October 21, 2019

West Des Moines City Council Proceedings
Monday, October 21, 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, October 21, 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 Trimble, second by Trevillyan approve the agenda as presented.

Vote 19-492: 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:

Council member Hardman reported she attended the Fire Department pancake breakfast, and she congratulated Fire Chief Craig Leu and his staff for putting on a successful event.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of October 7, 2019 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Aldi, Inc. d/b/a Aldi, Inc. #40, 6050 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    2. Firebirds of West Des Moines, LLC d/b/a Firebirds Wood Fired Grill, 440 South 68th Street, Suite 101 - Class LC Liquor License with Sunday Sales - Renewal
    3. Hy-Vee, Inc., d/b/a Hy-Vee Gas, 7280 University Avenue - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    4. Tap This Concessions, LLC d/b/a Iowa Craft Beer Tent, 101 Jordan Creek Parkway, Suite 12350 - Class BC Beer Permit with Sunday Sales - New
    5. 52 Gracedieu DBA Memory Lane Antiques, LLC d/b/a Memory Lane Antiques Collectibles & Gifts, 208 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
    6. Pho Shobu, LLC d/b/a Pho Shobu, 8950 University Avenue, Suite 103 - Class LC Liquor License with Sunday Sales - Renewal
d. Approval of Appointments:
    1. Human Rights Commission

2. Human Services Advisory Board

e. Approval to Purchase Heavy Duty Vehicle Lifts

f. Approval of Change Orders:
   1. MidAmerican Energy RecPlex - Grading and Site Utilities, #2
   2. City Hall Renovations, #11

g. Acknowledgement and Acceptance of Recently Re-Established Administrative Policies

h. Approval to Purchase Building Materials - MidAmerican Energy RecPlex

i. Approval of Revised Petty Cash Levels

j. Approval of Interfund Transfers

k. Approval to Waive Building Permit Fees - MidAmerican Energy RecPlex

l. Order Construction - 2019 Sanitary Sewer Cleaning and Televising Program

m. Approval of Professional Services Agreement - Commerce Area Drainage Study

n. Accept Public Improvements:
   1. Elevate at Jordan Creek
   2. Campiello Point
   3. Westown Parkway Plaza Lot 2 - Unity Point Sanitary Sewer

o. Approval and Acceptance of Easements and Agreements and Conveyance of Temporary Construction and Grading Easement - Grand Living, 540 South 51st Street

p. Approval of Claim for Reimbursement for Driveway at 1105 South 60th Street - South 60th Street Improvements, Phase 2 - Pheasant Ridge Drive to Mills Civic Parkway

q. Approval of Agreement Regarding the Construction of Public Roadway Improvements at South 88th Street and Mills Civic Parkway - MidWestOne

r. Approval and Acceptance of Property Interests - City Entrance Enhancements Project

s. Proclamation - Extra Mile Day - November 1, 2019

Vote 19-493: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) The Preserve, generally south of Raccoon River adjacent to the future extension of SW Grand Prairie Parkway - Establish The Preserve Planned Unit Development (PUD) and Agricultural/Open Space Zoning, initiated by Raccoon River Land Company, LLC

It was moved by Trevillyan, second by Hardman to consider the second reading of the ordinance (zoning change).

Vote 19-494: 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 Hardman to approve the second reading of the ordinance (zoning change).

Vote 19-495: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to waive the third reading and adopt the ordinance in final form (zoning change).

Vote 19-496: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-497: 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 (PUD).

Vote 19-498: 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 (PUD).

Vote 19-499: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Jordan West, southwest corner of EP True Parkway and Jordan Creek Parkway - Amend the Specific Plan Ordinance by Rezoning the Southern Portion of PUD Parcel 7 from Support Commercial to Regional Commercial to Allow for Construction of an Indoor Family Entertainment Venue, initiated by Ryan Companies US, Inc.

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

Vote 19-500: 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 Hardman to approve the second reading of the ordinance.

Vote 19-501: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-502: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 5 (Use Codes) - Modify Certain Regulations as They Pertain to Physical Fitness Facilities, initiated by the City of West Des Moines

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

Vote 19-503: 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 19-504: 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 19-505: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Update Regulations Pertaining to Rear Yard Setback Requirements for Accessory Structures in Residential Zoning Districts, initiated by the City of West Des Moines

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

Vote 19-506: 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 19-507: 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 19-508: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Midtown Redevelopment, east side of 8th Street (1221 to 1261) - Establish a Planned Unit Development (PUD) to Allow Development of a Vertical Commercial and Residential Mixed-Use Development, initiated by Jarcor, LLC

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to November 4, 2019.

Vote 19-509: 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 Agreement for Private Development, initiated by The Iowa Clinic West Lakes I, LLC and The Iowa Clinic, P.C. (Continued from September 3, 2019, September 16, 2019, and October 7, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on August 23, 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 Mickelson to adopt Resolution - Approval of Agreement.

Vote 19-510: 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 Agreement for Private Development, initiated by High Water Investments, LLC and Nan's Nummies, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 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 Hardman, second by Trevillyan to adopt Resolution - Approval of Agreement.

Vote 19-511: 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 Nature Lodge HVAC Replacement, Roof Repairs and Exterior 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 October 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Lang Construction Group, LLC.

Vote 19-512: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Mill Ridge Plat 4, northwest corner of South 88th Street and Sugar Creek Drive - Subdivide the Property into 70 Lots and Seven Outlots for a Townhome Development, initiated by Mill Ridge Homes, LLC

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

Vote 19-513: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) 214 5th Street Facade - Approval of Building Remodel for an Office Use, initiated by Legacy Capital Partners

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

Vote 19-514: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Mark Hillenbrand Resignation - Human Rights Commission - Received and Filed

October 21, 2019

On Item 8(b) Chris Aldinger Resignation - Human Services Advisory Board - Received and Filed

On Item 8(c) Jered Rogers Resignation - Human Services Advisory Board - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 5:42 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor