August 5, 2019

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

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

Vote 19-383: Hardman, Sandager, Trimble…3 yes
Motion carried.

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

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

Fire Chief Craig Leu introduced Fire Lieutenant Josh Schut, who was then sworn in by Mayor Gaer.

Council member Sandager reported the Bravo Greater Des Moines Board of Directors met and re-elected the same representatives to the executive committee, including himself as chair, to oversee the implementation of the strategic plan.

Council member Trimble reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on a funding request from the West Des Moines Historical Society, a potential joint training facility for the West Des Moines Fire Department and the Iowa National Guard, a potential policy change regarding building permit fees, a property improvement fund project, and a request for changes to the Iowa Clinic development agreement.

Council member Hardman reported she attended a meeting of the Library Board of Trustees, where a report was given on library usage, and a joint meeting was also held with the West Des Moines Library Friends Foundation. She also reported the Development and Planning Subcommittee met and discussed the Historic West Des Moines Master Plan.

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 July 15, 2019 Meeting
b. Approval of Bill Lists

c. Approval of Liquor Licenses:
   1. 515 bar&grill, LLC d/b/a 515 bar&grill, 165 South Jordan Creek Parkway, Suite 120 & 125 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
   2. Bradley's Pub, Inc., d/b/a Bradley's Pub, 1300 50th Street, Suite 203 - Class LC Liquor License with Sunday Sales - Renewal
   3. Casey's Marketing Company, d/b/a Casey's General Store #2150, 2125 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
   4. Drury Development Corporation d/b/a Drury Inn & Suites, 5505 Mills Civic Parkway - Add Carryout Wine Privileges to Existing Class LB Liquor License
   5. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #2, 1990 Grand Avenue (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
   6. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #3, 1725 Jordan Creek Parkway (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
   7. KRG JCS, LLC d/b/a Joe's Crab Shack #10739, 130 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
   8. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Class LC Liquor License - Renewal
   9. Taste of the Junction, Inc. d/b/a Taste of the Junction Multicultural Festival - Five-Day Class B Beer Permit with Outdoor Service for Street Party Event in the 400 Block of Railroad Place, August 31, 2019
   10. Twin Restaurant Des Moines, LLC d/b/a Twin Peaks, 4570 University Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal

d. Approval of Special Event Lane Closure - Giles Street Block Party, August 24, 2019

e. Accept Polk County Community Betterment Grant Funds - Human Services Emergency Assistance Program

f. Accept Prairie Meadows Community Betterment Grant Funds - Human Services Emergency Assistance Program

g. Approval of Prairie Meadows Legacy Grant Agreement - MidAmerican Energy RecPlex

h. Approval and Acceptance of Settlement Agreement - Tim Terrell & Company, Inc. d/b/a Trenchless Technology

i. Approval of Agreement Amendment - Valley View Park Central Site Grading, Utilities and North Roadway

j. Approval of Change Orders:
   1. Grand Avenue - South Jordan Creek Parkway to South 88th Street, #4
   2. South 88th Street and Mills Civic Parkway Reconstruction, #4

k. Approval of Amendment No. 1 to Professional Services Agreement - Johnson Creek Realignment - Environmental Permitting Services

l. Approval of Medical Training Agreement - U.S. Army

m. Acceptance of RISE Grant Award - South 85th Street Construction

n. Acceptance of Community Attraction and Tourism (CAT) Grant - MidAmerican Energy RecPlex

o. Order Construction - City Campus Amphitheater

p. Accept Work:
   1. 2017 Cleaning and Televising Program
   2. 2018 PCC Patching Program
   3. Valley View Park Shelter and Restroom

q. Award Contract - Garage Door Replacements - Public Services Facility and Public Safety Stations #17, #18 and #19

r. Approval of Professional Services Agreements:
   1. 2019 Channel Repair Program
   2. 2019 Sanitary Sewer Cleaning and Televising
   3. 2019 Sanitary Sewer Rehabilitation
   4. 2020 Street Reconstruction Program
   5. Holiday Park Little League Pump Station Relocation
   6. Human Services Building Improvements - Phase 2
   7. Human Services Building Window Replacements
   8. South 88th Street and Raccoon River Drive Traffic Signal
   9. Valley Junction Activity Center Remodel - Phase 3B
   10. West Des Moines Broadband Policy and Coordination Project - Phase 2

s. Approval and Acceptance of Property Interests:
   1. 2018 FEMA Repairs Project
   2. South 81st Street and Cascade Avenue Widening
   3. South 85th Street, Cascade Avenue to Mills Civic Parkway
   4. South 88th Street and Mills Civic Parkway Reconstruction

t. Approval of Agreement Regarding Construction and Naming of City Campus Amphitheater - Richard Hurd

u. Proclamation - American Wind Week, August 11-17, 2019

Vote 19-384: Hardman, Sandager, Trimble…3 yes
Motion carried.

Mayor Gaer read Proclamation - American Wind Week.

On Item 5(a) 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

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

Vote 19-385: Hardman, Sandager, 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 19-386: Hardman, Sandager, 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 19-387: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 5(b) 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 Trimble, second by Hardman to consider the second reading of the ordinance.

Vote 19-388: Hardman, Sandager, 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 19-389: Hardman, Sandager, 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 19-390: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 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 (Continued from July 1, 2019 and July 15, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on June 14, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the PUD amendment.

Mayor Gaer asked if there were any public comments.

Jared Murray, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, spoke on behalf of the applicant requesting approval of the PUD amendment, which would change the use of Parcel D from medium-density to single-family and make adjustments to Parcel E to provide additional detention.

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 Hardman to consider the first reading of the ordinance.

Vote 19-391: Hardman, Sandager, 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 19-392: Hardman, Sandager, Trimble…3 yes
Motion carried.

Amy Buehrer, 8415 Mills Civic Parkway, requested information about the future alignment of South 85th Street.

City Manager Tom Hadden responded staff will provide her with the drawings for that proposed project.

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 (Continued from July 15, 2019)

It was moved by Trimble, second by Hardman to adopt Motion - Continue Public Hearing to August 19, 2019.

Vote 19-393: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Jai Hanuman, LLC (Continued from July 15, 2019). 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 19-394: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 2019 Analysis of Impediments to Fair Housing for the Des Moines-West Des Moines CBSA, 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 July 19, 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 and Acceptance of Analysis of Impediments.

Vote 19-395: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Conveyance of City-Owned Property to City of Waukee Pursuant to 28E Agreement - Ashworth Road Reconstruction, I-80 Bridge to 98th Street, 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 July 24, 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 Conveyance of Property.

Vote 19-396: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Conveyance of City-Owned Property to the Polk County Conservation Board for Use as the Charlie Cutler Memorial Bike Shelter - Located at the southeast corner of Maffitt Lake Road and

Veterans Parkway, 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 July 29, 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 Conveyance of Property.

Vote 19-397: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Sugar Creek Conveyance, 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 July 26, 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 Hardman, second by Trimble to adopt Resolution - Approval of Acquisition of Agricultural Property.

Amy Buehrer, 8415 Mills Civic Parkway, requested information about the publication requirements for public hearing items. Staff provided an explanation.

Vote 19-398: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Raccoon River Basin Segment 5 Sewer - Lift Station, 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 July 19, 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.

Mayor Gaer stated staff is recommending the Council reject all bids with the intent that this project can be combined with other projects to be bid at a later date.

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 - Reject All Bids.

Vote 19-399: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Holiday Park Signage and Ancillary 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 July 19, 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 JPG Company.

Council member Trimble noted staff is recommending the add alternate for wayfinding signs not be included. He inquired if staff plans to install any wayfinding signs in Holiday Park, as he believes they are needed.

Sally Ortgies, Director of Parks and Recreation, reported the project includes a major identification sign on Railroad Avenue, intermediate signs in the park that would identify the baseball complex and softball complex, and kiosks with maps. She stated the add alternate was for additional smaller wayfinding signs, but it was not budgeted as part of this project. She noted staff intends to budget for it to be included in a future phase of this project.

Vote 19-400: Hardman, Sandager, 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 FEMA Repairs, 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 July 19, 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 – Reject All Bids.

Vote 19-401: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 7(a) Osmium East Plat 1 and Osmium West Plat 1, southwest corner of the future extension of Veterans Parkway and Interstate 35 - Subdivide Property into Three Lots, Four Street Lots, and One Outlot for Future Right-of-Way Related to the Construction of a Datacenter and Electrical Substation, initiated by Microsoft Corporation

It was moved by Trimble, second by Hardman to adopt Resolution - Approval and Release of Osmium East Plat 1 Final Plat and Resolution - Approval and Release of Osmium West Plat 1 Final Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in both Resolutions.

Vote 19-402: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 7(b) Kings Grove Townhomes Plat 1, 9975 Booneville Road - Subdivide Property into 30 Lots and One Outlot for a Townhome Development, initiated by King's Grove, LLC

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

Vote 19-403: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 7(c) Courtyards at King's Landing, northeast corner of South 100th Street and Stagecoach Drive - Subdivide Property into 79 Footprint Lots, One Street Lot, and Two Outlots, initiated by Caliber Iowa, LLC

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 and the conditions of approval listed in the Resolution.

Council member Trimble inquired if staff is comfortable with the one-way access drive proposed for the east side of this development.

Brian Hemesath, City Engineer, responded staff was not comfortable with the east access drive being a right-in/right-out access, because the bridge would obscure the sight distance for vehicles exiting from that access drive. Staff offered three acceptable options to the developer, and they preferred this option with a one-way access drive for entering only.

Council member Trimble also expressed concerns about this development including private streets, which are often not constructed or maintained to city standards.

Mayor Gaer noted staff is working on a policy regarding private streets.

Vote 19-404: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 7(d) Outlot Z and Lot 2 Continental Plaza Plat 2 Plat of Survey, 7255 Lake Drive - Approval of a Plat of Survey to Create a 1,432 sq. ft. Parcel for Transfer of Ownership Between Two Existing Lots, initiated by Penta Partners, 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 and the conditions of approval listed in the Resolution.

Vote 19-405: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 1 (Titles and Definitions) and Chapter 6 (Parking Regulations) - Clarify the Definitions of Parking and the Unlawful Use of a Handicapped Parking Stall, initiated by the City of West Des Moines

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

Vote 19-406: Hardman, Sandager, 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 19-407: Hardman, Sandager, Trimble…3 yes
Motion carried.

On Item 8(a) West Des Moines Water Works Audit - 2018 - Received and Filed

On Item 9 - Other Matters

Amy Buehrer, 8415 Mills Civic Parkway, inquired when a resident pays for a nuisance abatement, where does the money go.

City Attorney Richard Scieszinski responded the money would go into the general fund to cover the City's expense to abate the nuisance.

The meeting was adjourned at 6:17 p.m.

It was moved by Trimble, second by Sandager to go into Executive Session per Chapter 21 of the Iowa Code, to discuss the potential acquisition/disposition of real estate.

Vote 19-408: Hardman, Sandager, Trimble…3 yes
Motion carried.

Entered Executive Session at 6:24 p.m. with the following persons present in the University Room of City Hall: Mayor Gaer, Council members Hardman, Sandager, and Trimble; City Manager, City Attorney, City Clerk, Community and Economic Development Director, Fire Chief, and Finance Director.

It was moved by Trimble, second by Hardman to adjourn from Executive Session.

Vote 19-409: Hardman, Sandager, Trimble…3 yes
Motion carried.

Executive Session was adjourned at 6:29 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor