June 3, 2019

West Des Moines City Council Proceedings
Monday, June 3, 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, June 3, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to continue Public Hearing Item 6(d) Development Agreement with Fore Right, LC indefinitely.

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

Vote 19-274: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

David and Andi Thomas, 874 78th Place, expressed concerns about stormwater drainage issues on their property, as they have had multiple instances of water remaining on their property after significant rain events.

Brian Hemesath, City Engineer, noted the previous property owner had raised the same concerns to staff, and the developer and engineer for the development were made aware of those issues. He stated the Thomas property and those around it are all private property, so the City is not responsible for these issues, but staff will help by providing information to them and facilitating the conversation with the developer and the engineer.

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

Council member Trimble reported he, along with the Mayor and some of his fellow Council members, attended the news conference at the location of the new Des Moines University campus, and he expressed excitement for the addition of their campus to West Des Moines.

Council member Hardman reported she attended a meeting regarding the Taste of the Junction Festival, an open house at the new R&R Realty office building, participated via telephone during a meeting regarding the "Light Valley Junction" project, and attended the retirement celebration for EMS Chief Jeff Dumermuth. She also reported the Development and Planning Subcommittee met and discussed a proposed library kiosk to be located at the Valley Junction Activity Center.

Mayor Gaer reported he spoke at the West Des Moines Leadership Academy graduation, and he expressed appreciation to the West Des Moines Chamber of Commerce for sponsoring that

program.

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 May 20, 2019 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Fordad, Inc., d/b/a Cattoor's on Grand, 1306 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    2. Orilla Chicken Company, Inc. d/b/a The Chicken, 4221 SE Orilla Road - Class LC Liquor License Extension of Outdoor Service - July 22-23, 2019
    3. Wesley Retirement Services, Inc. d/b/a Edgewater, A Wesley Active Life Community, 9225 Cascade Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Services - Renewal
    4. El Tapatio Mexican Restaurant, LLC d/b/a El Tapatio Mexican Restaurant, 3751 EP True Parkway - Class LC Liquor License with Sunday Sales - New
    5. OSI/Fleming's, LLC, d/b/a Fleming's Prime Steakhouse & Wine Bar, 150 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    6. Jordan Creek Lodging, LLC, d/b/a Hyatt Place at Jordan Creek, 295 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    7. Kum & Go, LC d/b/a Kum & Go #8, 1293 8th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    8. Kum & Go, LC d/b/a Kum & Go #50, 745 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    9. Kum & Go, LC d/b/a Kum & Go #74, 141 South Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    10. Kum & Go, LC d/b/a Kum & Go #2091, 5969 Ashworth Road - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    11. Target Corporation d/b/a Target Store T-1901, 5405 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    12. Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #3762, 6365 Stagecoach Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
d. Approval of Special Event Lane Closure - 58th Street Block Party, June 8, 2019
e. Approval of Extended Sound Permit - 58th Street Block Party, June 8, 2019
f. Approval of Reappointments - Human Services Advisory Board
g. Approval of Purchase and Payment - Firewall Replacement

h. Approval of Artist Agreements:
   1. Water Quality Event Artwork Proposal
   2. Water Quality Temporary Artwork Proposal
i. Approval of Agreement Amendment - Valley Junction Levee Trail Connection
j. Approval of Professional Service Agreement - Park Signage Implementation
k. Approval of Change Orders:
   1. South 88th Street and Mills Civic Parkway Reconstruction, #3
   2. City Hall Renovations, #8
   3. Valley View Park Shelter, Restroom and Volleyball Courts, #12
l. Authorize Staff to Initiate Study of MidAmerican Energy Company Poles for Valley Junction Broadband Initiative
m. Approval of Agreement with Ovation Networks - Valley Junction Broadband Initiative
n. Approval of Compensation - City Manager
o. Order Construction:
   1. City Entrance Enhancements, Phase 1A
   2. Fiber Conduit Interconnect Project (Green Route)
p. Accept Work - Maple Grove Lift Station
q. Award Contract - South 33rd Street and Fuller Road Retaining Wall Improvements
r. Approval of IEDA Economic Development Assistance Contract - Midland National Life Insurance Company and North American Company for Life and Health Insurance
s. Approval of Recommendations for Funding - Upper Story Housing Program
t. Approval of Agreement with Microsoft Corporation for the Design and Installation of Fiber Optic Conduit Related to Project Osmium
u. Approval and Acceptance of Purchase Agreements and Property Interests - Booneville Road Reconstruction Project, South 88th Street to west of South 100th Street
v. Approval and Acceptance of Condemnation Award - South Grand Prairie Parkway Project, Stagecoach Drive to Mills Civic Parkway
w. Approval and Acceptance of Access Easement - Destiny Church, 313 6th Street

Vote 19-275: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) Ashworth Road West of I-80, generally located north and south of Ashworth Road west of Interstate 80 to 98th Street - Amend the Comprehensive Plan Land Use Map and Amend Zoning Map to Designate and Zone Property to High Density Residential, Medium Density Residential, Single Family Residential, and Business Park, 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 19-276: 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 19-277: 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 19-278: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Ashworth Road North, generally located along the north side of Ashworth Road between approx. 76th Street and 84th Street - Amend the Comprehensive Plan Land Use Map and Amend Zoning Map to Designate and Zone Property to Office, 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 19-279: 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 19-280: 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 19-281: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 3 (Business and Licensing), Chapter 2 (Beer and Liquor Control) and Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Zoning District) and Chapter 10 (Performance Standards) - Modify Certain Regulations Pertaining to Restaurants, Bars and Outdoor Service Areas, 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 19-282: 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 19-283: 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 19-284: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) Amendment #5 to Westown V 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 19-285: 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 19-286: 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 19-287: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(e) Iowa Clinic Urban Renewal Area, 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 19-288: 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 19-289: 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 19-290: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - 56th Street and Corner Street, 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 19-291: 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 19-292: 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 19-293: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(g) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - 44th Street, Ashworth Road to 75 feet south of Ashworth Road on the west side, initiated by the City of West Des Moines

Joe Carver, 4320 Ashworth Road, spoke in opposition to the proposed ordinance, stating he parks his vehicles along this segment of 44th Street. He also expressed concerns that he did not receive notification of this proposed change.

Bret Hodne, Public Services Director, reported this proposed ordinance was driven by complaints regarding traffic safety, as it can be difficult for vehicles to turn onto 44th Street when vehicles are parked along the street and waiting at the stop sign. He noted 75 feet is usually the shortest distance of a no parking zone imposed by the City.

Council member Trimble stated he has personally witnessed the traffic safety issue at this intersection. He inquired if it would be possible to impose a no parking zone that is less than 75 feet.

Council member Trevillyan suggested this item be continued for four weeks to allow staff to research the issue and bring it back to the Public Services Subcommittee for further discussion.

It was moved by Trevillyan, second by Mickelson to continue Item 5(g) Amendment to City Code - No Parking Zone on 44th Street to July 1, 2019.

Vote 19-294: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Mills Crossing, 5901 Mills Civic Parkway - Amend Specific Plan to Remove Restriction on Number of Restaurants, initiated by Hurd Mills, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 17, 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 specific plan ordinance.

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 19-295: 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 first reading of the ordinance.

Vote 19-296: 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 Rueter Property, southwest corner of SE Pine Avenue and SE Soteria Avenue - Amend the

Comprehensive Plan Land Use Map and Zoning Map from 'No Land Use Designation' and 'Unzoned' to Light Industrial, initiated by Todd Rueter. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 21, 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 comprehensive plan amendment and rezoning request.

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.

Vote 19-297: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-298: 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 19-299: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(c) Boone Farm, 1809 South 50th Place - Change Zoning from Single Family Residential to Boone Farm Planned Unit Development (PUD) for Single Family Development, initiated by Lowry Company, LLC

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to June 17, 2019.

Vote 19-300: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(d) Agreement for Private Development, initiated by Fore Right, LC and Ferguson Property Management Services, LC (Continued from May 6, 2019 and May 20, 2019)

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

Vote 19-301: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Grand Valley Plat 3, northeast corner of South 35th Street and Grand Avenue - Subdivide Property into 45 Single Family Lots, One Outlot for Stormwater Management, and One Street Lot, initiated by Engel Associates, Inc.

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

Vote 19-302: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Cardinal Lofts, 435 South 88th Street - Approval of a Site Plan to Construct an 88-unit Special Needs Apartment Building, initiated by John Larson

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 19-303: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) De Jesus Plat of Survey, 5124 Wistful Vista Drive - Plat of Survey to Create a Parcel for Transfer of Ownership, initiated by Rochelle De Jesus

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 and the conditions of approval listed in the Resolution.

Joe Costanzo, 5120 Wistful Vista Drive, reported a recent survey indicated his fence was constructed several feet over the line on his neighbor's property. He and his neighbor, Rochelle De Jesus, have reached an agreement for him to buy the land from her so that the fence will sit on his property. Approval of this plat of survey is necessary to allow that transaction to occur.

Vote 19-304: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Issuance of $7,225,000 General Obligation Urban Renewal Bonds, Series 2019A, initiated by the City of West Des Moines

Susanne Gerlach, Public Financial Management, 801 Grand Avenue, Des Moines, reported the City's 'AAA' bond rating was recently affirmed by S&P Global Ratings, which helped these bond issuances receive quality bids. She also reported the City tried a new approach to the bond sales today with each sale occurring 15 minutes apart, which she believes further improved the bids received. She then presented the tabulations of bids for the four bond issuances. Series 2019A received five bids, which included 32 bidders that went in as syndicates. The low bid, submitted by Hutchinson, Shockey Erley & Co., came in at a true interest rate of 1.63 percent. Series 2019B received six bids, which included 33 bidders that went in as syndicates. The low bid, submitted by Raymond James & Associates, came in at a true interest rate of 1.51 percent. Series 2019C received four bids, which included 31 bidders that went in as syndicates. The low bid, submitted by Hutchinson, Shockey Erley & Co., came in at a true interest rate of 1.98 percent. Series 2019D received four bids, which included 31 bidders that went in as syndicates. The low bid, submitted by Fifth Third Securities, Inc., came in at a true interest rate of 1.49 percent.

Mayor Gaer requested that staff distribute the S&P report regarding the recent rating review, and he inquired if the State's property tax reform bill had any impact on their confidence in the City's 'AAA' bond rating.

Ms. Gerlach noted the rating agencies regarded the property tax reform bill as neutral, since the limitations from the earlier versions were removed before it passed.

It was moved by Trimble, second by Trevillyan to adopt Motion - Receive and File Report of Bids and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds

Vote 19-305: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Issuance of $5,820,000 General Obligation Urban Renewal Bonds, Series 2019B, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Motion - Receive and File Report of Bids and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds

Vote 19-306: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Issuance of $5,105,000 General Obligation Urban Renewal Bonds, Series 2019C, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Motion - Receive and File Report of Bids and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds

Vote 19-307: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(g) Issuance of $6,090,000 General Obligation Urban Renewal Bonds, Series 2019D, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Motion - Receive and File Report of Bids and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds

Vote 19-308: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Council member Sandager's participation via telephone ended at 6:13 p.m.

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

On Item 9 - Other Matters

The Mayor and City Council expressed condolences for the recent passing of longtime Valley Junction resident Dorothy Pryor. As a tribute, a video was shown of her sharing her story about spending her life in the Valley Junction community.

The meeting was adjourned at 6:19 p.m.

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

_____
Steven K. Gaer, Mayor