

September 16, 2019

West Des Moines City Council Proceedings
Monday, September 16, 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, September 16, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to remove Item 7(f) Liquor License Renewal - Scotty's Pub & Grub, as the applicant has requested that it be considered at the October 7th meeting instead.

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

Vote 19-440: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Council member Sandager arrived at 5:31 p.m. Council member Trimble arrived at 5:33 p.m. The attendance was re-taken. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Police Chief Chris Scott introduced Police Officer Barry Graham, who was then presented with a service injury award as a result of an injury he sustained in the line of duty.

Council member Hardman reported she attended a dinner with the Mateh Asher delegation during their recent sister cities visit to West Des Moines. She also expressed appreciation to staff for arranging their visit. She reported she also attended the West Des Moines Chamber of Commerce monthly event.

On Item 4. Consent Agenda.

Council members pulled Item 4(k)1 for discussion. It was moved by Trimble, second by Sandager to approve the consent agenda as amended.

- a. Approval of Minutes of September 3, 2019 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:

September 16, 2019

1. Apple Corps, L.P., d/b/a Applebee's Neighborhood Grill & Bar, 6190 Mills Civic Parkway - Class LC Liquor License with Sunday Sales - Renewal
 2. Thawee Wathana, LLC d/b/a BananaLeaf Asian Bistro, 5515 Mills Civic Parkway, Suite #140 - Class LC Liquor License with Sunday Sales - Renewal
 3. Mangia Tutto, LLC d/b/a Billy Vee's, 304 5th Street - Class LC Liquor License with Sunday Sales - Renewal
 4. Casey's Marketing Company d/b/a Casey's General Store #2297, 108 8th Street - Class BC Permit with Sunday Sales and Carryout Wine Privileges - Renewal
 5. Cinemark USA, Inc. d/b/a Century 20 Jordan Creek and XD, 101 Jordan Creek Parkway, Unit 2000 - Class BW Permit with Sunday Sales - Renewal
 6. CEC Entertainment, Inc. d/b/a Chuck E. Cheese's #958, 1431 22nd Street - Class BB Permit with Sunday Sales - Renewal
 7. Costco Wholesale Corporation d/b/a Costco Wholesale #788, 7205 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 8. Frank's Divine Pie 8950 d/b/a El Guapo's Tequila + Taco, 8950 University Avenue, Suite 105 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 9. Envision Homes, LLC d/b/a Heart of Iowa Marketplace, 211 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
 10. Hy-Vee, Inc. d/b/a Hy-Vee Gas #4, 665 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - New
 11. Riley Drive Entertainment I, Inc. d/b/a Tonic Bar, 5535 Mills Civic Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 12. InterMountain Management, LLC d/b/a TownePlace Suites, 125 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
 13. International Event Center, Inc., d/b/a Val Air, 301 Ashworth Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- d. Approval of Additional Property Tax Payment
- e. Approval of Amendments to Professional Services Agreements:
1. Jamie Hurd Amphitheater - Resident Construction Administrative Services, No. 2
 2. Nature Lodge HVAC Replacement, Roof Repairs and Exterior Improvements, No. 2
- f. Approval of Interfund Transfers
- g. Approval of FY 2018-19 Iowa Department of Transportation City Street Financial Report
- h. Order Construction:
1. South 85th Street, Cascade Avenue to Mills Civic Parkway
 2. City Entrance Enhancements, Phase 1B
 3. Nature Lodge HVAC Replacement, Roof Repairs and Exterior Improvements
- i. Accept Work - South Area Lift Station Improvements
- j. Accept Public Improvements - 542 5th Street Alley Improvements

September 16, 2019

- k. Approval of Professional Services Agreements:
 - 2. Digital Marketing Services for “Go West” Campaign
- l. Approval of Reservation of Storm Sewer and Utility Easement - Located Near the Intersection of 1st Street and Grand Avenue
- m. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement:
 - 1. Sammons Financial Group, 8300 Mills Civic Parkway
 - 2. Three Fountains, 4520 University Avenue
 - 3. IFBF Property Management, 5400 University Avenue
- n. Approval of Consent to the Collateral Assignment of Development Agreement - Westfield Building, LLC and R&R Investors

Vote 19-441: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(k)1 Approval of Professional Services Agreements - Valley Junction Business District Pavers and Sidewalk

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

It was moved by Sandager, second by Trimble to approve Item 4(k)1 Approval of Professional Services Agreements - Valley Junction Business District Pavers and Sidewalk.

Vote 19-442: Hardman, Mickelson, Sandager, Trimble ... 4 yes
Trevillyan ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5 - Old Business: no items

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, August 5, 2019, and August 19, 2019)

It was moved by Trimble, second by Hardman to adopt Motion - Accept Withdrawal of Request.

Vote 19-443: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

September 16, 2019

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Unity Point Clinic, 4055 Westown Parkway - Vacation of a 20-foot Public Sanitary Sewer Easement and Acceptance of New Easement, initiated by Central Iowa Hospital Corporation (Continued from September 3, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on August 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 Sandager, second by Trimble to adopt Resolution - Approval of Vacation Request.

Vote 19-444: 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 West Green Industrial Park, 175 South 9th Street - Vacation of Public Utility Easement, initiated by Reid Tamisiea. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 6, 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 Vacation Request.

Vote 19-445: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Agreement for Private Development, initiated by The Iowa Clinic West Lakes I, LLC and The Iowa Clinic, P.C. (Continued from September 3, 2019).

It was moved by Trevillyan, second by Sandager to adopt Motion - Continue Public Hearing to October 7, 2019.

Vote 19-446: 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 2018-2019 FY Community Development Block Grant Program - Consolidated Annual

September 16, 2019

Performance Evaluation Report (CAPER), 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 September 6, 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 CAPER.

Council member Trimble commended the Community and Economic Development department for their efforts in putting the City's Community Development Block Grant funding to good use to help people in the community.

Council member Hardman stated this report indicates there are significant needs in our community, and she commended the Human Services department for providing assistance to those in need.

Vote 19-447: 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 Vacation of Public Roadway and Termination of Public Roadway Easements - former Army Post Road, SE 11th Street, and Pine Avenue, 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 September 11, 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 Vacation of Public Street Right-of-Way and Release and Termination of Public Street Right-of-Way Easements.

Vote 19-448: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Vacation of a Portion of Booneville Road Right-of-Way and Termination of Public Roadway Easements and Conveyance of a Portion of Vacated Booneville Road, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated

September 16, 2019

the notice was published on September 11, 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 consider the first reading of the ordinance.

Vote 19-449: 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 19-450: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Termination of Public Roadway Easements and Conveyance of a Portion of Vacated Booneville Road.

Vote 19-451: 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 Located Near the Intersection of SE 11th Street and Veterans Parkway, initiated by Hurd Land Company, LLC (Continued from June 17, 2019 and July 1, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on September 11, 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 19-452: 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 Conveyance of Excess Property to Hurd Real Estate Services, Inc. - Two Small Parcels Adjacent to Veterans Parkway, initiated by the City of West Des Moines. He asked for the date the notice

September 16, 2019

was published and the City Clerk indicated the notice was published on September 11, 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 19-453: 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 - Foundations, 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 September 6, 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 Sandager, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to ATO Builders, LLC.

Council member Trimble expressed concerns that the bids for each phase of this project have been over the engineer's estimate.

City Manager Tom Hadden stated the bids for the previous phase were higher because of the increased price of steel. He also noted the low bidder on this project is the same contractor that was awarded the previous phase of the project.

Vote 19-454: 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 Levee Trail 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 September 6, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

September 16, 2019

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

Council member Hardman noted there was a significant difference in the bidders' prices for pavement, and she inquired if staff had any concerns about the quality of pavement.

Sally Ortgies, Parks and Recreation Director, responded either of the two contractors that bid on this project could perform the job well, as both have completed projects for the City in the past. She noted the reason for the price difference could be a number of things, such as the contractors' workloads.

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Des Moines Asphalt and Paving.

Vote 19-455: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Kings Landing Plat 3, south of Stagecoach Road and west of 100th Street - Subdivide Property into 17 Single Family Lots, One Public Street Lot and One Outlot for Detention, initiated by Kings Landing, 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 19-456: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Cedar Ridge Plat 3, southwest corner of Coachlight Drive and South 91st Street - Subdivide Property into 26 Single Family Lots, Two Outlots for Stormwater Management and Future Access, and Two Street Lots, initiated by Chayse Holdings, LLC

It was moved by Trimble, second by Sandager 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.

Vote 19-457: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Courtyard at King's Landing, northeast corner of South 100th Street and Stagecoach Drive - Approval of a Site Plan to Develop a 79 Lot Detached Townhome Development, initiated by Caliber Iowa, LLC

September 16, 2019

It was moved by Trimble, second by Sandager 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 19-458: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Raccoon River Basin 5 Lift Station, 3105 SW Grand Prairie Parkway -
Construction of a Sanitary Sewer Lift Station, initiated by Raccoon River Land Company, LLC

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

Vote 19-459: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Raccoon River Basin 5 Lift Station, 3105 SW Grand Prairie Parkway -
Construction of a Sanitary Sewer Lift Station, initiated by Raccoon River Land Company, LLC

It was moved by Hardman, 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 19-460: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(f) Removed

On Item 7(g) Request for Installation of Street Light - 1000 Block of 7th Street, initiated by Steven Boyt

Mayor Gaer stated staff has indicated a correction is needed on the council communication, as the Public Services Subcommittee actually recommended approval of the request by a unanimous vote.

City Manager Tom Hadden stated the Engineering Services department has recommended denial of this request because it does not meet the City policy; however, he agrees with the subcommittee members that the request should be approved.

It was moved by Sandager second by Trevillyan to adopt Motion - Approval of Street Light Installation Request.

September 16, 2019

The City Council discussed the request, and reached a consensus in support of approving it, because the cost to the City is minimal and nine out of ten residents in that area support the request.

Vote 19-461: 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 5:56 p.m.

It was moved by Trevillyan, 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 19-462: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Entered Executive Session at 6:02 p.m. with the following persons present in the University Room of City Hall: Mayor Gaer, Council members Hardman, Mickelson, Sandager, Trevillyan, and Trimble; City Manager, City Attorney, City Clerk, Community and Economic Development Director, and Fire Chief.

It was moved by Trevillyan, second by Sandager to adjourn from Executive Session.

Vote 19-463: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Executive Session was adjourned at 6:26 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor