November 18, 2019

West Des Moines City Council Proceedings
Monday, November 18, 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, November 18, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Sandager, K. Trevillyan, and R. Trimble. Council member J. Mickelson participated via telephone.

City Clerk Ryan Jacobson stated there is one amendment to the agenda, as Item 7(a) Plats of Survey for Excess Property Related to the Grand Prairie Parkway Improvements Project has been removed from the agenda.

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

Vote 19-526: 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:

Mayor Gaer noted that due to the City Hall Renovations project, the next three Council meetings will be held at the West Des Moines Community School District Learning Resource Center.

Alex Broderick, Greater Dallas County Development Alliance, reported on the organization's activities over the past year and thanked the City of West Des Moines for its support.

City Manager Tom Hadden reported the City will swap Presidents Day for Martin Luther King Jr. Day as a paid holiday, starting in 2020. This change was recommended by the Human Rights Commission.

Council member Hardman expressed appreciation to Mr. Hadden for his leadership on recommending that the City honor Martin Luther King Jr. Day.

On Item 4. Consent Agenda.

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

b. Approval of Bill Lists
c. Approval of Liquor Licenses:

1. Bonefish Grill, LLC, d/b/a Bonefish Grill, 650 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
2. FoodFirst Global Restaurants, Inc. d/b/a Bravo Cucina Italiana, 120 South Jordan Creek Parwkay - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
3. Three Star Investment, Inc. d/b/a Flashmart #101, 3501 EP True Parkway - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
4. Kum & Go, L.C., d/b/a Kum & Go #3035, 7265 Vista Drive - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
5. Pad Thai Garden, LLC d/b/a Pad Thai Garden Restaurant, 1221 8th Street - Class BW Permit with Native Wine - Renewal
6. Mahajan, Inc. d/b/a Super Quick Liquor, 1800 22nd Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New
7. Riley Drive Entertainment V, Inc., d/b/a Taco Hangover, 265 50th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
8. Taste of New York, Inc. d/b/a Taste of New York, 165 South Jordan Creek Parkway, Suite 160 - Class BW Permit with Sunday Sales - Renewal

d. Approval of Appointments:
   1. Human Services Advisory Board
   2. Due Diligence Committee

e. Establish Workshop - 2020-21 FY Operating and Capital Budget

f. Approval of 2018-19 FY Tax Increment Financing Report

g. Approval of 2020-21 FY Tax Increment Financing Indebtedness and Certification Report

h. Approval of Amendment No. 2 to Professional Services Agreement - Library Interior Renovations

i. Approval of Change Order #3 - 27th and Vine Culvert Reconstruction

j. Approval of Supplemental Agreement - Middle Creek Trunk Sewer Extension

k. Order Construction:
   1. 2018 FEMA Repairs
   2. Sheraton Lift Station Generator Replacement
   3. Valley Junction Activity Center Remodel, Phase 3B

l. Accept Work:
   1. Alluvion Booster Station
   2. Neighborhood Park Signage

m. Approval of Public Highway At-Grade Crossing Agreement with Union Pacific Railroad Company - Jordan Creek Parkway and Ashworth Road Intersection Improvements

n. Approval of 28E Agreement with Iowa Alcoholic Beverages Division - Iowa Pledge Tobacco Compliance Program

o. Establish Public Hearing - Amendment #4 to Alluvion Urban Renewal Area

p. Approval to Reallocate Series 2017C General Obligation Urban Renewal Bond Proceeds from the Alluvion Urban Renewal Area to the Osmium Urban Renewal Area

q. Proclamation - Small Business Saturday, November 30, 2019

Vote 19-527: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(a) Approval of Minutes of November 4, 2019 Meeting

Council member Hardman requested that the November 4th meeting minutes be expanded to reflect her comments during the vicious dog discussion under Public Forum.

It was moved by Hardman, second by Sandager to approve Item 4(a) Approval of Minutes of November 4, 2019 Meeting, as amended.

Vote 19-528: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-529: 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 19-530: 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 19-531: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Jordan Creek Urban Renewal Area - Terminate the Urban Renewal Area and Repeal Ordinance Nos. 1414, 1559, 2203, and 2313, initiated by the City of West Des Moines

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

Mayor Gaer noted the Jordan Creek Urban Renewal Area serves as an example of an ideal TIF district, as it has generated $688 million of value and funded millions of dollars' worth of infrastructure in that area.

Vote 19-532: 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 19-533: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 19-534: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 1000 and 1100 South 60th Street - Amend Comprehensive Plan Land Use Map to Change the Land Use Designation from Low Density Residential to Single Family Residential and Change the Zoning from Residential Estate to Residential Single Family, initiated by Toby Torstenson. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 1, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request. He also stated one citizen correspondence was received, which was included with the council communication.

Mayor Gaer asked if there were any public comments.

Helen Harwood, 1205 Tulip Tree Lane, spoke in opposition to the proposed land use change, citing concerns that the increased density could impact the feel of the surrounding neighborhood and impact the wildlife in the area. She noted the current zoning on the property is consistent with the surrounding neighborhood, and she does not believe there is a need for this change.

Ryan Hardisty, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, representing the applicant, presented preliminary plans for the proposed development. He noted the average lot size for this proposed development will be approximately 0.8 acres, which is about double the lot size of the existing homes along Tulip Tree Lane.

Lynne Twedt, Development Services Director, responded to questions from the Council, stating the proposed change would increase the number of lots allowed in this development from nine to twelve. She also stated the proposed change would likely allow for more trees to be kept than if they tried to develop the land under the current land use and zoning restrictions. She noted the exact layout of the lots would not be determined until the final plat process, and staff is recommending the second and third readings of this ordinance remain on hold so they can come back to Council at the same time as the final plat.

Council member Mickelson arrived in person and ceased his participation via telephone at 5:51 p.m.

Council member Trevillyan inquired if the Council can impose a condition of approval restricting the development's number of lots to no more than twelve.

City Attorney Scieszinski responded the Council does have the option to do that.

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

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Comprehensive Plan Amendment.

Mayor Gaer requested that staff send notice to the neighboring residents when the second and third reading come back to Council.

Vote 19-535: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance, with an amendment to include a condition of approval restricting the development's number of lots to no more than twelve and requiring a conservation easement.

Vote 19-536: 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 first reading of the ordinance, with an amendment to include a condition of approval restricting the development's number of lots to no more than twelve and requiring a conservation easement.

Vote 19-537: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(b) 1913 Grand Avenue - Amend Comprehensive Plan Land Use Map to Change the Land Use Designation from Single Family Residential to Office and Change the Zoning from Residential Single Family to Office, initiated by Mark Shrum

It was moved by Sandager, second by Mickelson to adopt Motion - Continue Public Hearing to December 2, 2019.

Vote 19-538: 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 Dowling Catholic, 1400 Buffalo Road - Establish a Planned Unit Development (PUD) to Provide a Framework for Continued Development and Expansion of a School Campus While Fitting within the Context of the Established Neighborhood, initiated by Dowling Catholic High School. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 1, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the PUD ordinance.

Mayor Gaer asked if there were any public comments.

Dr. Dan Ryan, Dowling Catholic High School, stated the school was recently presented with opportunities to purchase four lots adjacent to the school property. He noted they do not have immediate plans for the use of this space, but since the school property is landlocked, they felt it was a good opportunity to take control of the land for future use, which may include athletic fields and/or parking lots. He noted the homes will remain on the lots and be rented for the time being.

Leslie Keely, 1715 17th Street, expressed concerns about potential plans for additional athletic fields on the land directly behind her home, as she believes that could generate noise issues on her property. She noted the proposed plan includes a three foot berm, but she does not believe that will sufficiently mitigate any noise generated by athletic fields.

Mayor Gaer noted the specific layout of the property will be determined through the site plan process, which is not included in what is being considered tonight. He requested that staff send notice to the neighboring residents when the proposed site plan comes to Council.

Ms. Keely expressed concerns that the proposed plan requires a property line setback of only 50 feet for a structure for accessory uses, such as maintenance buildings or transportation buildings. She noted such buildings being constructed on the 17th Street lots would negatively impact the feel of their residential street.

Mayor Gaer stated that Ms. Keely's additional concerns are also site plan issues. He noted the City will ask Dowling Catholic High School to meet with the residents to get their feedback during the site plan process.

Jim May, 1442 17th Street, expressed concerns about the possibility of a football field being constructed across the street from his house.

Amber Nigon, 1714 17th Street, spoke in opposition to the proposed PUD ordinance, stating she has young children and would prefer to maintain the quiet residential neighborhood as it exists today.

Steve Bush, 1522 17th Street, spoke in opposition to the proposed PUD ordinance, and he believes the proposed three-foot berm would not sufficiently mitigate any noise generated from the school property, because the properties on the west side of 17th Street are elevated several feet higher than those on the east side. He suggested the City should require a six-foot fence on top of a three-foot berm.

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

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

Lynne Twedt, Development Services Director, responded to questions from the Council, stating the proposed soccer field that was discussed could go in without this PUD ordinance. She noted the PUD would provide the City better flexibility to control how the Dowling campus develops compared to the straight zoning that exists today.

Dr. Ryan stated that Dowling Catholic High School was trying to be proactive in establishing the PUD at this time, and they plan to meet with the neighbors as they determine how to develop the campus. At this point, any plans the residents have seen are very preliminary and no decisions have been made yet regarding the possible placement of a soccer field or any other amenities. He noted, however, there is not sufficient space on the campus to construct a football stadium.

Vote 19-539: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Mickelson, second by Trimble to approve the first reading of the ordinance.

Vote 19-540: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(d) 4th and Railroad, 101 and 107 4th Street - Amend the Comprehensive Plan Land Use Map and Establish a Planned Unit Development (PUD) to Allow a Vertical Commercial and Residential Mixed-Use Building, initiated by Cutler Development, LLC

It was moved by Sandager, second by Trevillyan to adopt Motion - Continue Public Hearing to December 2, 2019.

Vote 19-541: 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 Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) and Title 10 (Subdivision Regulations), Chapter 3 (Design Standards and Required Improvements) - Modify Setbacks for Corner Lots in Certain Lot Configurations, 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 November 1, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

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

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

Council member Trevillyan requested clarification on this ordinance amendment.

Lynne Twedt, Development Services Director, stated this proposed ordinance applies only to corner lots which share a common rear lot line, which had traditionally required a 30 to 35-foot side yard setback along both street frontages. The secondary frontage or side yard would now be reduced to 20 feet.

Vote 19-542: 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 first reading of the ordinance.

Vote 19-543: 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 Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations)

and Chapter 14 (Accessory Structures) - Update Regulations for Accessory Structures of Non-Residential Uses in Residential Zoning Districts, 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 November 1, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

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

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

Vote 19-544: 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 first reading of the ordinance.

Vote 19-545: 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 Agreement for Private Development, initiated by WillieT, LLC and Coffee Cats, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 8, 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 19-546: 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 2019 Sanitary Sewer Cleaning and Televising Program, 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 November 8, 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 Hydro-Klean, LLC.

Vote 19-547: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Removed

On Item 7(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - EP True Parkway and 78th Place, Grand Avenue and Scenic Valley Drive, and Mills Civic Parkway and South 88th Street, initiated by the City of West Des Moines

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

Vote 19-548: 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 first reading of the ordinance.

Vote 19-549: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) Veterans Parkway, east corporate limits to western terminus of Veterans Parkway; South Grand Prairie Parkway, north corporate limits to Raccoon River; and SW Grand Prairie Parkway, Raccoon River to southern terminus of South Grand Prairie Parkway, 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 19-550: 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 19-551: 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 Yield Required) - SW Grand Prairie Parkway and Veterans Parkway, initiated by the City of West Des Moines

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

Vote 19-552: 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 first reading of the ordinance.

Vote 19-553: 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 (No Parking Zones) - Veterans Parkway, east corporate limits to western terminus of Veterans Parkway on the south side; South Grand Prairie Parkway, north corporate limits to Raccoon River on the west side; SW Grand Prairie Parkway, Raccoon River to southern terminus of South Grand Prairie Parkway on the west side; and 78th Place, EP True Parkway to 185 feet north of EP True Parkway on the west side, initiated by the City of West Des Moines

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

Vote 19-554: 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 first reading of the ordinance.

Vote 19-555: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Veterans Parkway, east corporate limits to western terminus of Veterans Parkway, initiated by the City of West Des Moines

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

Vote 19-556: 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 first reading of the ordinance.

Vote 19-557: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(g) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 12 (Truck Routes) - Veterans Parkway, east corporate limits to western terminus of Veterans Parkway; South Grand Prairie Parkway, north corporate limits to Raccoon River; and SW Grand Prairie Parkway, Raccoon River to southern terminus of South Grand Prairie Parkway, initiated by the City of West Des Moines

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

Vote 19-558: 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 Hardman to approve the first reading of the ordinance.

Vote 19-559: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(h) Relocation of Regular City Council Meetings - Approval to Relocate the December 2, 2019 and December 16, 2019 City Council Meetings Due to Inaccessibility of Council Chambers, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to adopt Motion - Approval to Relocate City Council Meetings.

Vote 19-560: Hardman, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9(a) Vicious Dog Investigation

City Attorney Dick Scieszinski provided an update on the vicious dog investigation, and he apologized to the Sears family for his previous reporting of the matter at the November 4th council meeting, as his wording could have been interpreted to suggest that Ms. Sears was at fault in provoking the dog. He clarified his comments by stating Ms. Sears was in no way at fault. He reported that staff has met with the Misner family, but they decided to not voluntarily give up the dog. Staff also met with the Sears family to discuss the situation, and the Sears family still believes the dog should have been declared vicious after the initial attack of Ms. Sears. He also reported that staff was informed that the Misner's insurance company was not aware that the dog had been declared vicious prior to issuance of the policy, and although the insurance company intends to honor the one-year policy, it does not intend to renew it. He noted that the animal control investigator was unaware that the US Postal Service would stop home delivery due to the presence of the vicious dog at the Misner residence, and had that information been known, it could have led to a different recommendation regarding placement of the dog. He suggested that staff should be directed to meet with the Misners one more time to discuss the insurance issue and the possibility of placing the dog elsewhere due to the refusal of the US Postal Service to make home deliveries. If the Misners choose not to relocate the dog, the matter could be brought to the City Council to make a determination at the December 2nd meeting.

The Mayor and Council held discussion on the matter, and expressed support for Mr. Scieszinski's suggestion.

Sean Murtha, 539 9th Street, expressed concerns about the safety of the residents with the vicious dog remaining on the street. He suggested the dog owners could be required to put their dog through obedience training, and he noted that Furry Friends Refuge has offered to hold dogs in such situations.

Erin Sears, 1115 27th Street, Des Moines, expressed appreciation to the Mayor and Council for hearing the residents' concerns and to Mr. Scieszinski for his apology. She expressed concerns that the US Postal Service may install a community mailbox on 9th Street while the City is going through its due process on the vicious dog, at which point the residents would never have home delivery reinstated.

Mr. Scieszinski responded the US Postal Services assured him they will not install a community mailbox until a final determination has been made regarding the vicious dog.

Ms. Sears noted the Misners have had gatherings at their home while the dog has been on home quarantine. She inquired how the neighbors should report such cases when they occur.

Mayor Gaer suggested the residents should report such cases to City Attorney Sciesiznski.

Mr. Scieszinski noted if it is during non-business hours, they should call the police non-emergency number.

Mayor Gaer noted the agenda included an executive session for pending/threatened litigation. He inquired if that is still needed.

Mr. Scieszinski responded it is no longer needed.

The meeting was adjourned at 6:59 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor