April 20, 2020

West Des Moines City Council Proceedings
Monday, April 20, 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 20, 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 Hudson approve the agenda as presented.

Vote 20-129: 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:

Polk County Supervisor Angela Connolly provided an update on the county's activities related to the COVID-19 pandemic.

Council member Hardman reported she attended a virtual meeting of the Human Rights Commission, where discussion was held on the commission's strategic plan. She also attended a virtual meeting of the Library Board of Trustees, where discussion was held on ways to offer library services to the public while the building is closed. She also reported that Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, has started a series of conversations with CEO's in our community.

Council member McKinney reported he attended a virtual meeting of the Public Services Subcommittee, where discussion was held on drainage issues in the Commerce area. He also attended a virtual meeting of the Development and Planning Subcommittee, where discussion was held on a sidewalk issue and the ordinance regarding agricultural animals in the city. He commended Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, for getting off to a great start in her new role, particularly under the circumstances of the COVID-19 pandemic. He also expressed appreciation to City staff for its flexibility in temporarily relaxing some of the sign regulations for struggling businesses.

Council member Hudson also commended Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, for getting off to a great start in her new role, particularly

under the circumstances of the COVID-19 pandemic. He also welcomed the new Deputy City Clerk Julius Arrington, who started his position last month.

Council member Trimble reported he attended a virtual meeting of the Finance and Administration Subcommittee, where discussion was held on a Police Department ATV purchase, a property tax rebate program request in Valley Junction, proposed awards through the Property Improvement Fund and Regulatory Compliance Fund, and a COVID-19 small business relief proposal. He reported the Parks and Recreation Advisory Board also held a virtual meeting, where discussion was held on a request from West Des Moines Girls Softball to construct an indoor practice facility in Holiday Park and renewal of the agreement for the BCycle bike share station at Raccoon River Park. He also reported the Raccoon River Park Boathouse is on schedule to open in early-June, and the Jamie Hurd Amphitheater is ahead of schedule and is expected to open in August.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of April 6, 2020 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Tasting Station Restaurant Group, LLC d/b/a BeerStyles Gastropub & Taproom/SALT of the Hearth, 5513 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    2. Blazin Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 6925 Mills Civic Parkway, Suite #115 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    3. Bonsai Food Management, LLC d/b/a Dino's Bar & Grill, 5962 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
    4. Fareway Stores, Inc. d/b/a Fareway Store #153, 329 Grand Avenue - Class LE Liquor License with Carryout Wine and Carryout Beer - Renewal
    5. Foundry Distilling Company, LLC d/b/a Foundry Distilling Company, 111 South 11th Street, Suite 100 - Class C Native Distilled Spirits License with Sunday Sales and Outdoor Service - Renewal
    6. Migliero Real Estate d/b/a G. Mig's 5th Street Pub, 128 5th Street - Class LC Liquor License with Sunday Sales - Renewal
    7. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    8. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, 6255 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    9. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal

10. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class LB Liquor License with Sunday Sales - Renewal
11. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
12. T-Bowl Investments Inc. d/b/a Val Lanes Recreation Center, 100 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
13. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class LC Liquor License with Carryout Wine, Sunday Sales and Outdoor Service - Renewal

d. Approval of Enterprise Agreement and Payment - ESRI
e. Approval of Temporary Access License to Della Vita - EP True Parkway Extension, west of 88th Street
f. Approval of Professional Services Agreement - MidAmerican Energy RecPlex Website Design and Development
g. Approval of Artist Agreements:
   1. Jamie Hurd Amphitheater Public Art
   2. Traffic Signal Box Environmental Education Public Art
h. Approval of Change Orders:
   1. Grand Avenue Improvements, South Jordan Creek Parkway to South 88th Street, #9
   2. West Public Services Facility - Building and Site Improvements, #7
i. Approval of Amendment No. 2 to Professional Services Agreement - 2019 Bridge Inspection Program
j. Approval of Extension of Entitlement - Office at the Galleria, 645 South 60th Street
k. Approval of Subcommittee Recommendations - Redevelopment Incentive Programs (Property Improvement Fund and Regulatory Compliance Fund)
l. Authorize City Manager to Waive and Defer Development Agreement Requirements for Businesses Impacted by COVID-19
m. Approval of Settlement and Release Agreement with Todd and Cindy Herren - Cedar Ridge Sewer Extension

Vote 20-130: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) 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

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

Vote 20-131: 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 20-132: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 20-133: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Vacation of a Portion of Booneville Road Right of Way, initiated by the City of West Des Moines

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

Vote 20-134: 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 20-135: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 20-136: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 5(c), Mayor Pro tem Hardman will preside over this portion of the meeting.

On Item 5(c) Not to Exceed $6,000,000 General Fund Capital Loan Notes, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Resolution - Instituting Proceedings to Take Additional Action for Authorization of a Loan Agreement and the Issuance of Capital Loan Notes and Resolution - Authorize Action to Enter into a Loan Agreement with West Bank.

Vote 20-137: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider The Preserve, south of Raccoon River adjacent to SW Grand Prairie Parkway - Amend Comprehensive Plan Land Use Map to Designate Single Family and Medium Density Residential Land Use and Amend the Planned Unit Development (PUD) to Establish Development Standards and Modify Signage Regulations, initiated by Raccoon River Land Company, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 4, 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 one member abstaining and one member absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and PUD amendment.

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

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

Vote 20-138: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 20-139: 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 McKinney to approve the first reading of the ordinance.

Vote 20-140: 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 2020-21 FY Operating and Capital Budget, initiated by the City of West Des Moines (Continued from March 16, 2020 and March 23, 2020). He asked for the date the notice was published and the City Clerk indicated the notice was published on April 10, 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 Budget.

Council member Trimble expressed appreciation to staff for their efforts in forecasting potential losses in revenue due to the COVID-19 pandemic, and he stated the Council will likely be looking into possible budget reductions in the near future.

Council member Hardman expressed appreciation to staff for their efforts in preparing this budget. She also thanked City Manager Tom Hadden for the video message he released.

Vote 20-141: 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 Parks Restrooms and Shelters, Phase 2 - Miscellaneous 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 April 10, 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 Hartland Bobcat Services, LLC.

Council member Hardman requested an explanation why one bid was significantly lower than the others.

Brian Hemesath, City Engineer, responded the COVID-19 pandemic situation could be leading to a shortage of projects, so some contractors may be willing to lower their prices to secure the projects. He noted that staff does not have any knowledge of poor performance from the low bidder, so they are recommending the contract be awarded to that contractor.

Vote 20-142: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) The Preserves Estates Plat 1, east side of SW Grand Prairie Parkway, south of the Raccoon River - Subdivide Property into 12 Residential Lots and Two Street Lots, initiated by Raccoon River Land Development Company, 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.

Council member McKinney expressed appreciation to staff for their continued efforts in addressing the concerns regarding the connection fee district that applies to this development.

Vote 20-143: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Water Tower Lighting, 505 South 50th Street - Approval of Minor Modification to Allow Elevated Directional Lighting, initiated by West Des Moines Water Works.

It was moved by Trevillyan, second by Hardman to adopt Resolution - Approval of Minor Modification, subject to the applicant complying with all applicable City Code requirements.

Council member McKinney noted that approval of this minor modification does not address the funding of the lighting project, and he stated he has some concerns regarding how to fund this in light of the COVID-19 pandemic situation.

Council member Hudson stated he supports the lighting project as long as it is consistently white lighting. He also expressed concerns regarding how to fund the project.

City Manager Tom Hadden reported the estimated total cost of the project is $72,000, and the City would be responsible for funding half. He noted the City's share could be covered by surplus funds from CIP projects where the bids came in below the estimate, and he believes it is a great marketing opportunity for the City along a major interstate highway.

Vote 20-144: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Scheels Warehouse, 175 South 9th Street, Building 300 - Request to Waive City Code Requirement for Curbs, initiated by Scheels All-Sports, Inc.

Council member Trimble stated he supports this particular request, but he expressed concerns about setting a precedent for developers to construct rolled curbs and then request a waiver.

City Manager Tom Hadden noted the developer also requested additional waivers for landscaping requirements, but staff has recommended that those requirements remain in place.

It was moved by Trimble, second by Hudson to adopt Resolution - Approval of Waiver of Curb Requirement, subject to the applicant complying with all applicable City Code requirements.

Vote 20-145: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) 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 Hudson to consider the first reading of the ordinance.

Vote 20-146: 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 20-147: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 6 (Parking Regulations) - Modify the Requirements for Prohibited Parking, initiated by the City of West Des Moines

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

Vote 20-148: 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 20-149: 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 6:23 p.m.

April 20, 2020

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

_____
Steven K. Gaer, Mayor