August 19, 2019

West Des Moines City Council Proceedings
Monday, August 19, 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 19, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 19-410: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

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

Members of the Gnemeth Masonic Lodge presented a donation to the West Des Moines Police Department for a K9 officer vest.

Council member Trevillyan reported he will hold a Ward 1 quarterly town hall meeting on Saturday, August 31st.

Council member Trimble reported the Des Moines Area Regional Transit Authority (DART) is discussing adding different modes of transportation to its service delivery and potential changes to its funding formula.

Council member Hardman reported the Taste of the Junction Multicultural Festival will be held on Saturday, August 31st in Railroad Park. She also reported she attended a meeting of the Development and Planning Subcommittee, where discussion was held on potential changes to the sign ordinance.

City Manager Tom Hadden reported he attended a meeting of the West Des Moines Water Works Board of Trustees, where discussion continued on regionalization.

Mayor Gaer reported he swore in two new police officers and a new chaplain at the Law Enforcement Center on Friday, August 16th.

On Item 4. Consent Agenda.

Council members pulled Items 4(c)4, 4(f), 4(q)5, 4(t), and 4(u) for discussion. It was moved by Trimble, second by Hardman to approve the consent agenda as amended.

a. Approval of Minutes of August 5, 2019 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Pepe's, Inc. d/b/a Cabo Sol Mexican Food, 5010 Mills Civic Parkway, Suite 100 - Class LC Liquor License with Sunday Sales - Renewal
    2. Coach's Pizza, LLC d/b/a Coach's Pizza, 560 South Prairie View Drive - Class LC Liquor License Extension of Outdoor Service - August 30, 2019
    3. Embassy Club West, LLC, d/b/a Embassy West - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    5. Fall Foods, Inc., d/b/a Godfathers Pizza, 5919 Ashworth Road - Class B Beer Permit with Sunday Sales - Renewal
    6. Hometown Pizza, LLC d/b/a Hometown Pizza, 1960 Grand Avenue - Class BB Beer Permit with Sunday Sales - Renewal
    7. Jethro's Bacon Bacon, Inc., d/b/a Jethro's BBQ n'Bacon Bacon, 1480 22nd Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    8. Richman Enterprises, LLC, d/b/a Krueger BP, 1272 8th Street - Class BC Beer Permit - Renewal
    9. Ohana Inc. d/b/a Ohana Steakhouse, 2900 University Avenue, Suite A - Class LC Liquor License with Sunday Sales - Renewal
d. Approval of Tobacco Permit
e. Approval of Extended Sound Permit - West Glen Town Center Outdoor Concert, August 30, 2019
g. Approval of Parking on School Property Grass - 2019 Valley Stadium Events
h. Approval of Lease Agreement and Hold Harmless Agreement - Office Space at Valley Junction Activity Center, 217 5th Street
i. Approval of Funding Request - LIGHT Valley Junction Project
j. Approval of Contract Agreement - Valley View Aquatic Center Lap Pool Repainting
k. Approval of Professional Services Agreement - Asphalt Court Renovation
l. Approval of Amendment No. 1 to Professional Services Agreement - Library Interior Renovations
m. Approval of Interfund Transfers
n. Approval of Amended 28E Agreement - Youth Justice Initiative
o. Order Construction:
    1. MidAmerican Energy RecPlex - Foundations
    2. Levee Trail Improvements
p. Accept Work:
    1. Intersection Improvements - Intersection of South 51st Street and Mills Civic Parkway and Intersection of the Jordan Creek Town Center south entrance and Mills Civic Parkway
    2. Valley Junction Alley Improvements, Phase 5A
    3. American Legion Park Tennis Court Lighting Improvements

4. Valley View Aquatic Center Play Structure Replacement

q. Approval of Professional Services Agreements:
   1. 2019 Pavement Markings Program
   2. 2019 Stormwater Intake Repair Program
   3. 2020 HMA Resurfacing Program
   4. 2020 PCC Patching and Medians Program
   6. Ashworth Road Reconstruction, Phase 4 - 88th Street (north) to 88th Street (south) with Bridges
   7. Bridge Removal - SE Army Post Road, west of SE 42nd Street
   8. Jordan Creek Pedestrian Underpass Improvements
   9. Law Enforcement Center - Sally Port/Jail/Garage Remodel Study
   10. Public Safety Station #22 Roof Replacement
   11. Raccoon River Park Concessions Remodel
   12. Sheraton Lift Station Generator Replacement

r. Acceptance of Public Improvements - Continental Plaza Plat 2

s. Approval and Acceptance of Property Interests - South 85th Street, Cascade Avenue to Mills Civic Parkway

v. Proclamation - St. Mark Lutheran Church Centennial Celebration

Vote 19-411: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(c)4 Approval of Liquor License - Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - Renewal

Council member Trimble stated he will abstain on this item due to a potential conflict of interest, as he has an investment with Fox Brewing, LLC.

It was moved by Sandager, second by Trevillyan to approve Item 4(c)4 Approval of Liquor License - Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - Renewal.

Vote 18-412: Hardman, Mickelson, Sandager, Trevillyan…4 yes
Trimble… 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(f) Approval of Special Event Lane Closure and Waiver of City Code Requirement - Taste of the Junction Multicultural Festival, August 31, 2019

William Gary LaFollette, 415 Railroad Place, stated he does not object to the events, however the Saturday events in August and September that close Railroad Place are having a negative impact on his business. He suggested that those events consider other locations in future years.

Mayor Gaer noted event organizers are attracted to Railroad Place because of the Railroad Park pavilion and the public restrooms. He inquired if Mr. LaFollette would agree to allow the events already scheduled for 2019 be held on Railroad Place, and then the event locations could be reviewed for 2020.

Mr. LaFollette agreed with Mayor Gaer's suggestion.

Shirlee LaFollette stated she sent a similar letter last year expressing opposition to the events on Railroad Place, but their concerns were never addressed.

Mayor Gaer requested that staff work with event organizers for the events that close Railroad Place to consider other locations for 2020.

It was moved by Sandager, second by Trevillyan to approve Item 4(f) Approval of Special Event Lane Closure and Waiver of City Code Requirement - Taste of the Junction Multicultural Festival, August 31, 2019.

Vote 19-413: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(q)5 Approval of Professional Services Agreement - 39th Street and EP True Parkway HAWK Beacon

Council member Trimble expressed appreciation to staff for making progress on this HAWK beacon project, as he believes it will help address a safety concern at this intersection.

It was moved by Trimble, second by Trevillyan to approve Item 4(q)5 Approval of Professional Services Agreement - 39th Street and EP True Parkway HAWK Beacon.

Vote 19-414: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(t) Approval of Policy for Inspection and Enforcement of Storm Water Pollution Prevention Activities

Council member Trimble expressed concerns that if there is no fee for a first re-inspection, then the fees might not cover the costs, which would shift the burden onto the general taxpayer.

Brian Hemesath, City Engineer, reported staff determined it would be appropriate to conduct a first re-inspection with no fee, because such inspections are routine and staff did not want to penalize developers when they've promptly corrected an issue. He noted cases with two or more re-inspections consume significant staff time, so the proposed fees escalate with each subsequent re-inspection.

Mayor Gaer noted the second re-inspection fee is $500, which is high compared to other metro cities. He also noted the policy authorizes staff to impose a stop-work order on a site if deemed necessary.

It was moved by Trimble, second by Sandager to approve Item 4(t) Approval of Policy for Inspection and Enforcement of Storm Water Pollution Prevention Activities.

Vote 19-415: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(u) Approval of Revised Agreement Regarding Construction and Naming of City Campus Amphitheater - Richard Hurd

Council member Mickelson reported the City Campus Amphitheater project was one of the potential "game changer" projects that were first considered several years ago. He noted this donation from the Hurd family will bring that project one step closer to a reality, and he expressed appreciation to the Hurd family for their generosity.

Richard Hurd, 2000 Fuller Road, expressed appreciation to the City for the opportunity to work together on moving this project forward, and he stated he looks forward to the amphitheater opening and hosting events that will be enjoyed by the community for many years.

Council member Sandager stated he is passionate about the arts, so he is very excited about this project, and he expressed appreciation to the Hurd family for their generosity.

It was moved by Sandager, second by Trevillyan to approve Item 4(u) Approval of Revised Agreement Regarding Construction and Naming of City Campus Amphitheater - Richard Hurd.

Vote 19-416: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(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 Sandager, second by Trevillyan to consider the second reading of the ordinance.

Vote 19-417: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 19-418: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-419: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-420: 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 19-421: 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 19-422: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) 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 Hardman to consider the second reading of the ordinance.

Vote 19-423: 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 Sandager to approve the second reading of the ordinance.

Vote 19-424: 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 19-425: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) 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 and August 5, 2019)

It was moved by Sandager, second by Trevillyan to adopt Motion - Continue Public Hearing to September 16, 2019.

Vote 19-426: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer inquired if the lack of a quorum at the last Plan and Zoning Commission meeting is the reason this item is being continued.

Lynne Twedt, Development Services Director, responded the applicant had already requested to defer the item four weeks before the last scheduled Plan and Zoning Commission meeting, so the lack of a quorum was not a factor in this item being continued.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider MidAmerican Energy RecPlex - Pre-Engineered Metal Building, 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 August 9, 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 Trevillyan, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to ATO Builders, LLC.

Vote 19-427: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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On Item 7(a) Lot 36, West Green Industrial Plat 1 Plat of Survey, 175 South 9th Street - Subdivide Property for Ownership Transfer, initiated by Next Phase Development, LLC

It was moved by Sandager, 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 19-428: 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 6:01 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor