April 6, 2020

West Des Moines City Council Proceedings
Monday, April 6, 2020

Due to the State Public Health Emergency Declaration regarding COVID-19, this meeting was conducted electronically pursuant to Iowa Code 21.8 and the Proclamation of Governor Kim Reynolds dated March 19, 2020.

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, via teleconference on Monday, April 6, 2020 at 5:30 PM. Council members present via teleconference 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 20-105: 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:

Council member Hardman reported the Library Board of Trustees and Human Rights Commission both have meetings scheduled to be held via teleconference later this week. She also reported she attended a meeting of the Development and Planning Subcommittee, where discussion was held on handicap accessibility.

Council member Trimble reported Des Moines Area Regional Transit Authority (DART) has experienced a significant decrease in ridership due to the COVID-19 pandemic and is implementing a plan to reduce service.

Council member Hudson reported the Greater Des Moines Convention and Visitors Bureau is starting its budget process and he has been appointed to the budget committee.

City Manager Tom Hadden reported that City offices are closed due to the COVID-19 pandemic, but staff are still working behind the scenes, with a majority working remotely from home.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of March 16, 2020 and March 23, 2020 Meetings
b. Approval of Bill Lists

c. Approval of Liquor Licenses:
   1. Montelongo, Inc. d/b/a Abelardo's Mexican Food, 5525 Mills Civic Parkway, Suite 130 - Class BB Beer Permit with Sunday Sales - Renewal
   2. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
   3. Quik Trip Corporation d/b/a Quik Trip #517, 1451 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
   4. Hy-Vee, Inc. d/b/a The Ron Pearson Center, 5820 Westown Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
   5. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal

d. Approval of Acknowledgment/Settlement Agreement - Violation of Tobacco Laws

e. Approval of Appointment - Sister Cities Commission

f. Approval of Purchase - Encrypted Badges and Badge Readers

g. Approval of Contract Agreements:
   1. Electrical Repair Services
   2. Turf Maintenance

h. Approval of Professional Services Agreement - Development and Design of Audio/Visual Requirements for the MidAmerican Energy RecPlex

i. Approval of Change Orders:
   1. Library Interior Renovations, #1
   2. Fiber Conduit Interconnect Project - Purple Route and Duct Bank, #2
   3. 2019 PCC Patching and Medians Program, #3
   4. MidAmerican Energy RecPlex - Foundations, #3
   5. MidAmerican Energy RecPlex - Pre-Engineered Metal Building, #3
   6. South 88th Street and Mills Civic Parkway Reconstruction, #9

j. Approval of Contract for Office Furniture - West Public Services Facility

k. Approval of Amendment No. 1 to Professional Services Agreement - Grand Technology Gateway Environmental Services

l. Approval of West Des Moines Resident Rain Barrel and Soil Quality Restoration Reimbursement Program

m. Order Construction:
   1. Public Safety Station #22 Roof Replacement
   2. Valley Junction Business District Pavers and Sidewalk, Phase 1

n. Accept Work - Hidden Point Park Improvements

o. Completion of Work - Jordan Creek Town Center Area Traffic Adaptive Signal System

p. Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Adaptive Traffic Signal Controls Expansion Project

q. Approval of Professional Services Agreements:
   1. 12th Street and Vine Street Regional Stormwater Management Facility
   2. MidAmerican Energy RecPlex - HVAC Test, Adjust and Balance Services
   3. South Service Area Segment 4 and 10 Sewers

4. Walnut Creek Flood Gate Rehabilitation

r. Approval of Proposal from MidAmerican Energy Company to Extend Electrical Service - 39th Street and EP True Parkway HAWK Beacon

s. Approval of Proposal from MidAmerican Energy Company to Relocate Secondary Enclosure - 2019 Channel Repair Program

t. Approval of Amendment No. 2 - Historic West Des Moines Urban Renewal Area

u. Establish Public Hearing - 2020-21 FY Operating and Capital Budget

Mayor Gaer noted that Item 4(p) Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Adaptive Traffic Signal Controls Expansion Project will result in the City's entire traffic signal system becoming adaptive, improving the flow of traffic throughout the city, and he commended staff for their efforts towards this accomplishment.

Vote 20-106: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) Manchester Village, 9076 Lindas Lane - Rezone from 'Unzoned' to Residential Medium Density, initiated by Stanbros Development, LLC

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

Vote 20-107: 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 Trimble to approve the second reading of the ordinance.

Vote 20-108: Hardman, Hudson, McKinney, 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 20-109: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 3 (Business and Licensing), Chapter 2 (Beer and Liquor Control) - Modify the Requirements for Outdoor Service Areas, initiated by the City of West Des Moines

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

Vote 20-110: 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 Hardman to approve the second reading of the ordinance.

Vote 20-111: Hardman, Hudson, McKinney, 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 20-112: 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 Amendment to City Code - Title 9 (Zoning), Chapter 3 (General Zoning Provisions) - Exempt from General Zoning Regulations City Improvements which Promote the Public Health, Safety and Welfare, 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 March 20, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, 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 Trevillyan, second by McKinney to consider the first reading of the ordinance.

Vote 20-113: 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 first reading of the ordinance.

Vote 20-114: 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 Vacation of a Portion of Booneville Road 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 March 27, 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 consider the first reading of the ordinance.

Vote 20-115: 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 first reading of the ordinance.

Vote 20-116: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Hardman, second by Trevillyan to adopt Resolution - Approval of Termination of Public Roadway Easement and Conveyance of a Portion of Vacated Booneville Road.

Vote 20-117: 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 Agreement for Private Development (Tax Increment Financing Rebate), initiated Junction House 329, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 27, 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 Agreement.

Council member Trevillyan noted the lower level of this development project will be leased as retail space, and he inquired how the minimum jobs requirement would be applied to this situation.

Katie Hernandez, Business Development Coordinator, responded the developer is guaranteeing the jobs on behalf of the tenant that will be locating in the building. She noted if that tenant were to leave, the property owner would be allowed to find a new tenant, and the minimum jobs

requirement would still apply to the new tenant. She also noted the agreement has a withholding provision if the property owner should fail to comply with the minimum jobs requirement.

Council member Trevillyan suggested the agreement should specify the length of time granted to the property owner to find a new tenant if the initial tenant should leave.

Mayor Gaer stated the property owner would have an incentive to find a new tenant as soon as possible, because if they don't have a tenant, then they would not be in compliance with the minimum jobs requirement, therefore they would not be receiving payment.

Council member McKinney noted the Development and Planning Subcommittee has been discussing a proposed ordinance amendment regarding handicap accessibility, and he inquired if this development project will include an elevator for the upper story housing units.

Lynne Twedt, Development Services Director, responded this development project would be subject to the current ordinance, which requires an elevator for these upper story housing units.

Vote 20-118: 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 Agreement for Private Development (Upper Story Housing Program), initiated by Junction House 329, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 27, 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 Agreement.

Vote 20-119: 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 MidAmerican Energy RecPlex - General Construction, 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 March 27, 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.

Mayor Gaer requested an explanation from staff on their recommendation to award the contract to the low bidder, even though the bid was over $2 million above the estimate.

City Manager Tom Hadden stated staff is recommending this contract be awarded to the low bidder, ATO Builders. He stated ATO Builders has already been awarded contracts for previous phases of this project, so the continuity would be helpful. He stated it is important to get this project started as soon as possible so it can be completed during the 2020 construction season, and he noted the low bid for the site improvements phase of this project was $1 million under the estimate.

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 ATO Builders.

Vote 20-120: 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 MidAmerican Energy RecPlex - Site 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 March 27, 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 Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Absolute Concrete.

Vote 20-121: 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 2020 HMA Resurfacing 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 March 27, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Des Moines Asphalt & Paving.

Vote 20-122: 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 2020 PCC Patching and Medians 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 March 20, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to The Concrete Company.

Vote 20-123: 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 Raccoon River Bank Stabilization Near South Grand Prairie 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 March 20, 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 Peterson Construction, Inc.

Council member Hudson inquired if there could be opportunities for assistance from the Army Corps of Engineers on river bank stabilization projects, or if cities bear full responsibility for river banks within their corporate limits.

Brian Hemesath, City Engineer, responded the purpose of this project is to mitigate changes to the stream made by the City for one of its road projects. It is solely the City's responsibility to mitigate any changes it has made.

Vote 20-124: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider South 88th Street and Raccoon River Drive Traffic Signal, 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 March 20, 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 Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Reject All Bids.

Council member Trimble inquired if this project is time sensitive.

Brian Hemesath, City Engineer, responded there is a time restriction on the grant, but staff plans to re-bid the project well before that deadline. He noted staff expects the bids will come in lower when this project is re-bid in several weeks.

Vote 20-125: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(k) Mayor Gaer indicated this was the time and place for a public hearing to consider 39th Street and EP True Parkway HAWK Beacon, 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 March 20, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Iowa Signal, Inc.

Council member Trimble expressed support for this project, stating he believes EP True Parkway is too busy of a street for pedestrians to cross without this in place.

Vote 20-126: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) UTC Delavan Plat of Survey, 811 4th Street - Create One Parcel for Transfer of Ownership to Combine with Adjacent Property for Development of a Convenience Store, initiated by Delevan, Inc.

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

Vote 20-127: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) McKibben Plat of Survey, 3855 SE Orilla Road - Create One Parcel for Transfer of Ownership, initiated by JoAnn McKibben and Barry McKibben

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

Vote 20-128: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Trimble expressed support for Item 4(l) Approval of West Des Moines Resident Rain Barrel and Soil Quality Restoration Reimbursement Program, as it is one of many things the City is doing to help the environment.

Council member Hardman congratulated Carole Chambers, who is retiring from her role as President/CEO of the West Des Moines Chamber of Commerce. She also commended her fellow elected officials and City staff as everyone is continuing to fulfill their duties while undergoing the stress of the COVID-19 pandemic situation. She suggested that staff prepare a video to express appreciation to all the people that are keeping the City together.

Council member McKinney inquired about the status of the long-term care facilities in our city and how they are addressing to the COVID-19 pandemic.

Fire/EMS Chief Craig Leu responded staff has met with the managers of those facilities in West Des Moines, and they have indicated they have sufficient supplies and are well prepared.

The meeting was adjourned at 6:15 p.m.

April 6, 2020

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor