June 17, 2019

West Des Moines City Council Proceedings
Monday, June 17, 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 17, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending two amendments to the agenda: removal of Item 4(h) Stormwater Policy which staff intends to bring back in two weeks, and continuation of Public Hearing Item 6(g) Sale and Conveyance of Property Located Near the Intersection of SE 11th Street and Veterans Parkway to the July 1, 2019 meeting.

Council member Sandager arrived at 5:31 p.m. The attendance was re-taken. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 19-309: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Jan Fleming, 1800 Grand Avenue, expressed concerns about the current mosquito problem and the fact that the City is not spraying for mosquitoes citywide. She noted other metro cities spray for mosquitoes, and she believes those cities have a significantly smaller mosquito population as a result. She requested the City consider spraying for mosquitoes citywide.

Brenda Shelburg, 1216 Vine Street, expressed concerns about the current mosquito problem and requested the City consider spraying for mosquitoes citywide.

Bret Hodne, Public Services Director, acknowledged that the mosquito problem is particularly bad this year, and he stated he understands the residents' concerns. He reported the City's practice for several years has been to only spray in parks where people congregate around the holidays of Memorial Day, Independence Day, and Labor Day. He noted the City doesn't spray residential areas because it only works close to the street and doesn't reach back yards or eliminate standing water. Mosquitoes can migrate up to ten miles per day, especially if they get into wind currents. This makes them very difficult to control and makes spraying virtually ineffective. He stated many cities that do spray acknowledge that it's ineffective, but they feel obligated to continue spraying due to public pressure. He also noted the City receives an equal number of requests from residents wanting the City to not spray as from residents that do want the City to spray. He suggested residents can purchase mosquito spray from a home

improvement store to spray their own property, and he also suggested residents use bug spray with DEET and wear long-sleeve clothing to prevent mosquito bites.

The Mayor and Council held discussion on the mosquito problem with a majority expressing support for the City's current practice to only spray in parks where people congregate around the holidays of Memorial Day, Independence Day, and Labor Day.

Council member Hardman expressed a desire for the City to do something to try to control mosquito population.

Mayor Gaer suggested that Ms. Fleming contact the management of her apartment complex and request that they spray for mosquitoes on the property.

Council member Trimble encouraged staff to research mosquito control options to see if there is anything available that might be effective.

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

Council member Trevillyan reported he attended the folded flags public art dedication ceremony on June 14th, and it was a wonderful event. He encouraged the public to drive along Veterans Parkway after dark to see the folded flags public art illuminated.

Council member Trimble agreed that the folded flags public art dedication ceremony was a great event, and he commended staff and those who worked on this project for their efforts.

Council member Hardman reported she attended a meeting of the Human Rights Commission, where discussion was held on making West Des Moines an inclusive city. She also attended a meeting of the Public Safety Subcommittee, and she commended the Police Department for ensuring the President's visit to West Des Moines on June 11th went smoothly with no issues. She also commended the Parks and Recreation department for putting on a successful folded flags public art dedication ceremony.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of June 3, 2019 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Casey's Marketing Company, d/b/a Casey's General Store #2824, 6630 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal

2. Casey's Marketing Company, d/b/a Casey's General Store #2923, 1850 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
3. Casey's Marketing Company d/b/a Casey's General Store #3098, 105 Grand Avenue - Class LE Liquor License with Carryout Beer, Native Wine, and Sunday Sales - Renewal
4. NVN WDM, LLC d/b/a Courtyard Des Moines West/Jordan Creek, 410 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
5. Decades, LLC d/b/a Decades, 1208 Grand Avenue - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
6. Blue Monday, LLC d/b/a Eggs & Jam, 1907 EP True Parkway, Suite 101 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
7. VPC West Des Moines Pizza, LLC d/b/a Giordano's of West Des Moines, 120 Jordan Creek Parkway - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - New
8. P2C2 Investments, LLC d/b/a Global Brew Tap House and Lounge, 9500 University Avenue, Suite 1118 - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
9. CTCC Rentals, LLC d/b/a Grand Junction Bar & Grill, 1970 Grand Avenue, #29 - Class LC Liquor License with Sunday Sales, Brew Pub, Outdoor Service, and Catering Privileges - New
10. Hy-Vee, Inc. d/b/a Hy-Vee Market Grille #4, 555 South 51st Street (Grille Area) - Class LC Liquor License with Sunday Sales - Renewal
11. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - July 16-17, 2019
12. Maxie's Enterprises, LLC d/b/a Maxie's Restaurant & Lounge, 1311 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
13. Pragathi International, LLC d/b/a Persis Indian Grill, 6925 Mills Civic Parkway, Suite 142 - Class BW Permit with Native Wine and Sunday Sales - Renewal
14. Red Lobster Restaurants, LLC d/b/a Red Lobster #0796, 3838 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
15. Cinderella Story, LLC, d/b/a Shotgun Betty's - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
16. Riley Drive Entertainment 21, LLC d/b/a Union 29, 101 Jordan Creek Parkway, Suite 12520 - Six-Month Class LC Liquor License with Sunday Sales and Outdoor Service - New
17. Hy-Vee, Inc. d/b/a Wahlburgers, 7105 Mills Civic Parkway, Suite 160 - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal

d. Approval of Cigarette/Tobacco Permits

e. Approval of Special Event Lane Closures:
   1. Independence Day Parade, July 3, 2019

2. Flatland Kids Triathlon, July 14, 2019

f. Approval of Appointments - Library Board
g. Approval of Purchase and Payment for Additional SAN Storage
h. Removed
i. Approval and/or Ratification of Fees and Charges Effective July 1, 2019
j. Approval of Interfund Transfers
k. Approval of Special Assessments - Nuisance Abatements (Sidewalks)
l. Establish Public Hearing - $2,935,000 General Obligation Refunding Bonds, Series 2011A
m. Approval of Retirement Health Savings Plan
n. Accept Work - 62nd and Railroad Gate Structure
o. Approval of Professional Services Agreement - Construction Testing Services
p. Approval of Extension of Three 28E Agreements with West Des Moines Water Works
q. Approval and Acceptance of Hold Harmless Agreement for Placement of Monument Sign in the Ultimate Right of Way - Hurd Greenway, LLC
r. Approval to Initiate Development Agreement - Cutler Development, 312 5th Street
s. Approval of Amendment to Storm Water Site Inspection Fees
t. Proclamation - Immigrant Heritage Month, June 2019

Vote 19-310: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) Mills Crossing, 5901 Mills Civic Parkway - Amend Specific Plan to Remove Restriction on Number of Restaurants, initiated by Hurd Mills, LLC

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

Vote 19-311: 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 19-312: 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 19-313: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Rueter Property, southwest corner of SE Pine Avenue and SE Soteria Avenue - Amend Zoning Map from 'Unzoned' to Light Industrial, initiated by Todd Rueter

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

Vote 19-314: 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 19-315: 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 19-316: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Stark Drive Vacation - Vacation of approx. 145 feet of Stark Drive west of the intersection with South 100th Street, initiated by Kings Grove, LLC (Continued from March 18, 2019, April 1, 2019, April 15, 2019, May 6, 2019, and May 20, 2019).

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to July 1, 2019.

Vote 19-317: 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 Grand Ridge, 1809 South 50th Place - Establish the Grand Ridge Planned Unit Development (PUD) to Preserve Trees and Adjust Bulk Standards, initiated by Lowry Company, LLC (Continue from June 3, 2019). 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 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the 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 consider the first reading of the ordinance.

Vote 19-318: 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 19-319: 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 Jordan Creek Town Center, northwest corner of South 68th Street and Mills Civic Parkway - Amend the Planned Unit Development (PUD) to Allow SIC 7542 'Car Washes' as a Permitted Conditional Use, initiated by GGP Jordan Creek, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 31, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the PUD 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.

Council member Mickelson stated the Development and Planning Subcommittee reviewed this PUD amendment, which initially raised some concerns related to noise, light pollution from headlights, and the potential for cars backing up in the drive-thru lane. The applicant has since redesigned the project to address those concerns, so the subcommittee is now supportive of it.

Vote 19-320: 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 first reading of the ordinance.

Vote 19-321: 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 Sammons Financial Group, southwest corner of South 81st Street and Mills Civic Parkway -

Amend Comprehensive Plan Land Use Map to Change approx. 12.38 acres from Community Commercial to Office and Establish the Sammons Financial Group Planned Unit Development (PUD) on 39.2 acres, initiated by Sammons Financial Group, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 31, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members 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.

Jim Host, Confluence, 525 17th Street, Des Moines, speaking on behalf of the applicant, noted the Plan and Zoning Commission recommendation included the removal of the cross connection requirement.

Lynne Twedt, Development Services Director, clarified that the PUD ordinance language in the council packet still includes the cross connection requirement, but if the Council adopts the Plan and Zoning Commission recommendation, that requirement will be removed from the ordinance prior to the second reading.

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

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

Vote 19-322: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trimble, second by Mickelson to consider the first reading of the ordinance, with the removal of the cross connection requirement as recommended by the Plan and Zoning Commission.

Council member Mickelson inquired about the rationale for removing the cross connection requirement.

Mr. Host explained the PUD was originally designed with a cross connection because it made sense for potentially compatible uses across the different properties. Now that this site will be occupied by a large corporate entity with security concerns, it makes more sense to remove the cross connection so Sammons would be able to control all access points to their property.

Vote 19-323: 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 first reading of the ordinance, with the removal of the cross connection requirement as recommended by the Plan and Zoning Commission.

Vote 19-324: 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 Amendment #1 to 8300 Mills Civic Parkway Urban Renewal Area, 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 June 7, 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 Urban Renewal Plan Amendment.

Vote 19-325: 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 Community Development Block Grant Program - 2019-20 Annual Action Plan, 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 June 7, 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 2019-20 Annual Action Plan.

Council member Trimble expressed a desire for progress to be made on the Valley Junction Broadband Initiative.

Vote 19-326: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(g) Sale and Conveyance of Property Located Near the Intersection of SE 11th Street and Veterans Parkway, initiated by Hurd Land Company, LLC

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to July 1, 2019.

Vote 19-327: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Sale and Conveyance of Property - Lot 2 and Lot 3, Linnwill Plat 2, initiated by Hurd Indianola, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 12, 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 Sale and Conveyance of Property.

Vote 19-328: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Reconstruction East of I-35 and Trail West of I-35, 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 June 7, 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 Acquisition of Agricultural Property.

Council member Trimble inquired about the timeline for this project.

Brian Hemesath, City Engineer, responded staff plans to order construction later this year, and it should be completed by 2020.

Vote 19-329: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider MidAmerican Energy RecPlex, 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 June 7, 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 McAninch Corporation.

Council member Trimble expressed appreciation to staff for their efforts in designing and seeking funding for this project, and he expressed support to the Dallas County Board of Supervisors for their financial support of the project, which was essential in obtaining the Community Attraction and Tourism (CAT) Grant from the State of Iowa.

Vote 19-330: 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 Raccoon River Park Boathouse, 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 June 7, 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 Cerebral Group, LLC.

Mayor Gaer inquired about the completion date for this project.

Sally Ortgies, Parks and Recreation Director, responded staff anticipates this project will be completed sometime in the spring of 2020.

Vote 19-331: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Extra Space Storage, 6220 Village View Drive - Construction of a 120,000 sq. ft. Indoor Storage Facility, initiated by Heartland Self Storage, Iowa, Inc.

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

Vote 19-332: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Charlie Cutler Memorial Bike Shelter, southeast corner of Veterans Parkway and SE Maffitt Lake Road - Creation of a 1.046 acre Parcel for Transfer of Ownership, initiated by the City of West Des Moines

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

Vote 19-333: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 5C (Solid Waste Control) - Modification of Fees and Charges, initiated by the City of West Des Moines

Mayor Gaer requested confirmation that this increase is for recycling collection only, as he believes the solid waste collection rate is fixed.

Bret Hodne, Public Services Director, confirmed that this increase is related to recycling collection only and solid waste collection rates are not increasing. He explained that the value of recycled goods has been declining, which has caused Metro Waste Authority revenues to decrease; therefore they have substantially increased their recycling rates.

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

Vote 19-334: 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 first reading of the ordinance.

Vote 19-335: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 8 (Building Regulations), Chapter 6 (Construction Site Erosion and Sediment Control) - Modify the Procedures and Requirements for Stormwater Management, initiated by the City of West Des Moines

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

Vote 19-336: 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 19-337: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Inter-Fund Loan between the Sewer Enterprise Fund and the Stormwater Enterprise Fund, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Inter-Fund Loan.

Vote 19-338: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 6:16 p.m.

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor