

February 17, 2020

West Des Moines City Council Proceedings
Monday, February 17, 2020

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, February 17, 2020 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to remove Item 9(a) Legislative Updates.

Mayor Gaer noted the Council plans to pull Item 4(p)1 28E Agreement with Des Moines Metropolitan Wastewater Reclamation Authority from the consent agenda, and he intends to have it considered with Public Hearing Item 6(f) Conveyance of Property Interests to the Des Moines Metropolitan Wastewater Reclamation Authority.

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

Vote 20-038: Hardman, Hudson, McKinney, Trevillyan ...4 yes
Motion carried.

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

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

Carole Chambers, President/CEO of the West Des Moines Chamber of Commerce, provided an update on the organization's activities over the past year, noting their membership continues to increase and they have plans to hire a new person to focus on improving the quality of the West Des Moines workforce.

Council member Trimble arrived at 5:33 p.m. The attendance was re-taken. Council members present were: R. Hardman, G. Hudson, M. McKinney, K. Trevillyan, and R. Trimble.

The Mayor and Council expressed appreciation to Ms. Chambers and her years of service to the West Des Moines Chamber of Commerce and congratulated her on her upcoming retirement.

Council member Trevillyan reported he will hold a Ward 1 quarterly town hall meeting on Saturday, February 22nd.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed the proposed hotel/motel tax allocations, an upcoming RFP for auditing services, a proposed amendment to the economic development policy, and the assignment of the Investment

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Management Agreement from Miles Capital, Inc. to Prudent Man Advisors, LLC. He also noted the Des Moines Area Regional Transit Authority (DART) is considering its budget for the upcoming fiscal year, and he will reach out to his fellow elected officials individually for their input.

Council member Hardman reported she attended the author presentation “Buxton, A Black Utopia in Iowa?” at the West Des Moines Public Library, which was very well attended. She also attended meetings of the University Avenue Corridor Redevelopment Plan Advisory Group and the Human Rights Commission, as well as a West Des Moines Chamber of Commerce luncheon.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of February 3, 2020 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Gilroy’s, LLC d/b/a Gilroy’s Kitchen + Pub + Patio, 1238 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 2. WRLP West Des Moines, LLC d/b/a Hampton Inn, 7060 Lake Drive - Class BW Permit with Sunday Sales and Living Quarters - Renewal
 3. Saison Cafe, LLC d/b/a The Hare and the Hound, 4000 Turnberry Drive - Five-Day Class LC Liquor License -Effective February 22-26, 2020
 4. Great Plain’s Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 5. C.C.W., LLC d/b/a Huhot Mongolian Grill, 4100 University Avenue, Suite 101 - Class BW Permit with Sunday Sales - Renewal
 6. Kum & Go LC d/b/a Kum & Go #66, 5308 University Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 7. Samurai Sushi & Hibachi Restaurant, Inc. d/b/a Samurai Sushi & Hibachi Restaurant, 7125 Mills Civic Parkway, Suite 110 - Class LC Liquor License with Sunday Sales - Renewal
 8. Cost Plus, Inc. d/b/a World Market, 4100 University Avenue, Suite 210 - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
- d. Approval of Extended Sound Permit - Sully’s Irish Pub, 860 1st Street
- e. Approval of Memorandum of Understanding - Motor Vehicle Enforcement for a Multi-Agency and Rural Strike Force to Save Lives Federal High Priority Grant
- f. Approval of Contract - City Hall Building Security Services
- g. Approval of Assignment of Investment Management Agreement from Miles Capital, Inc. to Prudent Man Advisors, LLC
- h. Approval of Artist Agreements - 2020 Art on the Campus

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- i. Approval of Agreement Amendment - Raccoon River Park Lighting Upgrade
- j. Approval of Change Order #2 - City Entrance Enhancements, Phase 1A
- k. Approval of Amendments to Professional Services Agreements:
 - 1. Osmium Fiber Conduit
 - 2. Raccoon River Basin Segment 5 Sewer
 - 3. MidAmerican Energy RecPlex Owner's Representative Services
- l. Establish Public Hearing - 2020-21 FY Operating and Capital Budget
- m. Approval to Authorize Metro Waste Authority to Enter into a Loan Agreement
- n. Order Construction:
 - 1. 2019 Pavement Markings and On-Street Bike Markings
 - 2. 2019 Sewer Rehabilitation Program
 - 3. 2020 PCC Reconstruction Program
 - 4. Human Services Building Improvements, Phase 2
 - 5. 2020 Court Improvements
- o. Accept Work:
 - 1. 2018 Sewer Cleaning and Televising Program
 - 2. Intersection Improvements - Intersection of Mills Civic Parkway and South Jordan Creek Parkway and Intersection of Coachlight Drive and South Jordan Creek Parkway
- p. Approval of 28E Agreements:
 - 2. West Des Moines Water Works - Radio Antenna on Water Towers, No Cost Water for City Facilities, and Sharing Fiber Optic Technologies

Vote 20-039: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) - Modify the Procedures and Requirements for Nuisances, 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 20-040: Hardman, Hudson, McKinney, 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 20-041: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 20-042: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Pavilion Park, generally located 1,600 feet east of Grand Prairie Parkway and South of I-80 - Amend Comprehensive Plan Land Use Map to Designate Mixed Use, Office, Medium Density, and Single Family Land Use and Establish the Pavilion Park Planned Unit Development (PUD), initiated by Pavilion Park, LC

It was moved by Trevillyan, second by McKinney to adopt Motion - Continue Public Hearing to March 2, 2020.

Vote 20-043: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Agreement for Private Development, initiated by WillieT, LLC (Continued from February 3, 2020)

It was moved by Trevillyan, second by McKinney to adopt Motion - Continue Public Hearing to March 2, 2020.

Vote 20-044: Hardman, Hudson, McKinney, 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 Conveyance of Excess Property to the City of Waukee - Three Parcels Located on the North Side of I-80 along the Grand Prairie Parkway and I-80 Interchange, 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 February 12, 2020 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 McKinney to adopt Resolution - Approval of Conveyance of Property.

Vote 20-045: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Conveyance of Excess Property to Hurd Black, LLC and Hurd West Glen, LLC - Two Parcels Located along the North Property Line of 8670 and 8550 Mills Civic Parkway, 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 February 12, 2020 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 McKinney to adopt Resolution - Approval of Conveyance of Property.

Vote 20-046: Hardman, Hudson, McKinney, 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 Conveyance of Property to Hurd Real Estate Services - One Parcel Located approx. 200 feet east of Veterans Parkway and 275 feet west of SE Willow Creek Drive on Vacated Army Post Drive Right-of-Way, 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 February 12, 2020 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 Conveyance of Property.

Vote 20-047: Hardman, Hudson, McKinney, 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 Conveyance of Property Interests to the Des Moines Metropolitan Wastewater Reclamation Authority - Sugar Creek Bank Stabilization Project, 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 February 12, 2020 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 requested additional background information from staff.

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Brian Hemesath, City Engineer, reported the Sugar Creek Bank Stabilization Project was identified several years ago as a necessary project by the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), and City staff have been working with them on a plan for the project. The project will require a significant number of trees to be removed, but the intent is to maintain the natural look of the creek. He noted the trees that will be removed include thorny locusts and mulberry trees. The current banks of the creek are very steep and pose a public safety risk, and this project would alleviate that by flattening the slope of the banks.

Staff presented photographs showing the banks of the creek and the trees that would need to be removed for this project.

Sally Ortgies, Parks and Recreation Director, reported many of the trees that will be removed for this project are already on unstable ground at the edge of the bank of the creek.

City Attorney Dick Scieszinski stated the thorns on the thorny locusts are two inches or more in length; therefore, regardless of the bank stabilization project, the future bike trail along this creek would have required the removal of those trees in the interest of public safety.

Ms. Ortgies stated the project includes replanting native species of high quality trees along the creek.

Mr. Hemesath stated some of the private properties along the bend of the creek are at risk of erosion, but this bank stabilization project will help alleviate that risk.

Mayor Gaer asked if there were any public comments.

Jake Ketzner, 1214 South Wildfire Avenue, expressed appreciation to City staff for meeting with him and explaining this project. He expressed opposition to the removal of trees for this project, because one of the selling points when he purchased his property was the trees behind the lot, and he noted the developer that sold the property to him did not disclose any information regarding this planned project. He requested that the City retain as many of the trees as possible.

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

City Manager Tom Hadden reported if the \$2 million of WRA funding allocated for this project is not used at this time, there is no guarantee it will be available at a future date.

Mr. Hemesath responded to questions from the council, stating the project has already been bid and the cost is approximately \$1.9 million. He also stated that construction is expected to begin in March and be completed in the fall. He noted construction access will not be through the private properties.

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The Mayor and Council held further discussion on the project and requested that staff explore the possibility of adding more trees along the creek in the future.

It was moved by Trevillyan, second by Trimble to adopt Item 4(p)1 Resolution - Approval of 28E Agreement with Des Moines Metropolitan Wastewater Reclamation Authority - Sugar Creek Bank Stabilization, Phase 1.

Vote 20-048: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Conveyance of Property.

Vote 20-049: Hardman, Hudson, McKinney, 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 Issuance of Not to Exceed \$7,400,000 Essential Corporate Purpose General Obligation Bonds (ECP), initiated by New Silk Road, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 7, 2020 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.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-1), 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 February 7, 2020 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.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-2), 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 February 7, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-3), 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 February 7, 2020 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.

On Item 6(k) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed \$485,000 General Corporate Purpose General Obligation Bonds (GCP-4), 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 February 7, 2020 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.

On Item 6(l) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed \$695,000 General Corporate Purpose General Obligation Bonds (GCP-5), 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 February 7, 2020 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 Hardman to adopt Resolution - Instituting Proceedings to Take Additional Action and Authorizing the Issuance and Levying a Tax for Items 6(g) through 6(l).

Vote 20-050: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(m) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Improvements, Phase 2 - South Jordan Creek Parkway to South 88th Street, initiated by the City of West Des Moines. He asked for the date the notice was published and the

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City Clerk indicated the notice was published on February 7, 2020 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.

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

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 McAninch Corporation.

Vote 20-051: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 6(n) Mayor Gaer indicated this was the time and place for a public hearing to consider City Entrance Enhancements, Phase 1B, 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 February 7, 2020 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 Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Connection, LLC.

Vote 20-052: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(o) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Reconstruction, east of I-35, 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 February 7, 2020 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.

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It was moved by Trevillyan, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group, LLC.

Vote 20-053: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 9 (Water Supply Protection) - Modify the Procedures and Requirements for Shallow and Deep Wells, initiated by West Des Moines Water Works

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

Council member Trimble requested clarification on the purpose of this ordinance.

Christina Murphy, General Manager of West Des Moines Water Works, responded the Iowa Department of Natural Resources made them aware that the City's ordinance was out of date and out of compliance with Iowa Code. This ordinance adopts the Iowa Code requirements by reference.

Vote 20-054: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 20-055: Hardman, Hudson, McKinney, 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 6:28 p.m.

It was moved by Trevillyan, second by Hardman to go into Executive Session per Chapter 21 of the Iowa Code, to discuss the potential acquisition/disposition of real estate.

Vote 20-056: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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Entered Executive Session at 6:34 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Hardman, Hudson, McKinney, Trevillyan, and Trimble; City Manager, City Attorney, City Clerk, City Engineer, and Finance Director.

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

Vote 20-057: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

Executive Session was adjourned at 6:53 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor