May 18, 2020

West Des Moines City Council Proceedings
Monday, May 18, 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 18, 2020 at 5:30 PM. Council members present via teleconference were: R. Hardman, G. Hudson, M. McKinney, and R. Trimble.

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

Vote 20-171: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

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

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

Council member Hardman reported she attended a meeting of the Human Rights Commission, where discussion was held on collaboration opportunities with the community. She also noted this is National Police Week and International Firefighters Day, and she expressed appreciation for the West Des Moines Police and Fire Departments for the work they do for our community.

Council member Hudson reported the City-School Advisory Committee met and discussed how the city and school districts could collaborate if the pandemic situation would continue to impact schools in the fall. He also reported he attended a meeting of the Greater Des Moines Convention & Visitors Bureau, where discussion was held on spending cuts, which included the deferral of $75,000 in allocations for the MidAmerican Energy RecPlex project. He also reported Katherine Harrington, the new President/CEO of the West Des Moines Chamber of Commerce, is doing a great job and there is a lot of enthusiasm for the future of that organization.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed proposed Galloway mixed-use development and FY2019-20 Budget Amendment #3.

Mayor Gaer reported the Des Moines Area Metropolitan Planning Organization is considering a reduction in the assessment to its member cities for this year.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of May 4, 2020 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Drury Development Corporation d/b/a Drury Inn & Suites, 5505 Mills Civic Parkway - Class LB Liquor License with Carryout Wine Privileges and Sunday Sales - Renewal
    2. VPC West Des Moines Pizza, LLC d/b/a Giordano's of West Des Moines, 120 Jordan Creek Parkway - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    3. CTCC Rentals, LLC d/b/a Grand Junction Bar & Grill, 1970 Grand Avenue, #29 - Class LC Liquor License with Sunday Sales, Brew Pub, Outdoor Service, and Catering Privileges - Renewal
    4. Hy-Vee, Inc., d/b/a Hy-Vee Clubroom, 555 South 51st Street, Clubroom Area - Class BW Permit with Sunday Sales - Renewal
    5. Hy-Vee, Inc. d/b/a Hy-Vee Food Store #1, 1700 Valley West Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
    6. Kum & Go, LC d/b/a Kum & Go #8, 1293 8th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    7. Kum & Go, LC d/b/a Kum & Go #50, 745 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    8. Kum & Go, LC d/b/a Kum & Go #74, 141 South Jordan Creek Parkway – Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    9. Kum & Go, LC d/b/a Kum & Go #2091, 5969 Ashworth Road - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    10. OTB Acquisition, LLC d/b/a On The Border, 140 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    11. RTI Holdings, LLC d/b/a R Taco, 9500 University Avenue, Suite 2109 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    12. Vino 209, LLC d/b/a Vino 209, 209 5th Street - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal
    13. Walgreen Co. d/b/a Walgreens #6623, 1660 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    14. Walgreen Co. d/b/a Walgreens #6677, 4900 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    15. Walgreen Co. d/b/a Walgreens #6678, 1999 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    16. West Des Moines Hotel Associates, LLC d/b/a West Des Moines Marriott, 1250 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal

d. Approval of Extended Sound Permit - Glen Oaks Country Club, 1401 Glen Oaks Drive
e. Approval of Appointments:
   1. Human Services Advisory Board
   2. Library Board of Trustees
f. Approval of MidAmerican Energy RecPlex Lease and Hold Harmless Agreements - Des Moines University Osteopathic Medical Center
h. Approval of Change Order #1 - Levee Trail Improvements
i. Approval of Agreement Amendment - Sugar Creek Greenway Trail, Phase 1
j. Approval of Amendment No. 1 to Professional Services Agreement - Valley Junction Business District Pavers and Sidewalk, Phase 1
k. Approval of Professional Services Invoice - MidAmerican Energy RecPlex - Grading, Site Utilities and Site Improvements
l. Approval of Cooperative Agreement with Iowa Department of Transportation - Ashworth Road Reconstruction, Phase 4
m. Approval of Interfund Transfers
n. Order Construction - Northeast Basin Storm Sewer Improvements, Connections to 4th Street and Ashworth Road
o. Approval of Extensions of Entitlement:
   1. Alameda Office Building, 6770 Vista Drive
   2. Waterbury Building, 7765 Office Plaza Drive North
   3. Willow Creek Villas
p. Initiate Development Agreement - Galloway Holdings, LLC
q. Establish Consultation Meeting and Public Hearing:
   1. Amendment #8 to Amended and Restated Mills Parkway Urban Renewal Area (Subdistrict 8)
   2. Ponderosa Urban Renewal Area
r. Approval and Acceptance of Offer to Purchase and Agreement for Future Public Safety Facility:
   1. M.A.K. Investments, Inc.
   2. Timothy and Maureen Hildreth Revocable Trust
s. Public Works Week, May 17-23, 2020

Vote 20-172: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 4(g) Approval of Concessionaire Agreement - Raccoon River Park Boathouse

Council member Trimble inquired if the City will offer a shuttle service for Raccoon River boaters so they can get back to Raccoon River Park.

Sally Ortgies, Parks and Recreation Director, responded staff has discussed a potential shuttling program with this proposed concessionaire and they are interested in providing that service. She noted that program will be worked out at a later date.

It was moved by Trimble, second by Hardman to approve Item 4(g) Approval of Concessionaire Agreement - Raccoon River Park Boathouse.

Vote 20-173: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

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

Vote 20-174: Hardman, Hudson, McKinney, Trimble…4 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 20-175: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

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

Vote 20-176: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 5(b) 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 Trimble second by Hudson to consider the second reading of the ordinance.

Vote 20-177: Hardman, Hudson, McKinney, Trimble…4 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 20-178: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

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

Vote 20-179: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 6(a) Banks Landing, northwest corner of 88th Street and Booneville Road - Amend the Comprehensive Plan Land Use Map to Change approx. 12.47 acres of Neighborhood Commercial to Single Family and Medium Density Residential Land Use and Amend the Tallyn's Reach Planned Unit Development (PUD) to Change Parcel I from Neighborhood Commercial to Parcel J (Residential Single Family) and Parcel G (Medium Density Residential) and Establish Regulations to Accommodate Development of 52 Rowhouses and 21 Single Family Homes, initiated by Clark Family Investors

It was moved by Trimble second by Hardman to adopt Motion - Continue Public Hearing to June 1, 2020.

Vote 20-180: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider 2019-20 FY Operating and Capital Budget - Amendment #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 May 8, 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 Budget Amendment #3.

Council member Hardman requested clarification on the following items: increase for Chamber of Commerce Program sponsorship, increase for a city-wide encrypted badge reader system, and an increase for sanitary sewer fund insurance claims.

Tim Stiles, Finance Director, responded the West Des Moines Chamber of Commerce had requested City participation in the Eat Week and First Responders Recognition programs. He also stated the city-wide encrypted badge reader system would move all City facilities to the same badge access system with encrypted badges to improve security.

Chris Hamlett, Budget Analyst, responded the increase for sanitary sewer fund insurance claims is for a settlement regarding a sanitary sewer project in the Fox Creek development, which resulted in damage to a resident's property.

Council member McKinney noted Polk County is tracking expenses that relate to the COVID-19 pandemic, and he inquired if the City is doing the same.

Mr. Stiles responded yes, staff is tagging expenses related to the pandemic in the financial system.

Vote 20-181: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 7(a) Grand Valley Plat 3, northeast corner of South 35th Street and Grand Avenue - Subdivide Property into 45 Single Family Lots, One Street Lot and One Outlot, initiated by Grand Valley, LLC.

It was moved by Trimble, second by Hudson to adopt Resolution - 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.

Council member Trimble inquired about the status of the development's detention basin.

Lynne Twedt, Development Services Director, responded her understanding is the Grand Valley development will have a wet pond, but the Preserve will have a drier marshy area.

Vote 20-182: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 7(b) Allied Construction, 2825 SE 1st Street - Phased Site Plan to Allow Site Work and Installation of Utilities and Footing and Foundations, initiated by Allied Construction Services, Inc.

It was moved by McKinney, second by Hardman to adopt Resolution - Approval of Phased 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 how tall these warehouses will be.

Lynne Twedt, Development Services Director, responded the architecture is not part of tonight's item. She stated she can provide proposed architectural drawings to the Council.

Vote 20-183: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 7(c) Spring Crest Townhomes, southwest corner of Westown Parkway and Sedona Drive - Phased Site Plan to Allow Grading and Installation of Private Utilities, initiated by Spring Crest Townhomes WDM, LLC.

It was moved by McKinney, second by Hardman to adopt Resolution - Approval of Phased 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 these will be two-story or three-story townhomes.

Lynne Twedt, Development Services Director, responded the architecture is not part of tonight's item. She stated she can provide proposed architectural drawings to the Council.

Vote 20-184: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 7(d) Brookview Elementary Classroom Additions, 8000 EP True Parkway - Approx. 6,900 sq. ft. of Classroom Additions and Modifications to Storm Water Detention Facilities, initiated by Waukee Community School District.

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

Vote 20-185: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 7(e) Convenience Store and Office Plat of Survey, northwest corner of Grand Avenue and Glen Oaks Drive - Create a Parcel for Transfer of Ownership, initiated by Kum & Go, LC.

It was moved by Hardman, second by Hudson 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 20-186: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

On Item 7(f) Parcel "2016-66" Plat of Survey, southwest corner of 1st Street and Ashworth Road - Create Parcel for Transfer of Ownership, initiated by the City of West Des Moines.

It was moved by Trimble, second by Hudson 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 20-187: Hardman, Hudson, McKinney, Trimble…4 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Hardman noted the City of Des Moines recently held a virtual public meeting that was disrupted with vulgar comments and images. She inquired how the City of West Des Moines is protecting its meetings from such an incident.

Joe Menke, ITS Director, responded the City has distributed guidelines to staff for configuring virtual meetings to improve security. He stated he can provide additional information on those guidelines to the Council.

Mayor Gaer noted the June 1st Council meeting will again be held virtually in Microsoft Teams, but the intention is that the June 15th meeting would allow the elected officials to return in-person and continue to provide the virtual option for staff and the public.

Council member McKinney expressed appreciation to the Parks and Recreation Department for how they are approaching the decision on whether or not to open the aquatic centers this summer.

The meeting was adjourned at 6:04 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor