

May 4, 2020

West Des Moines City Council Proceedings  
Monday, May 4, 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, May 4, 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 20-150: 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 noted this week is Municipal Clerks Week, and she expressed appreciation to the City Clerk's Office staff for all the work they do.

Council member McKinney expressed appreciation to Mayor Gaer and staff for extending the relief on sign code regulations for businesses in West Des Moines. He also reported he attended a meeting of the Development and Planning Subcommittee, where information was presented on methods for supporting local businesses. He also noted this week is Public Service Recognition Week, and he expressed appreciation to all City staff for the work they do.

Council member Hudson stated he is impressed with how the community has come together during this pandemic situation. He also reported the Waukee Community School District recently approved a new map for the school boundaries, and he expressed appreciation to the district for approving the option that he considers to be in the best interest of West Des Moines families.

Council member Trimble reported the Disaster Recovery Partnership Planning Advisory Committee met and discussed what the recovery from this pandemic situation should look like and how the basic needs of the community should be met going forward. He also reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on the allocation of incoming Community Development Block Grant (CDBG) funds and how to address the budget issues of the Historic Valley Junction Foundation. He also expressed

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appreciation to the Finance Department for their efforts in forecasting the City's projected budget shortfall due to the economic downturn and developing an action plan to address it.

City Manager Tom Hadden reported a cardboard box recycling drop-off station will be temporarily located in the parking lot of Valley Southwoods Freshman High School for public use in the near future. He noted permanent drop-off stations will eventually be located at the City's two Public Services facilities.

Mayor Gaer reported he has been asked to participate in an interview with Channel 5 news tomorrow morning regarding the City's response to the pandemic situation.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of April 20, 2020 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  1. Biaggi's Ristorante Italiano, LLC d/b/a Biaggi's Ristorante Italiano, 5990 University Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales and Catering Privileges - Renewal
  2. Orilla Chicken Company, Inc. d/b/a The Chicken, 4221 SE Orilla Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  3. Eat Thai, LLC d/b/a Eat Thai, Thai Eatery, 1821 22nd Street, #103 - Class BW Permit with Sunday Sales - Renewal
  4. El Fogon del Chivo, LLC d/b/a El Fogon, 1250 8th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  5. Dino Investment, Corp. d/b/a The Filling Station, 305 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  6. BBMG Mills Civic Parkway, LLC d/b/a Grumpy Goat Tavern, 6420 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  7. Kinseth Hotel Corporation d/b/a Hampton Inn, 6160 Mills Civic Parkway - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
  8. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Six-Month Class LC Liquor License with Outdoor Service - New
  9. Kinseth Hotel Corporation d/b/a Homewood Suites, 6220 Stagecoach Drive - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
  10. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe, 1700 Valley West Drive (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal

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11. MM, LLC d/b/a Ladder #13, 1316 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  12. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
  13. The Operating Room, LLC d/b/a The Operating Room, 5515 Mills Civic Parkway, Suites 130 and 135 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  14. Pike VII Management Inc. d/b/a Smashburger, 1821 22nd Street, Suite #106 - Class B Beer Permit with Sunday Sales - Renewal
  15. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
  16. Willow Creek Golf Course, Inc. d/b/a Willow Creek Golf Course, 140 Army Post Road - Class LC Liquor License with Sunday Sales, Living Quarters, and Outdoor Service Privileges - Renewal
- d. Approval of License Agreement - Des Moines Bicycle Collective “BCycle” Bike Share
  - e. Approval of Contract Agreements:
    1. 2020 Street and Pavement Repair Supplemental Retainer Contract
    2. Portland Cement Concrete Material for Improved Street Maintenance
  - f. Approval of Professional Services Agreement - Audit Services
  - g. Approval of Additional 2019-20 FY Hotel/Motel Tax Allocations to the Historic Valley Junction Foundation
  - h. Approval of Change Order #10 - South 88th Street and Mills Civic Parkway Reconstruction
  - i. Approval of Amendments to Professional Services Agreements:
    1. Johnson Creek Realignment
    2. West Public Services Facility
  - j. Approval of Master Conduit License and Sharing Agreement with MCC Iowa, LLC (Mediacom)
  - k. Award Contract - MidAmerican Energy RecPlex Indoor/Outdoor Synthetic Turf Fields
  - l. Accept Work - Ashworth Road Improvements - Jordan Creek Parkway to 81st Street
  - m. Accept Public Improvements - Scheels Warehouse Sanitary Sewer
  - n. Approval of Consent to Collateral Assignment of the Development Agreement and Upper Story Housing Program Agreement with Junction House 329, LLC
  - o. Approval and Acceptance of Property Interests:
    1. Raccoon River Bank Stabilization Project
    2. South Grand Prairie Parkway Grade Separation Project and Raccoon River Basin Segment 5 Sewer - Lift Station and Forcemain Project
  - q. Approval of Proclamations:
    1. Bike Month, May 2020
    2. Police Officers Week, May 10-16, 2020

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Vote 20-151: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(p) Approval of Termination of Lease Agreement with the West Des Moines Business Incubator - 318 5th Street

Council member Trevillyan requested clarification on the proposed termination date.

City Attorney Dick Scieszinski responded the proposed resolution would terminate the lease 180 days from the date proclaimed by Governor Kim Reynolds allowing the first phase of reopening businesses in Polk County, or June 30, 2021, whichever comes first.

Council member Trevillyan expressed concerns that if the first phase of reopening does not occur prior to January 1, 2021, then the lease would not terminate until the date it was originally set to expire anyway. He suggested the resolution should identify a specific termination date. He also expressed concerns that the sublease with Gravitare is in violation of the City's lease with the West Des Moines Business Incubator. He stated the sublease was signed by Geoff Wood, identified as owner of Welch Avenue, LLC, however he noted the Secretary of State filing lists Hope Wood as owner of Welch Avenue, LLC. He also expressed concerns that Gravitare received a payroll protection plan loan but is still collecting rent from its tenants.

It was moved by Trevillyan to approve Item 4(p) Approval of Termination of Lease Agreement with the West Des Moines Business Incubator - 318 5th Street with an amendment to specify the termination date as October 31, 2020. Motion died for lack of second.

Mr. Scieszinski stated the Public Safety Subcommittee recommended the notice of termination be counted as 180 days from the first phase of reopening for Polk County in order to allow for a transition period.

The Council members held additional discussion on the appropriate timeline for the termination of the lease, with a majority expressing support for the recommendation made by the Public Safety Subcommittee, which was intended to be a compromise that would end the relationship with the West Des Moines Business Incubator yet doing so in a reasonable manner.

It was moved by Hardman, second by Trimble to approve Item 4(p) Approval of Termination of Lease Agreement with the West Des Moines Business Incubator - 318 5th Street.

Council member Trimble stated he is sad to see this relationship come to an end, and he expressed a desire that the City continue to support small businesses in the community. He suggested establishing a small business center that could provide information and resources to owners of small businesses.

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Council member Trevillyan stated, even though he doesn't fully support the wording of the termination date in the proposed resolution, he will vote in favor of this motion.

Vote 20-152: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(a) The Preserve, south of Raccoon River adjacent to SW Grand Prairie Parkway - Amend the Planned Unit Development (PUD) to Establish Development Standards and Modify Signage Regulations, initiated by Raccoon River Land Company, LLC

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

Vote 20-153: 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 second reading of the ordinance.

Vote 20-154: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 20-155: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

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

Vote 20-156: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 20-157: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 20-158: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(c) 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 Trimble, second by McKinney to consider the second reading of the ordinance.

Vote 20-159: 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 second reading of the ordinance.

Vote 20-160: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 20-161: 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 Community Development Block Grant Program - 2020-24 Consolidated Plan, 2020-21 Annual Action Plan, 2019-20 Amended Annual Action Plan, 2018-19 Amended Annual Action Plan, Citizen Participation Plan, and Outreach Policy for Minority and Women Owned Businesses, 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 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 Hudson to adopt Resolution - Approval of Community Development Block Grant Program Plans.

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Council member McKinney expressed a desire for the administration costs of the programs be minimized as much as possible.

Tim Stiles, Finance Director, noted the administration costs indicated on this item are truly direct program costs, such as case workers' salaries.

Council member Hardman requested additional information on the Citizen Participation Plan and the Outreach Policy for Minority and Women Owned Businesses.

Christine Gordon, Housing Planner, responded the Citizen Participation Plan is changing significantly due to the pandemic situation, as the 30-day comment period has been reduced to five days. She noted the Outreach Policy for Minority and Women Owned Businesses is reviewed and approved every five years, but there are no proposed changes at this time. She stated if the Council would like to see any changes made to that policy, staff would receive their suggestions and could make changes at any time.

Vote 20-162: 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 Valley Junction Business District Pavers and Sidewalk, Phase 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 April 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.

Mayor Gaer noted a resident had reached out to him and requested that the City save as many of the existing trees along this sidewalk as possible.

Council member Trevillyan stated he had spoken with the same resident and explained the reasons for the tree removal. He noted the resident was not happy but understood the City's position.

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 Minturn, Inc.

Council member McKinney commended staff for their efforts in consulting with various parties in advance of this project.

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Matt Hauge, Executive Director for the Historic Valley Junction Foundation, expressed appreciation to the City for prioritizing this project and for reaching out to his organization and many of the Valley Junction businesses regarding this project.

Vote 20-163: 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 Public Safety Station #22 Roof 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 April 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 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 Central States Roofing.

Vote 20-164: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) Dave & Busters, 170 South Jordan Creek Parkway - Preliminary Plat to Subdivide Property into One Commercial Lot and Site Plan to Construct a Building Pad for a 22,600 sq. ft. Building, initiated by Brookfield Properties Retail.

It was moved by Trimble, second by McKinney 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.

Council member Hudson inquired if staff believes there will be sufficient parking in this area with the anticipated increase in demand from Dave & Busters going in.

Lynne Twedt, Development Services Director, responded there is ample parking in the Jordan Creek Town Center area.

Vote 20-165: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(b) Westport, 33346 V Court - Subdivide Property into 83 Lots for Single Family Development, Five Public Street Lots, Four Outlots for Future Development, and One Outlot for Storm Water Detention, initiated by Westport Development, LLC.



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

Vote 20-166: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(c) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances), Section 10 (Specified Crime Property; Declaration and Abatement) - Clarify the Process Regarding Disorderly and Nuisance Property Violations, initiated by the City of West Des Moines.

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

Vote 20-167: 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 20-168: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(d) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) - Add Section 11 (Disorderly and Nuisance Properties) to the City Code, initiated by the City of West Des Moines

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

Vote 20-169: 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 20-170: 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

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The meeting was adjourned at 6:38 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor