

March 18, 2019

West Des Moines City Council Proceedings
Monday, March 18, 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 Monday, March 18, 2019 at 5:30 PM. Council members present were: R. Hardman and R. Trimble. J. Mickelson participated via telephone.

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

Vote 19-128: Hardman, Mickelson, Trimble...3 yes
Motion carried.

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

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

Council member Mickelson reported he attended a meeting of the Greater Des Moines Convention and Visitors Bureau Board, where discussion continued on a proposed policy for funding “game changer” projects.

Council member Trimble reported he attended a meeting of the Metropolitan Advisory Council, where discussion was held on a model ordinance addressing short-term residential rentals. He also reported the Des Moines Area Regional Transit Authority approved its budget with a 2.5-cent levy rate increase. The Finance and Administration Subcommittee met and discussed a proposed agreement regarding the paving of Stagecoach Drive, proposed economic development incentives for a development project known as “Project Leaf”, bond issuances scheduled in 2019, and a proposed extension of the professional services agreement with David Lyons.

Council member Hardman reported she attended the annual West Des Moines Chamber of Commerce dinner, and she congratulated the Chamber for hosting a successful event. She also reported she served as a judge for the West Des Moines Citizen of the Year. She also attended a meeting of the Human Rights Commission, where they continued working on their strategic plan.

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 March 4, 2019 and March 13, 2019 Meetings
- b. Approval of Bill Lists

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- c. Approval of Liquor Licenses:
 - 1. UPT, Inc. d/b/a Barattas, 1025 Ashworth Road (Businessolver) - Class BW Permit - New
 - 2. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 3. El Rey Corporation d/b/a El Rey Burritos, 1310 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
 - 4. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
 - 5. New Silk Road, LLC d/b/a Heavenly, 225 5th Street - Class LC Liquor License with Carryout Wine, Sunday Sales, and Outdoor Service Privileges - Renewal
 - 6. Hy-Vee, Inc. d/b/a Hy-Vee Food Store & Drug Center #2, 1990 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 7. Hy-Vee, Inc. d/b/a The Ron Pearson Center, 5820 Westown Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
 - 8. Quik Trip Corporation d/b/a Quik Trip #517, 1451 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
 - 9. Vino 209, LLC d/b/a Vino 209, 209 5th Street - Add Outdoor Services Privileges to Existing Class BW Permit
 - 10. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class LC Liquor License with Carryout Wine, Sunday Sales and Outdoor Service - Renewal
 - 11. W West Investments, LLC d/b/a Wellman's West, 597 Market Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 12. W West Investments, LLC d/b/a Wellman's West Rooftop, 597 Market Street (Rooftop) - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 13. Des Moines Wine Festival Foundation, d/b/a Winefest Des Moines, 1501 42nd Street, #580 (Shift Interactive) - 5-Day Class BW Permit - Effective March 26-30, 2019
 - 14. Your Private Bartender, LLC d/b/a Your Private Bar, 1701 25th Street (Events Center West) - Add Carryout Wine Privileges to Existing Class LC Liquor License
- d. Approval of Renewal Contracts:
 - 1. 2019 Street and Pavement Repair Supplemental Retainer Contract
 - 2. Electrical Repair Services
- e. Approval of Contractual Services Agreement - General Construction Trades, Repair and Services
- f. Approval of Contracts - 2019 Art on the Campus

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- g. Approval of Amendment to Professional Services Agreement - WestLAB Facilitation - David Lyons
- h. Approval of Change Order #5 - Middle Creek Trunk Sewer Extension
- i. Approval of Amendment No. 1 to Professional Services Agreement - 2018 Channel Repair Program
- j. Order Construction:
 - 1. 2019 HMA Resurfacing Program
 - 2. Booneville Road Reconstruction - South 88th Street to west of South 100th Street
 - 3. Public Services Facility - Salt Storage Building Maintenance
 - 4. Garage Door Replacements - Public Services Facility and Public Safety Stations #17, #18 and #19
 - 5. Traffic Signals at Grand Avenue and Scenic Valley Drive
 - 6. Neighborhood Park Signage
 - 7. Pinedale Park Improvements
- k. Approval of Professional Services Agreements:
 - 1. 2019 Bridge Inspection Program
 - 2. Grand Technology Gateway Environmental Services
- l. Establish Public Hearing Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property - South 85th Street, Cascade Avenue to Mills Civic Parkway
- m. Approval of Water Main Agreement with Warren Water District - Project Osmium Public Infrastructure (SW 60th Street, Veterans Parkway south)
- n. Approval of Amendments to Development Agreements:
 - 1. The Silvers Building, LLC and Paper Street Watering Company, LLC
 - 2. Cyrus Quick and Food with Flair Catering, Inc.
- o. Approval and Acceptance of Sanitary and Storm Sewer Easement - Kings Landing Plat 3
- p. Approval and Acceptance of Purchase Agreements and Property Interests:
 - 1. Booneville Road Reconstruction, South 88th Street to west of South 100th Street
 - 2. South 33rd Street and Fuller Road Retaining Wall Improvements
 - 3. Project Osmium Public Infrastructure (SW 60th Street, Veterans Parkway south)

Vote 19-129: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 8 (Sewer Regulations), Article F (Industrial Waste) - Revisions to Fats, Oils and Grease Regulations, 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 19-130: Hardman, Mickelson, Trimble...3 yes
Motion carried.

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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 19-131: Hardman, Mickelson, Trimble...3 yes
Motion carried.

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

Vote 19-132: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 5(b) Recodification of West Des Moines City Code, 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 19-133: Hardman, Mickelson, Trimble...3 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 19-134: Hardman, Mickelson, Trimble...3 yes
Motion carried.

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

Vote 19-135: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(a) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) - Modify Garage Requirements and Establish a Waiver Process for Single-Family Detached Dwellings, initiated by the City of West Des Moines.

It was moved by Trimble, second by Hardman to adopt Motion - Continue Public Hearing to April 1, 2019

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Vote 19-136: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(b) Stark Drive Vacation - Vacation of approx. 145 feet of Stark Drive west of the intersection with South 100th Street, initiated by Kings Grove, LLC.

It was moved by Trimble, second by Hardman to adopt Motion - Continue Public Hearing to April 1, 2019

Vote 19-137: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider 1525 Grand Urban Renewal Area, initiated by the City of West Des Moines (Continued from February 19, 2019). 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 Hardman to adopt Resolution - Approval of Urban Renewal Plan.

Vote 19-138: Hardman, Mickelson, Trimble...3 yes
Motion carried.

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

Vote 19-139: Hardman, Mickelson, Trimble...3 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 19-140: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 8300 Mills Civic Parkway Urban Renewal Area, initiated by the City of West Des Moines (Continued from March 4, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on February 22, 2019 in the Des Moines Register.

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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.

Council member Trimble stated this will be a great development project, and he is very pleased to keep Sammons Financial Group in West Des Moines, as this will retain 600 jobs in our city with another 200 jobs to be added in the future.

Mayor Gaer noted the City has been working with the Greater Des Moines Partnership to establish a fair play agreement among the metro cities, and he hopes that will be accomplished, because this is another example where the City faced fierce competition from other metro cities in regards to economic development incentives. He stated Sammons Financial Group is a great company, so he is happy the City was able to retain them in West Des Moines.

Council member Trimble agreed that the City needs to establish a fair play agreement with the other metro cities; however, he felt in this case it was necessary for the City to offer the economic development incentives of the proposed development agreement, because this is a company the City could not afford to lose.

Vote 19-141: Hardman, Mickelson, Trimble...3 yes
Motion carried.

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

Vote 19-142: Hardman, Mickelson, Trimble...3 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 19-143: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Sammons Financial Group, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on March

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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 Hardman to adopt Resolution - Approval of Agreement.

Vote 19-144: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by The Foundry DSM, LLC and Justice League of Food. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 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 Hardman to adopt Resolution - Approval of Agreement.

Vote 19-145: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider SW 60th Street Phase 1, Veterans Parkway South, 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 March 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 Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Technologies, Inc.

Vote 19-146: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Ashworth Road Reconstruction, I-80 Bridge to 98th Street, initiated by the City of West Des

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Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 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 Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Iowa Civil Contracting.

Mayor Gaer noted the City of Waukee has agreed to reimburse the City of West Des Moines for a portion of the project cost because it will benefit their residents, and he expressed appreciation to them for recognizing that benefit and being willing to contribute towards the project.

Vote 19-147: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Hidden Point Park 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 March 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 Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to MNM Concrete Specialist.

Vote 19-148: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018 Stormwater Intake Repair 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 March 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.

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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 Hill Contracting.

Vote 19-149: Hardman, Mickelson, Trimble...3 yes
Motion carried.

On Item 7(a) West Des Moines Water Works Administration Building, 1505 Railroad Avenue - Construction of a 7,000 sq. ft. Office Building, initiated by West Des Moines Water Works

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

Vote 19-150: Hardman, Mickelson, Trimble...3 yes
Motion carried.

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

On Item 9 - Other Matters

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

- HSB 165 regarding property tax reform: There was a House subcommittee meeting on this bill which now has an amendment, but the Senate has not yet finalized a companion bill. Staff will continue to monitor this pending legislation, as it could have a significant, detrimental impact on city finances.

The meeting was adjourned at 5:54 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor