

Vote 19-077: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-078: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(e) Amendment #3 to Coachlight Drive 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 19-079: 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 19-080: 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 19-081: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Whisper Rock at Quail Cove, north of Cherrywood Drive at Whisper Rock Court - Change Zoning from Single Family Residential to Medium Density Residential, initiated by Quail Cove, LLC (Continued from January 21, 2019)

Mike Heller, 1621 South 50th Place, stated a petition signed by over 70 residents opposed to this proposed rezoning has been filed with the City Clerk.

It was moved by Trimble, second by Trevillyan to adopt Motion - Accept Withdrawal of Rezoning Request.

Vote 19-082: 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 to City Code - Title 9 (Zoning), Chapter 6 (Commercial. Office and Industrial Zoning District) - Modify the Permitted Uses and Permitted Conditional Uses in the Professional Commerce Park and Office Zoning Districts, 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 February 1, 2019 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 ordinance amendment.

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 consider the first reading of the ordinance.

Council member Trimble requested clarification on how this ordinance addresses freestanding heliports in an office zoning district.

Lynne Twedt, Development Services Director, responded the ordinance would not allow freestanding heliports, but heliports as part of a larger use could be allowed as a permitted conditional use with approval from the Board of Adjustment.

Vote 19-083: 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 19-084: 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 to City Code - Title 9 (Zoning), Chapter 15 (Off-Street Parking and Loading) - Modify Certain Parking and Loading Regulations, 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 February 1, 2019 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 ordinance amendment.

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 consider the first reading of the ordinance.

Vote 19-085: 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 19-086: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(d) 1525 Grand Urban Renewal Area, initiated by the City of West Des Moines.

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to March 18, 2019.

Vote 19-087: 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 2019-20 FY Operating and Capital Budget, 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 February 8, 2019 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 Motion - Continue Approval of Resolution to March 13, 2019.

Vote 19-088: 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 Issuance of Not to Exceed $7,700,000 Essential Corporate Purpose General Obligation Bonds (ECP), 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 February 8, 2019 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.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $700,000 General Corporate Purpose General Obligation Bonds (GCP-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 February 8, 2019 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.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $700,000 General Corporate Purpose General Obligation Bonds (GCP-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 February 8, 2019 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.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $685,000 General Corporate Purpose General Obligation Bonds (GCP-3), 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 February 8, 2019 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.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed $655,000 General Corporate Purpose General Obligation Bonds (GCP-4), 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 February 8, 2019 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 Mickelson to adopt Resolution - Instituting Proceedings to Take Additional Action and Authorizing the Issuance and Levying a Tax for Items 6(f) through 6(j).

Vote 19-089: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(k) Mayor Gaer indicated this was the time and place for a public hearing to consider West Public Services Facility - Building and Site Improvements (Phase 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 February 8, 2019 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 Trevillyan, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Defer Award Contract to March 4, 2019.

Mayor Gaer stated this is a very significant project, and the City has been working on it for 18 years. He noted it will provide a huge benefit to the community in terms of service delivery.

Council member Trevillyan stated the City will also continue operations at the current Public Services Facility on South 16th Street in addition to this new public services facility.

Vote 19-090: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(l) Mayor Gaer indicated this was the time and place for a public hearing to consider Valley Junction Alley Improvements, Phase 5B, 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 February 8, 2019 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 Trevillyan, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Corell Contractor, Inc.

Council member Trimble inquired how many more phases of the Valley Junction Alley Improvements project are remaining.

Brian Hemesath, City Engineer, responded this will be the last phase at this time, but there could be future alley improvement projects if such a need arises and there is a desire among the property owners. He noted there will also be discussion at a future Public Services Subcommittee meeting on the paving of alleys in Valley Junction.

Vote 19-091: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(m) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018 Sewer Rehabilitation 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 February 8, 2019 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Insituform Technologies USA.

Vote 19-092: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(n) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Stormwater Pumps, 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 February 8, 2019 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Vanderpool Construction, Inc.

Vote 19-093: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(o) Assignment of Permanent Easement for Road Right-of-Way - Northeast Corner of Iowa Highway 28 and SW McKinley Avenue, initiated by the City of Des Moines.

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to March 4, 2019.

Vote 19-094: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Willow Creek Villas, west side of Veterans Parkway north of SE Willow Creek Drive - Subdivide Property into 64 Single Family Lots, One Lot for Future Multi-Family Development, One Lot for Detention, Six Public Street Lots, and One Lot for a Future Park, initiated by Jerry's Homes, Inc.

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

Vote 19-095: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Grand Living at West Des Moines, 540 South 51st Street - Approval of Site Plan to Construct a Five-Story, 180 Unit Senior Living Facility, initiated by Ryan Companies

It was moved by Trevillyan, second by Sandager 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 19-096: Hardman, Mickelson, Sandager, Trevillyan … 4 yes
Trimble … 1 no
Motion carried.

On Item 7(c) South 33rd Street and Fuller Road Retaining Wall Improvements - Approval of Fuller Road Wall Agreement, initiated by Benton A. Yost and Heather N. Yost

Brian Hemesath, City Engineer, reported the City discovered a couple years ago that the wall was failing, so a consultant was hired to inspect the structure and make recommendations. The three options recommended by the consultant were: grade the slope back, construct a stepped retaining wall, or construct a larger cantilever concrete retaining wall. The three options were discussed at a meeting of the Public Services Subcommittee, and they recommended staff look into the grading option. Staff met with the three affected property owners, and the two west of South 33rd Street agreed to the grading option. The Yost family, which owns the property east of South 33rd Street, has negotiated an agreement to construct a stepped retaining wall.

Council member Trevillyan spoke in opposition to the proposed agreement because the stepped retaining wall option has a significantly higher cost than the grading option. He also stated this project is entirely within the roadway easement, so the City has the authority to select whichever option it considers to be in its best interest. He expressed concerns that, even though the current property owners are agreeing to own the retaining wall, a future property owner may be unwilling or unable to pay for necessary repairs or replacement of the retaining wall when it fails, and the City may end up having to pay for it.

Council member Sandager spoke in favor of the proposed agreement, stating the current failure of the retaining wall is the City's responsibility, and the property owners would have preferred to retain their level yard with the cantilever concrete retaining wall. However, they have agreed to a compromise with the stepped retaining wall, which costs significantly less than the cantilever concrete retaining wall option. He also stated any future property owner requesting that the City pay for necessary repairs or replacement of the retaining wall would not have a legal leg to stand on.

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

Council member Hardman stated she visited the property and met with the property owners, and she expressed support for the proposed agreement, as she believes the City and the property owners have worked out a successful compromise.

Vote 19-097: Hardman, Mickelson, Sandager, Trimble … 4 yes
Trevillyan … 1 no
Motion carried.

On Item 7(d) South 33rd Street and Fuller Road Retaining Wall Improvements - Approval of Amendment No. 1 to Professional Services Agreement, initiated by the City of West Des Moines

It was moved by Sandager, second by Trimble to adopt Motion - Approval of Amendment No. 1 to Professional Services Agreement.

Vote 19-098: Hardman, Mickelson, Sandager, Trimble … 4 yes
Trevillyan … 1 no
Motion carried.

On Item 7(e) American Federation of State, County and Municipal Employees (AFSCME) Union Local #3861 and City of West Des Moines - July 1, 2019 to June 30, 2022 Contract Period, initiated by AFSCME and the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Contract.

Vote 19-099: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) 2019-20 FY Hotel/Motel Tax Allocations, initiated by the City of West Des Moines

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

Council member Mickelson inquired how the City makes the community aware of this funding opportunity.

Tim Stiles, Finance Director, responded staff published information on the City website and social media and encouraged key people in the community to share information with potential applicants. He noted this year there were 15 applications received, and three of those were new applicants.

Vote 19-100: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

February 19, 2019

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported on the following bills:

- HSB 165 regarding property tax reform: This complicated bill would affect many components of city government, including establishing a cap on general fund property tax revenue and a cap on city general fund reserve balances at 25 percent. This does not yet have a companion bill in the Senate. Staff will continue to monitor this evolving legislation, and will likely recommend that the City register as opposed.

- SSB 1095 regarding city authority over municipal utility boards: This bill would remove the Mayor/City Council authority to remove utility board members. It has passed out of the senate subcommittee, but the senators stated it would need to be amended before moving forward. The City is registered as opposed to this bill.

- HSB 2 regarding alternative project procurement method: This bill would offer flexibility for city projects, which is desired since the lease-purchase option has been removed for cities. The City is registered in favor of this bill.

- HSB 100 regarding lawful preexisting non-comforming ordinances: This bill would prohibit cities from adopting ordinances that infringes on a property owner's non-conforming use unless that use poses a threat or is abandoned. Staff will review this bill further to determine if the City should have a position on it.

The meeting was adjourned at 6:52 p.m.

Respectfully submitted,

_____

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor