

December 16, 2019

West Des Moines City Council Proceedings
Monday, December 16, 2019

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, at the West Des Moines Community School District Learning Resource Center, 3550 Mills Civic Parkway on Monday, December 16, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending one amendment to the agenda to clarify the purposes of the executive session by adding: “law enforcement matters (Iowa Code Section 21.5(1)(g)) and physical infrastructure/cyber security (Iowa Code Section 21.5(1)(k)).”

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

Vote 19-606: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

Mayor Gaer swore in At-Large Council Member Matthew McKinney, Second Ward Council Member Greg Hudson, and Parks and Recreation Advisory Board members Joe Hrdlicka, Jim Miller, and Aaron Sewell, all for four year terms beginning January 1, 2020.

Mayor Gaer introduced Dan and Phyllis Rupprecht and highlighted their accomplishments and contributions to the community. He then presented them with a Key to the City and read Proclamation - Recognition of Dan and Phyllis Rupprecht.

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

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

Council member Sandager stated it has been an honor to serve on the City Council the past 16 years, and he expressed appreciation to his fellow elected officials, city staff, and his family.

Council member Trimble expressed his appreciation to outgoing council members Mickelson and Sandager.

Council member Mickelson stated it has been a pleasure to serve on the City Council the past seven years, and he expressed appreciation to his fellow elected officials, city staff, and his family.

Council member Hardman expressed her appreciation to outgoing council members Mickelson and Sandager. She also reported she attended the recent West Des Moines Chamber of Commerce luncheon.

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City Manager Tom Hadden stated he has enjoyed working with outgoing council members Mickelson and Sandager and commended them for their service.

Mayor Gaer expressed appreciation to outgoing council members Mickelson and Sandager for their contributions to the city council. He then read Resolution of Appreciation to Jim Sandager and Resolution of Appreciation to John Mickelson.

Bret Hodne, Public Services Director, recognized Jon Keimig, as he won 2nd place in his event at the 2019 Snow Plow Roadeo.

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 December 2, 2019 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Class BW Permit with Sunday Sales - Renewal
 - 2. Christiani's Events, LLC d/b/a Christiani's Events, 2700 University Avenue, Suite 100 - Five-Day Class LC Liquor License - Effective January 16-20, 2020
 - 3. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal
 - 4. Thompson Hospitality, LLC d/b/a Urban Cellar, 640 South 50th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 5. Your Private Bartender, LLC d/b/a Your Private Bartender, 4000 Turnberry Drive - Five-Day Class LC Liquor License - Effective January 7-11, 2020
- d. Approval of Appointments:
 - 1. 2020 and 2021 Committee/Liaison Assignments
 - 2. Human Rights Commission
- e. Approval of Contract for Leasing Office Furniture - Library Interior Renovations
- f. Approval of Contract for New Office Furniture - Library Interior Renovations
- g. Approval of Agreement - Renewal of Main Street Iowa Program Agreement
- h. Order Construction:
 - 1. Intersection Improvements - Jordan Creek Parkway and Ashworth Road
 - 2. Raccoon River Park Concessions Remodel
- i. Accept Work:
 - 1. Booneville Road Bridge over Sugar Creek
 - 2. EP True Parkway Widening, Jordan Creek Parkway to 81st Street
 - 3. Mills Civic Parkway, South Jordan Creek Parkway to South 81st Street
 - 4. The Parkways Turn Lane on South Jordan Creek Parkway

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- j. Approval of Professional Services Agreement - Ashworth Road Corridor Study - 1st Street to 50th Street
- k. Approval of Proposal from MidAmerican Energy Company to Extend Electrical Service - Raccoon River Basin Segment 5 Sewer Lift Station
- l. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement - Texas Roadhouse, 6378 Mills Civic Parkway
- m. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement and Warranty Deed for Dedication of Right of Way - Unity Point Clinic, 4055 Westown Parkway
- n. Approval of Economic Development Assistance Contract - Wright Service Corp.
- o. Approval to Initiate Development Agreement - Allied Construction, Inc.
- p. Approval and Acceptance of Conveyance of Property Interests - Raccoon River Basin Segment 5 Sewer - Lift Station
- q. Resolution of Appreciation to Jim Sandager
- r. Resolution of Appreciation to John Mickelson
- s. Proclamation - Recognition of Dan and Phyllis Rupprecht
- t. Approval of Emergency Public Safety Network Migration

Vote 19-607: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 5(a) 1913 Grand Avenue - Change the Zoning from Residential Single Family to Office, initiated by Mark Shrum

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

Vote 19-608: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 19-609: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

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

Vote 19-610: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

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On Item 5(b) Amendment #1 to Historic West Des Moines Urban Renewal Area, initiated by the City of West Des Moines

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

Vote 19-611: Hardman, Mickelson, Sandager, Trimble...4 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 19-612: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

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

Vote 19-613: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 5(c) Woodland Hills Urban Renewal Area - Approval of Amended TIF Ordinance, initiated by the City of West Des Moines

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

Vote 19-614: Hardman, Mickelson, Sandager, Trimble...4 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 19-615: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

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

Vote 19-616: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

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On Item 6(a) 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 (Continued from November 18, 2019 and December 2, 2019)

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

Vote 19-617: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Wirtz Commercial Park, 865 South 51st Street - Vacation of Buffer No Build Area Plat Restriction on Lots 2 and 3, initiated by EIG14T Development. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 29, 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 vacation request.

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

It was moved by Sandager, second by Mickelson to adopt Resolution - Approval of Vacation of Buffer No Build Area.

Vote 19-618: Hardman, Mickelson, Sandager, Trimble...4 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 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 December 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 Mickelson to adopt Resolution - Approval of Agreement.

Vote 19-619: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by 300 4th Street, LLC and KCL Engineering,

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LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 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 Agreement.

Vote 19-620: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #4 to Alluvion Urban Renewal Area, 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 December 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 Mickelson to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 19-621: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

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

Vote 19-622: Hardman, Mickelson, Sandager, Trimble...4 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 19-623: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Whisper Ridge Plat 2 - Approval and Acceptance of Property Interests and Conveyance of Stormwater Detention and Access Easement, initiated by Whisper Ridge Two Owners Association, Inc. He asked for the date the notice was published and the City Clerk indicated the

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notice was published on December 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 and Acceptance of Property Interests and Resolution - Approval of Conveyance of Stormwater Detention and Access Easement.

Vote 19-624: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Valley Junction Activity Center Remodel, Phase 3B, 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 December 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 Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Koester Construction.

Vote 19-625: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 6(h) 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 December 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 Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to MPS Engineers (dba Kingston Services).

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Vote 19-626: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Sheraton Lift Station Generator Replacement, 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 December 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Waldinger Corporation.

Vote 19-627: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 7(a) Veterans Business Park Plat 1, west side of 1st Street approx. 1,000 ft. north of SE Willow Creek Drive - Subdivide Property into One Lot for Development, One Outlot and One Street Lot, initiated by Hurd Willow Creek, 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.

Vote 19-628: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

On Item 7(b) Sister Cities Commission Appointment, initiated by the City of West Des Moines

It was moved by Trimble, second by Mickelson to adopt Motion - Approval of Appointment.

Vote 19-629: Hardman, Mickelson, Trimble ...3 yes
Sandager... 1 abstain due to potential conflict of interest
Motion carried.

On Item 8(a) West Des Moines Water Works - 2020 Budget - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 6:19 p.m.

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It was moved by Mickelson, second by Sandager to go into Executive Session per Chapter 21 of the Iowa Code, to discuss the potential acquisition/disposition of real estate (Iowa Code Section 21.5(1)(j)), pending/threatened litigation (Iowa Code Section 21.5(1)(c)), law enforcement matters (Iowa Code Section 21.5(1)(g)), and physical infrastructure/cyber security (Iowa Code Section 21.5(1)(k)).

Vote 19-630: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

Entered Executive Session at 6:26 p.m. with the following persons present in the Fairmeadows Room of the West Des Moines Community School District Learning Resource Center: Mayor Gaer, Council members Hardman, Mickelson, Sandager, and Trimble; Council members-elect Hudson and McKinney; City Manager, Deputy City Manager, City Attorney, City Clerk, Community and Economic Development Director, Business Development Coordinator, Fire Chief, Police Chief, and ITS Director.

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

Vote 19-631: Hardman, Mickelson, Sandager, Trimble...4 yes
Motion carried.

Executive Session was adjourned at 7:07 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor