March 2, 2020

West Des Moines City Council Proceedings
Monday, March 2, 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, March 2, 2020 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, K. Trevillyan, and R. Trimble.

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

Vote 20-058: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

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

Fire Chief Craig Leu introduced Fire Lieutenants Paul O'Connell, Kris Ruszkowski, Mike Staiert, and Ryan Gordon, who were then sworn in by Mayor Gaer. He also introduced Firefighters Troy Smith, Ryan Haney, Benjamin Cox, Andrew Edens, Jason Runge, Mitchell Jones, Jack Jensen, Travis Hansen, Kyle Thompson, Cole Nielsen, who were then sworn in by Mayor Gaer as well.

Council member McKinney congratulated Council member Hardman for her designation as the Forty Under 40 Alumnus of the Year by the Des Moines Business Record. He reported he attended a meeting of the Development and Planning, where discussion was held on upcoming development projects. He also noted he has spent time the past couple weeks learning about the Youth Justice Initiative program and the benefit it provides to our community.

Council member Hudson reported he will hold his first quarterly constituent meeting on Thursday, March 19th.

Council member Hardman commended the Parks and Recreation department for the recent media coverage on their Veterans Parkway folded flags project. She reported she attended a meeting of the Library Board of Trustees.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of February 17, 2020 Meeting

b. Approval of Bill Lists
c. Approval of Liquor Licenses:
   1. Silverwest-I WDM, LLC d/b/a Element West Des Moines, 575 South Prairie View Drive - Class LB Liquor License with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal
   2. Fiesta West, Inc. d/b/a Fiesta Mexican Restaurant, 2025 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
   3. FormaroStuffed.com, LLC d/b/a Formaro's Stuffed, 2500 Grand Avenue (softball complex) - Class BB Beer Permit with Sunday Sales and Outdoor Service - Renewal
   4. Git N Go Convenience Stores, Inc. d/b/a Git N Go Convenience Store #4, 1325 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
   5. Laughingcrabia, Inc. d/b/a Laughing Crab, 4508 University Avenue - Class LC Liquor License with Outdoor Service - New
   6. BDF, Inc. d/b/a The Longest Yard, 122 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
   7. Blue Tuesday, LLC d/b/a Mitzi's Sausages, 206 5th Street - Class LC Liquor License with Sunday Sales - New
   8. Sri Ganesh, LLC d/b/a Paradise Biryani Pointe, 6630 Mills Civic Parkway, Suite 3102 - Class BW Permit with Native Wine and Sunday Sales - Renewal
   9. BarleyBay, LLC d/b/a Twisted Vine Brewery, 3320 Westown Parkway - Class BB Beer Permit with Sunday Sales and Outdoor Service - Renewal
d. Approval of Tobacco Permit
e. Approval of Appointment - Library Board of Trustees
f. Approval of Contracts:
   1. Swimming Pool Pump Maintenance and Repair Services
   2. Grinder Pump Maintenance and Repair Services
g. Approval of Professional Services Agreement - Environmental Site Assessment, Phase 2 - Fisher Property
h. Approval of Legal Service Engagement Agreements - Ahlers & Cooney, P.C.
i. Approval of Contract for Office Furniture - City Hall Renovations, Phase 3
j. Approval of Change Order #6 - West Public Services Facility, Phase 2
k. Order Construction
   1. MidAmerican Energy RecPlex - General Construction
   2. 2020 PCC Patching and Medians Program
   3. 39th Street and EP True Parkway HAWK Beacon
   4. Raccoon River Bank Stabilization Near South Grand Prairie Parkway
   5. South 88th Street and Raccoon River Drive Traffic Signal
l. Accept Work - Walnut Creek Outfall, Project 2
m. Approval and Acceptance of Property Interests - South Grand Prairie Parkway Grade Separation Project and Raccoon River Basin Segment 5 Sewer - Lift Station and Forcemain

Vote 20-059: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(n) Approval of Settlement and Release Agreement - Brian and Ashley Paterson

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

It was moved by Hardman, second by Trimble to approve Item 4(n) Approval of Settlement and Release Agreement - Brian and Ashley Paterson.

Vote 20-060: Hardman, Hudson, Trevillyan, Trimble … 4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(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 McKinney to consider the second reading of the ordinance.

Vote 20-061: 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 McKinney to approve the second reading of the ordinance.

Vote 20-062: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 20-063: Hardman, Hudson, McKinney, 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 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 (Continued from February 17, 2020). He asked for the date the notice was published and the City Clerk indicated the notice was published on January 31, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request.

Mayor Gaer asked if there were any public comments.

Nick Halfhill, Landmark Development Services, 9550 Hickman Road, Clive, presented an overview of the proposed development, and he thanked the Development and Planning Subcommittee for their time discussing this project.

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

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

Council member McKinney expressed appreciation to the applicant for working with the subcommittee on this proposed development and determining the appropriate buffers.

Council member Hudson inquired if there have been any concerns expressed by neighboring property owners.

Council member McKinney responded there were no concerns expressed to the subcommittee.

Vote 20-064: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 20-065: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 20-066: Hardman, Hudson, McKinney, 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 TWG Development, 520 88th Street - Amend Comprehensive Plan Land Use Map from Neighborhood Commercial to High Density Residential and Amend the Robel Farm Planned Unit Development (PUD) to Allow for Multi-Family Development, initiated by RBJ, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 14, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request.

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

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

Vote 20-067: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 20-068: 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 Hudson to approve the first reading of the ordinance.

Vote 20-069: 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 Cedar Ridge, northwest corner of South 88th Street and Mills Civic Parkway - Vacation of Public Utility and Storm Drainage Easements, initiated by Chayse Holdings, LLC, Oakstone Homes, CCRC of West Des Moines, LLC, and The Lofts on 88th, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 22, 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 Hardman to adopt Resolution - Approval of Vacation Request.

Vote 20-070: Hardman, Hudson, McKinney, 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 Cedar Ridge, northwest corner of South 88th Street and Mills Civic Parkway - Vacation of Two Water Main Easements, initiated by Chayse Holdings, LLC, Oakstone Homes, CCRC of West Des Moines, LLC, and The Lofts on 88th, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 22, 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 Hudson to adopt Resolution - Approval of Vacation Request.

Vote 20-071: 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 Agreement for Private Development, initiated by WillieT, LLC (Continued from February 3, 2020 and February 17, 2020). He asked for the date the notice was published and the City Clerk indicated the notice was published on January 24, 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 Hardman to adopt Resolution - Approval of Agreement.

Council member Trimble expressed excitement for this project, as it will add upper story housing in the Valley Junction area.

Vote 20-072: 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 to Polk County Conservation - One Parcel Located at the Southwest Corner of SE Pine Avenue and SE Soteria 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 February 26, 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 McKinney, second by Hudson to adopt Resolution - Approval of Conveyance of Property.

Vote 20-073: 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 Raccoon River Basin Segment 5 Sewer - Lift Station and Forcemain, initiated 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 21, 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 Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to S.M. Hentges & Sons, Inc.

Vote 20-074: Hardman, Hudson, McKinney, 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 Channel Repair 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 February 21, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Hill Contracting.

Vote 20-075: Hardman, Hudson, McKinney, 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 2019 Stormwater Intake Repair 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 February 21, 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 Hudson, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Hill Contracting.

Vote 20-076: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Cedar Ridge Plat 4, 9123 and 9126 South 91st Court - Subdivide Tow Existing Lots to Create a Third Lot for Transfer of Ownership and Vacate Overland Flowage Easement, Public Utility Easement, and a Portion of an Electrical Easement, initiated by Chayse Holdings, LLC and Oakstone Homes, Inc.

It was moved by Trimble, second by McKinney to adopt Resolution - Approval of Vacation of Easements and Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-077: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Wirtz Commercial Park Plat 6 / Kindercare Learning Center, 865 South 51st Street - Approval of Preliminary Plat to Subdivide Property into Two Commercial Lots and One Street Lots and Approval of Site Plan to Construct a 12,000 sq. ft. Childcare Building, initiated by EIG14T Development

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Preliminary Plat and Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-078: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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On Item 7(c) 2020-21 FY Hotel/Motel Tax Allocations, initiated by the City of West Des Moines

Council member Trevillyan inquired if there were any new applicants for funding this year.

Council member Trimble responded the only new applications were: Human Rights Commission for a Martin Luther King Jr. Day event, Central Iowa Shelter and Services for supportive services and job training program, and the Des Moines Area Regional Transit Authority (DART) for two new bus shelters in West Des Moines.

Council member Hardman expressed appreciation to the Finance and Administration Subcommittee for recommending the funding to be allocated to the Human Rights Commission for a Martin Luther King Jr. Day event, as she believes the event will allow West Des Moines to be seen as a welcoming city.

It was moved by Trimble, second by Hudson to adopt Motion - Approval of Subcommittee Recommendation.

Vote 20-079: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Lisa Schneider Resignation - Library Board of Trustees - Received and Filed

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported staff is closely monitoring HSB 695 regarding business property tax classifications.

The meeting was adjourned at 6:09 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor