July 15, 2019

West Des Moines City Council Proceedings
Monday, July 15, 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, July 15, 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 two amendments to the agenda: removal of Item 4(l) Stormwater Policy and removal of Item 5(b) Amendment to City Code - Modify the Procedures and Requirements for Stormwater Management. Staff intends to bring both items back at the August 5, 2019 meeting.

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

Vote 19-362: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Mayor Gaer introduced Jim Miller and highlighted his accomplishments and contributions to the community as the Executive Director of the Historic Valley Junction Foundation. Mayor Gaer then presented him with a Key to the City.

Jim Miller expressed appreciation to the Mayor and Council for his Key to the City. He also stated Valley Junction is a very special place, largely due to its successful partnerships with the City of West Des Moines and the members of the community.

Mario DeSantis, Rosati's Pizza, 5010 Mills Civic Parkway, reported he is opening a new Rosati's Pizza in the coming weeks, and he invited everyone to eat at the restaurant after it opens. He also commended City staff for being great to work with through the building permit and inspection process.

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

Council member Trimble reported the Des Moines Area Regional Transit Authority (DART) has finalized its route changes that were discussed at a previous Council meeting, which will include a "mobility on demand" pilot program in Urbandale. He also stated DART has selected a firm for the transit optimization study RFP, is reviewing its advertising policy, and is exploring relocation options for the bus barn.

Council member Mickelson commended City staff for a successful Independence Day parade.

Council member Hardman also commended City staff for a successful Independence Day parade. She also expressed appreciation to Jim Miller for his contributions in Valley Junction.

On Item 4. Consent Agenda.

Council members pulled Item 4(n) for discussion. It was moved by Sandager, second by Trevillyan to approve the consent agenda as amended.

a. Approval of Minutes of July 1, 2019 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Chipotle Mexican Grill of Colorado d/b/a Chipotle Mexican Grill, 490 South 68th Street, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    2. Hana Ramen Sushi, Inc. d/b/a Hana Ramen Sushi, 7450 Bridgewood Boulevard, #205 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    3. Smash Park Des Moines, LLC d/b/a Smash Park, 6625 Coachlight Drive - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    4. Trader Joe's East, Inc. d/b/a Trader Joe's #721, 6305 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    5. Stu's Petroleum, d/b/a Valley West Corner Store, 1400 Valley West Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    6. Tea Time Two, LLC, d/b/a Wines of Iowa, 234 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
d. Approval of Appointment - Human Services Advisory Board
e. Approval of Artist Agreements:
    1. "Aqua Strata"
    2. "Blossoms on the Water"
f. Approval of Grant Agreement - United Way Community Impact Partner Grant - Youth Justice Initiative
g. Approval of Bylaws - Dallas County Emergency Management
h. Approval to Advertise, Receive Bids, and Set Public Hearing for the Sale and Removal of Improvements Located on City-Owned Property Locally Known as 1011 88th Street - Ashworth Road Reconstruction Project
i. Approval of 28E Agreement - Catch Des Moines Community Sponsorship Program
j. Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Traffic Adaptive Signal Controls on Ashworth Road Corridor
k. Order Construction - MidAmerican Energy RecPlex - Pre-Engineered Metal Building
l. Removed
m. Approval of Grant of Underground Electric Easement - West Public Services Facility
o. Approval of Subcommittee Recommendations - Redevelopment Incentive Programs (Property Improvement Fund and Regulatory Compliance Fund)

p. Approval of Agreement with Kum & Go, LC for MidAmerican Energy RecPlex Community Rooms Naming Rights
q. Approval and Acceptance of Permanent Sanitary Sewer Easement and Deed, 4800 Corporate Drive - Hurd Westown, LLC

Vote 19-363: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(n) Approval of Memorandum of Understanding - Re-Designation as Great Places Community

Council member Trimble stated he will abstain on this item due to a potential conflict of interest.

It was moved by Trevillyan, second by Hardman to approve Item 4(n) Approval of Memorandum of Understanding - Re-Designation as Great Places Community.

Vote 19-364: Hardman, Mickelson, Sandager, Trevillyan … 4 yes
Trimble… 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) 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 (Continued from June 3, 2019)

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

Council member Trimble noted one of the residents was seeking a compromise by reducing the 75 feet distance of the no parking zone, however staff has recommended 75 feet as the minimum distance to ensure public safety. He expressed support for the ordinance as proposed, because he believes any compromise would jeopardize public safety.

Vote 19-365: 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 Sandager to approve the second reading of the ordinance.

Vote 19-366: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-367: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Item 5(b) Removed

On Item 6(a) Cedar Ridge, southwest corner of Coachlight Drive and South 91st Street - Amend the Planned Unit Development (PUD) to Change Zoning in Parcel D from Medium-Density Residential to Single Family, initiated by Toby Torstenson.

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to August 5, 2019.

Vote 19-368: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(b) The Preserve, south of Raccoon River adjacent to the future extension of SW Grand Prairie Parkway - Amend Comprehensive Plan Land Use Map to Designate Single Family, Medium Density Residential and Agricultural/Open Space Land Use and Establish Agricultural/Open Space Zoning and The Preserve Planned Unit Development (PUD), initiated by Raccoon River Land Company, LLC.

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to August 5, 2019.

Vote 19-369: 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 7 (Public Ways and Property), Title 8 (Building Regulations), and Title 10 (Subdivision Regulations) - Update Residential Terms and Lot Type Descriptions for Residential and Commercial Development, Clarify Procedures Related to the Vacation and Disposal of Public Streets, Sidewalks and Alleys, and Add a Provision Allowing Rent Abatement Consistent with State Code, 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 28, 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 consider the first reading of the ordinance.

Council member Trimble inquired about the intended purpose of this ordinance.

Linda Schemmel, Development Coordinator, responded this is essentially a clean-up ordinance to adopt a recent change in state code.

Vote 19-370: 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 19-371: 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 Raccoon River Land Company, LLC Annexation, located along the east right-of-way of Grand Prairie Parkway and generally north of SW Adams Street (approximately 77.1 acres) - Voluntary Annexation, 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 26, 2019 in the Madisonian. 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 Voluntary Annexation.

Vote 19-372: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(e) Agreement for Private Development, initiated by Jai Hanuman, LLC

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to August 5, 2019.

Vote 19-373: 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 Agreement for Private Development, initiated by Penta Partners, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 5, 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 19-374: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Hurd Land Company, LLC and Hurd Windsor, LLC Plat of Survey, northeast corner of Veterans Parkway and SE Willow Creek Drive - Combine Parcels for Legal Description Purposes, initiated by Hurd Land Company, LLC and Hurd Windsor, LLC

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.

Vote 19-375: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) $12,935,000 General Obligation Corporate Purpose and Refunding Bonds, Series 2019E, initiated by the City of West Des Moines

Susanne Gerlach, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulations of bids for the Series 2019E bond issuance. Eight bids were received, which included over 40 bidders that went in as syndicates. The low bid, submitted by FTN Financial Capital Markets, came in at a true interest rate of 1.73 percent.

It was moved by Trevillyan, second by Trimble to adopt 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 19-376: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) $15,400,000 General Obligation Recreation Complex Bonds, Series 2019F, initiated by the City of West Des Moines

Ms. Gerlach presented the tabulations of bids for the Series 2019F bond issuance. Six bids were received, which included over 37 bidders that went in as syndicates. The low bid, submitted by FTN Financial Capital Markets, came in at a true interest rate of 2.51 percent.

It was moved by Trevillyan, second by Sandager to adopt 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 19-377: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - 91st Street and Abram Drive, initiated by the City of West Des Moines

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

Vote 19-378: 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 Sandager to approve the first reading of the ordinance.

Vote 19-379: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (Special Restricted No Parking Areas) - Grant the City Authority to Temporarily Prohibit Parking in and around Construction Zones, initiated by the City of West Des Moines

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

Vote 19-380: 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 Sandager to approve the first reading of the ordinance.

Vote 19-381: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trevillyan, second by Sandager in accordance with Rule 36 of the City Council Procedural Rules to waive the second and third readings of the ordinance.

Vote 19-382: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to adopt the ordinance in final form.

Vote 19-383: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The Mayor and Council commended Jim Dickinson, Transportation Engineer, for earning additional Iowa Clean Air Attainment Program (ICAAP) funds for traffic adaptive signals on Ashworth Road corridor. It was noted this funding will result in traffic adaptive signals being installed at almost every signaled intersection in the city.

On Item 8(a) Jim Miller Resignation - Human Services Advisory Board - Received and Filed

On Item 9 - Other Matters

Council member Trimble congratulated Jim Miller on his new position and expressed appreciation for his service as a champion for Valley Junction and West Des Moines.

The meeting was adjourned at 6:03 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor