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West Des Moines City Council Proceedings  
Monday, August 3, 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, August 3, 2020 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and K. Trevillyan.

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

Vote 20-287: Hardman, Hudson, McKinney, Trevillyan...4 yes  
Motion carried.

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

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

Council member Hudson expressed support for two projects that both have proposed professional services agreements on tonight's agenda: 88<sup>th</sup> Street Reconstruction, Ashworth Road to Abram Drive and Prairie View Drive and Ashworth Road Intersection Improvements.

Council member Hardman reported she attended the opening of the Raccoon River Park Boathouse, and she commended the Parks and Recreation department for accomplishing such a great quality of life project for our community. She also reported she attended a meeting of the Library Board of Trustees, where discussion was held on changes in operations due to the COVID-19 pandemic. She expressed appreciation to the Library staff for remaining open and continuing to offer their services to the public.

On Item 4. Consent Agenda.

Council members pulled Items 4(f) and 4(q) for discussion. It was moved by McKinney, second by Hardman to approve the consent agenda as amended.

- a. Approval of Minutes of July 20, 2020 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  1. 515 bar&grill, LLC d/b/a 165 Bar & Grill, 165 South Jordan Creek Parkway, Suite 120 & 125 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  2. Revenge is a Dish, LLC d/b/a Blue Moon Events Center, 5485 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service – New

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3. Bradley's Pub, Inc., d/b/a Bradley's Pub, 1300 50<sup>th</sup> Street, Suite 203 - Class LC Liquor License with Sunday Sales - Renewal
  4. Casey's Marketing Company d/b/a Casey's General Store #2150, 2125 Grand Avenue - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New
  5. Casey's Marketing Company d/b/a Casey's General Store #2297 108 8<sup>th</sup> Street – Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales – New
  6. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #2, 1990 Grand Avenue (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
  7. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #3, 1725 Jordan Creek Parkway (Café Area) - Class LC Liquor License with Sunday Sales - Renewal
  8. Jethro's Bacon Bacon, Inc., d/b/a Jethro's BBQ n'Bacon Bacon, 1480 22<sup>nd</sup> Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
- d. Approval of Extended Sound Permit - Larson Wedding Reception, 2320 SE 11<sup>th</sup> Street
- e. Approval of Special Event Lane Closure:
1. 58<sup>th</sup> Street Block Party, August 15, 2020
  2. Giles Street Block Party, August 29, 2020
- g. Approval of Professional Services Agreement - School Crossing Guard Services
- h. Approval of Purchase and Implementation of Network and Wi-Fi Equipment - West Public Services Facility
- i. Approval of Railroad Crossing Improvements Agreement with the Iowa Department of Transportation and Iowa Interstate Railroad - South 88<sup>th</sup> Street and Iowa Interstate Railroad
- j. Approval of Change Orders:
1. MidAmerican Energy RecPlex - General Construction, #2
  2. MidAmerican Energy RecPlex - Grading and Site Utilities, #5
  3. MidAmerican Energy RecPlex - Grading and Site Utilities, #6
- k. Approval of Amendments to Professional Services Agreements:
1. 12<sup>th</sup> Street and Vine Street Regional Stormwater Management Facility
  2. Sugar Creek Greenway Trail, Phase 1
- l. Approval of Compensation - City Manager
- m. Accept Work:
1. 2018 Channel Repair Program
  2. 2018 FEMA Repairs
  3. 2019 PCC Reconstruction Program
  4. South 81<sup>st</sup> Street and Cascade Avenue Widening
  5. Walnut Creek Outfall, Phase 1
- n. Approval of Professional Services Agreement
1. 2020 Vertical Control Program
  2. 8<sup>th</sup> Street Reconstruction, I-235 to Clegg Road
  3. 88<sup>th</sup> Street Reconstruction, Ashworth Road to Abram Drive

4. Holiday Park Access Road, 9<sup>th</sup> Street to 11<sup>th</sup> Street
5. Prairie View Drive and Ashworth Road Intersection Improvements
6. Public Services Facility Fueling Facility Updates
7. Southeast Basin - 8<sup>th</sup> Street RCB Study
8. Southeast Basin - 14<sup>th</sup> Street and Mountain Avenue Storm Sewer Improvements
9. Traffic Signal - 88<sup>th</sup> Street and Ashworth Road
10. West Des Moines Digital Enterprise Design
- o. Approval of Proposal from MidAmerican Energy Company to Extend Electrical Service - South 88<sup>th</sup> Street and Mills Civic Parkway Reconstruction
- p. Approval of Installation of a 60-Foot Pole in the Right of Way at the Intersection of 1<sup>st</sup> Street and Elm Street - Valley Junction Wi-Fi Pilot Program
- r. Approval of Resolution Encouraging COVID-19 Public Health Practices

Vote 20-288: Hardman, Hudson, McKinney, Trevillyan...4 yes  
Motion carried.

Council member Hardman spoke in support of Item 4(r) Resolution Encouraging COVID-19 Public Health Practices, stating the number of COVID-19 cases continue to rise in Iowa, and wearing face masks is one method to minimize the risk of spreading the virus. She stated she respects the opinions of those who feel differently, yet she strongly supports the Council doing everything it can to encourage people to wear masks.

On Item 4(f) Approval of Purchase and Implementation of IT Equipment:

1. Physical Server Refresh
2. Qumulo Storage System

Council member McKinney expressed concerns that staff did not fully explore all options before bringing this recommendation for these significant purchases of new servers and storage to the Council. He suggested staff should look further into cloud storage options, because he believes there could be potential cost savings with those options.

Joe Menke, ITS Director, reported the staff had spent a significant amount of time reviewing the options between on-premise storage and cloud solutions, but determined that cloud solutions would likely be significantly more expensive than on-premise if the City would maintain accessibility to the files. He stated these purchases are time sensitive, so there isn't time available to do a significant amount of further research. The most pressing need for storage is for video recordings, including police body camera footage, and the City has already run out of storage capacity for retaining those files. He noted the court system is behind schedule due to the COVID-19 pandemic, so they have ordered cities to increase their video recording retention from six months to one year.

The Mayor and Council held discussion on the proposed purchase of IT equipment.

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Council member McKinney stated he wanted to question these purchases to ensure they were the right decision for the use of taxpayer dollars, and he expressed he also has concerns that the on-premise storage might not be as secure as a cloud solution would be. However, because he does not want the City to be out of compliance with the court system's retention requirement, he will reluctantly support these proposed purchases. He requested that IT staff do further research on the possibility of cloud storage as a long-term solution.

It was moved by Trevillyan, second by Hudson to approve Item 4(f)1 Approval of Purchase and Implementation of IT Equipment - Physical Server Refresh and Item 4(f)2 Approval of Purchase and Implementation of IT Equipment - Qumulo Storage System.

Vote 20-289: Hardman, Hudson, McKinney, Trevillyan...4 yes  
Motion carried.

On Item 4(q) Approval of Recommendation for Funding - Upper Story Housing Program

Council member Trevillyan stated this funding was originally awarded in 2018 for an upper story housing project at the intersection of 4<sup>th</sup> Street and Railroad Avenue, but that project stalled, and this proposal would reallocate the funds to a new upper story housing project by the same developer at 304 5<sup>th</sup> Street. He expressed concerns that the funds are simply being transferred from one project to another, as he believes the new project should go through the same application process with the Due Diligence Committee as any other new project would.

Christine Gordon, Housing Planner, reported the upper story housing project at 304 5<sup>th</sup> Street would score exactly the same with the Due Diligence Committee as the original project at 4<sup>th</sup> Street and Railroad Avenue, because both projects are eleven affordable units with commercial on the first floor and residential on the second and third floors. She noted staff did not anticipate any competition for the funds, because there have already been two rounds of funding which included notifications to all eligible property owners, and only two developers have submitted applications.

Council member Trimble began participating in the meeting via teleconference at 6:09 p.m.

Council member Trimble expressed support for the proposed allocation to the upper story housing project at 304 5<sup>th</sup> Street, stating he agrees with staff's interpretation that it would be considered the same project as the one at 4<sup>th</sup> Street and Railroad Avenue that had previously been allocated funding. He noted the proposed allocation had been reviewed and recommended by the Finance and Administration Subcommittee, which felt this was a great project that needed to move forward.

Ms. Gordon responded to questions from the Council stating if the 304 5<sup>th</sup> Street project were to go through the Due Diligence Committee's application process, it would likely delay the project 90 to 120 days. She noted if the Council were to approve this proposed award, it would direct

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staff to negotiate and prepare a development agreement for the project to be brought forward for council consideration.

Council member Trevillyan noted the building at 304 5<sup>th</sup> Street currently rents space to Billy Vee's restaurant, so the property is already generating revenue, which means there should not be enough urgency to justify bypassing the application process. He inquired what is going to happen to Billy Vee's status as a tenant in 304 5<sup>th</sup> Street.

Scott Cutler, 304 5<sup>th</sup> Street, stated he has already established a sunset on the lease with the current tenant, Billy Vee's restaurant. He noted that the legal entity that would have received the allocation for the 4<sup>th</sup> Street and Railroad Avenue project is the same legal entity that would receive the allocation for the 304 5<sup>th</sup> Street project. He also noted the plans for the new building at 304 5<sup>th</sup> Street are similar enough to the original plans at 4<sup>th</sup> Street and Railroad Avenue that it is essentially the same project only at a different location. He stated he was surprised about the pushback from the neighbors on the 4<sup>th</sup> Street and Railroad Avenue project, but rather than push through something that wasn't agreeable to them, he sought an alternate option, which materialized into this proposed project at 304 5<sup>th</sup> Street.

Council member Trevillyan reiterated his concerns that this recommendation would reallocate funds from one project to another without going through the application process.

The Mayor and Council held further discussion on the proposed allocation of funding.

Nick Waage, 136 3<sup>rd</sup> Street, expressed opposition to the proposed allocation, because he believes even though the building plans might be the same, it will be a different address, so it should be considered a different project and go through the Due Diligence application process.

Council member McKinney inquired whether the 304 5<sup>th</sup> Street project should be considered the same project as the 4<sup>th</sup> Street and Railroad Avenue project in a legal sense.

City Attorney Dick Scieszinski stated it would be within the discretion of the City Council, but he can confirm there would be no legal problem with considering it the same project.

It was moved by Hudson, second by Trimble to approve Item 4(q) Approval of Recommendation for Funding - Upper Story Housing Program.

Vote 20-290: Hardman, Hudson, McKinney, Trimble ... 4 yes  
Trevillyan ... 1 no

Motion carried.

Pamela Valentino, Billy Vee's, 304 5<sup>th</sup> Street, spoke later in the meeting to clarify Mr. Cutler's comments, stating she had not been notified about the sunset on their lease agreement and just heard about his intentions from a third party earlier today.

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Rena Johanningmeier, 612 Walnut Street, also spoke later in the meeting and expressed opposition to the City's allocation to the upper story housing project at 304 5<sup>th</sup> Street. She expressed concerns that she and her Valley Junction colleagues were not directly notified about this item on tonight's agenda. She stated she was disappointed to learn about the sunset on the lease for Billy Vee's restaurant. She also expressed concerns that the eleven upper story housing units will be funded with \$800,000 of taxpayer money. She believed the intention of the upper story housing program was to encourage affordable housing in the Valley Junction Business District, which she was supportive of, but she does not believe the intention was to tear down existing buildings and shut down existing local businesses in the process. She also expressed concerns that the Valley Junction Business District already has parking capacity issues, and she believes this proposed housing development will worsen those issues.

Linda Schemmel, Development Coordinator, stated staff has identified parking as an issue in the Valley Junction Business District and is working through an evaluation of the area.

Jonas Cutler, 204 Holiday Circle, also spoke later in the meeting, stating he agrees with Council member Trevillyan's interpretation that the 4<sup>th</sup> Street and Railroad Avenue project and the 304 5<sup>th</sup> Street project should be considered two separate projects, therefore the allocation for the 304 5<sup>th</sup> Street project should have gone through the Due Diligence Committee application process.

On Item 5(a) Village on Jordan Creek, southwest corner of Jordan Creek Parkway and Ashworth Road - Establish the Village on Jordan Creek Planned Unit Development (PUD), initiated by Czech Mate, LLC

It was moved by Trimble, second by McKinney to adopt Motion - Continue item 5(a) to August 17, 2020.

Vote 20-291: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) The Wilder Pines, 1000 and 1100 South 60th Street - Establish a Planned Unit Development (PUD) for Single Family Residential Development, initiated by The Pines, LLC

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

Vote 20-292: 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.

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Vote 20-293: 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 20-294: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(c) Tallyn's Reach, northwest and southwest corner of Stagecoach Drive and 88th Street - Amend the Planned Unit Development (PUD) to Change Residential Setback Standards for Parcel G, initiated by Mill Ridge Homes, LLC

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

Vote 20-295: 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 second reading of the ordinance.

Vote 20-296: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 20-297: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(d) Amendment #8 to Amended and Restated Mills Parkway Urban Renewal Area (Subdistrict 8), initiated by the City of West Des Moines

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

Vote 20-298: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

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Vote 20-299: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 20-300: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(e) Vacation of a Portion of SE Maffitt Lake Road Right of Way, initiated by the City of West Des Moines

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

Vote 20-301: 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 second reading of the ordinance.

Vote 20-302: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 20-303: 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 Fox Ridge, west of Fox Valley and south of Veterans Parkway and SE Adams Street - Amend Comprehensive Plan Land Use Map and Zoning Map to Enable Single-Family Residential, Medium-Density Residential, and Park Land Uses, initiated by Charles I. and Ruth Colby National Trust (Continued from July 20, 2020). He asked for the date the notice was published and the City Clerk indicated the notice was published on July 3, 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, and two correspondences were received which were included with the council communication.

Mayor Gaer asked if there were any public comments.



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Seth Moulton, 2874 NW 86<sup>th</sup> Place, Ankeny, speaking on behalf of the developer, requested that the Council consider a change from the recommendation by staff and the Plan and Zoning Commission, as the developer would prefer the northeast portion of the proposed development be rezoned to RS-9 to allow 70-foot wide lots, as opposed to the recommendation for RS-12, which would require 80-foot wide lots. This change would help make the project more financially feasible.

Lance Van Vleet, 2180 SE Creekhill Way, requested information on the developer's intentions for transitioning between the RS-12 lots and the RS-5 lots immediately to the west. He also expressed concerns about potential traffic issues throughout his residential neighborhood as a result of this proposed development, and he inquired if a traffic study had been completed.

Shannon Baity, 4537 SE Fox Valley Court, requested clarification on which area the developer is requesting the change to RS-9 zoning.

Mr. Moulton responded the request for RS-9 zoning is for the northeast portion only, which is approximately five acres.

Charlie Crees, 2166 SE Fox Valley Drive, expressed concerns about potential traffic issues throughout his residential neighborhood as a result of this proposed development.

Lesley Wacker, 4588 SE Beaverbrooke Trail, stated she would prefer that the Council approve the staff and Plan and Zoning Commission recommendation for the northeast portion to be RS-12 lots.

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

Brian Hemesath, City Engineer, responded to questions from the Council, stating staff completed a traffic study for this area in June. He noted this area has been planned to develop for a long time, and the proposed rezoning will not have a significant impact on the traffic study data. Staff does not anticipate any traffic issues as a result of the proposed development, as the existing roads were designed to accommodate the surrounding land uses.

Linda Schemmel, Development Coordinator, presented a map of the proposed development and identified the areas that have been recommended by staff and the Plan and Zoning Commission to be zoned RS-12.

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

Vote 20-304: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 20-305: Hardman, Hudson, McKinney, Trimble...4 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 20-306: 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 Trailside Apartments, 485 South 19th Street - Amend the Comprehensive Plan Land Use Map to Designate Medium Density Residential and Rezoning to Residential Medium Density, initiated by Anawim Housing. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 17, 2020 and July 22, 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, a number of correspondences were received which were included with the council communication, and additional correspondences and a petition were received today and have been placed on the dais.

Mayor Gaer noted the purpose of the item on tonight's agenda is to consider the appropriate density for this parcel, and there will be no consideration given to the attributes of the people that may rent these apartments, as it would be a violation of state and federal law to do so.

Mayor Gaer asked if there were any public comments.

Russ Frazier, Anawim Housing, 1535 Linden Street, Des Moines, stated they used the City's housing needs assessment as a roadmap for this proposed development, and they believe this project will be a benefit to the community.

Lori Ahern, 2235 Grand Avenue, Unit 1, spoke in opposition to the proposed development, stating she has lived at her current home for 22 years, but if this apartment is developed, she would no longer feel safe using the bike trail, she would no longer feel safe in her home, and she would plan to relocate away from the area. She also expressed concerns that this development could negatively impact property values for surrounding homes, and the new families could put a strain on Jordan Creek Elementary which is already near capacity.

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

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Linda Schemmel, Development Coordinator, responded to questions from the Council, stating the majority of this space has been zoned as open space, so the proposed rezoning would increase the overall density.

The Mayor and Council held discussion on the appropriate density for this land and reached a consensus in support of the proposed medium density zoning.

Else Johnson, 2265 Grand Avenue, Unit 5, inquired about the difference between medium density and high density.

Council member Trevillyan responded it refers to the number of dwelling units within the area.

Andrea Leech, 2235 Grand Avenue, Unit 3, inquired how many acres are included in the proposed rezoning.

Ms. Schemmel responded it is approximately 6.3 acres.

Council member Trimble inquired if it would be possible for the western side of this parcel along Grand Avenue to be single family residential.

Mr. Frazier stated the creek runs through the western side of this parcel, therefore it would not be buildable as single family residential. He responded to additional questions from the Council, stating the remaining portion of the parcel that is buildable is approximately 4.5 acres, and they intent to construct 36 units of senior housing.

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

Vote 20-307: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 20-308: 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 20-309: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #2 to the Midtown Urban Renewal Area, 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 July 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.

Julia Ofenbakh, 4470 Westwood Drive, spoke in opposition to several earlier agenda items not related to Item 6(c), and she stated the Council's decision-making process has made her feel like she is back in Russia. She expressed opposition to the Council's approval of Item 4(f)1 Approval of Purchase and Implementation of IT Equipment - Physical Server Refresh and Item 4(f)2 Approval of Purchase and Implementation of IT Equipment - Qumulo Storage System, as she believes more due diligence should have been done before approving those significant purchases. She also expressed opposition to the Council's approval of Item 4(q) Approval of Recommendation for Funding - Upper Story Housing Program, as she believes the request should have gone through the Due Diligence Committee application process. And she expressed opposition to the Council's approval of Item 6(b) Trailside Apartments Comprehensive Plan Amendment and Rezoning, as she believes the Council did not give adequate consideration to the request from the residents' petition.

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 Hudson to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 20-310: 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, initiated by Four Over Five, LLC and Melee, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 29, 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 Agreement.

Vote 20-311: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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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 Brooks Holdings, LLC and Capital Financial Partners, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 29, 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 McKinney to adopt Resolution - Approval of Agreement.

Vote 20-312: 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 West Lakes Properties, L.C. - Portion of Former SE Maffitt Lake Road Right of Way, initiated by the City of West Des Moines (Continued from July 20, 2020). He asked for the date the notice was published and the City Clerk indicated the notice was published on July 15, 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 20-313: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(g) Conveyance of Permanent Multi-Purpose Trail Easement to Polk County Conservation Board - Portion of Former SE Maffitt Lake Road Right of Way, initiated by the City of West Des Moines (Continued from July 20, 2020)

It was moved by Hudson, second by Trevillyan to adopt Motion - Continue Public Hearing to August 17, 2020.

Vote 20-314: 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 Vacation of a Portion of Linnwill Place 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

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published on July 29, 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 consider the first reading of the ordinance.

Vote 20-315: 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 20-316: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Conveyance of Property.

Council member Trevillyan inquired if this right-of-way is being sold or given.

City Attorney Dick Scieszinski responded City staff has been negotiating this with the Mandelbaums for quite some time, and it being sold at a price below fair market value, because it is excess right-of-way that would be too small for any development purpose.

Vote 20-317: 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 Sale and Conveyance of Property Interests and Ingress/Egress Access Easement to First Street Limited Partnership - Part of Lot E, Linnwill; Lot 1, Linnwill; Part of Lots 2 and 3, Linnwill Plat 2, 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 July 29, 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.

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It was moved by Trimble, second by Hudson to adopt Resolution - Approval of Conveyance of Property Interests and Ingress/Egress Easement and Approval of Reservation of Permanent Public Utility Easements.

Vote 20-318: 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 Area Trunk Sewer Western Extension, 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 July 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 McKinney, second by Hudson to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 20-319: 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 Fiber Conduit Inter-Connect (Teal Route), 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 July 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 Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Communication Data Link.

Vote 20-320: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(l) Mayor Gaer indicated this was the time and place for a public hearing to consider Sugar Creek Greenway Trail, 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 July 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.

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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 RW Excavating Solutions.

Vote 20-321: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(m) Mayor Gaer indicated this was the time and place for a public hearing to consider Raccoon River Park Exterior Lighting 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 July 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 Hudson, second by McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Brad Moeller Electric, Inc.

Vote 20-322: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) Sammons Financial Group, 8300 Mills Civic Parkway - Combine Property into One Lot for Commercial Development, initiated by Midland National Life Insurance Company

It was moved by McKinney, second by Hudson to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 20-323: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(b) Spring Crest Townhomes, southwest corner of Westtown Parkway and Sedona Drive - Subdivide Property into 48 Footprint Lots and One Outlot for the Construction of Townhomes, initiated by Spring Crest Townhomes WDM, LLC

It was moved by McKinney, 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.



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Vote 20-324: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(c) Microsoft Osmium, 5855 SW Kerry Street - Approval to Allow Five Additional Temporary Tents, initiated by Turner Construction Company and Tri-City Electric Company

It was moved by McKinney, 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 20-325: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(d) Issuance of \$13,805,000 General Obligation Refunding Capital Loan Notes, Series 2020A, initiated by the City of West Des Moines

Susanne Gerlach, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulations of bids for the three bond issuances. Series 2020A received ten bids, which included 37 bidders that went in as syndicates. The low bid, submitted by J.P. Morgan, came in at a true interest rate of 0.24 percent. Series 2020B received seven bids, which included 34 bidders that went in as syndicates. The low bid, submitted by Robert W. Baird, came in at a true interest rate of 0.85 percent. Taxable Series 2020C received ten bids, which included 29 bidders that went in as syndicates. The low bid, submitted by Raymond James, came in at a true interest rate of 1.68 percent.

It was moved by McKinney, second by Trevillyan to adopt Motion - Receive and File Report of Bids, Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds, and Resolution - Authorizing Redemption of Outstanding General Obligation Bonds, Series 2012D.

Vote 20-326: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(e) Issuance of \$5,100,000 General Obligation Urban Renewal Capital Loan Notes, Series 2020B, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hudson to adopt Motion - Receive and File Report of Bids and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds.

Vote 20-327: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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On Item 7(f) Issuance of \$13,565,000 General Obligation Urban Renewal Capital Loan Notes, Taxable Series 2020C, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hudson to adopt Motion - Receive and File Report of Bids and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds.

Vote 20-328: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(g) Amendment to City Code - Title 5 (Police Regulations), Chapter 3 (Animal Control) - Clarify Definitions and Procedures with Dangerous and Vicious Animals, 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 20-329: 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 20-330: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(h) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) - Booneville Road (South 88th Street to western terminus) and Cascade Avenue (Jordan Creek Parkway to western terminus), initiated by the City of West Des Moines

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

Vote 20-331: 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 20-332: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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On Item 7(i) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - South 88th Street and Cascade Avenue, initiated by the City of West Des Moines

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

Vote 20-333: 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 20-334: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(j) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Stagecoach Drive (Mills Civic Parkway to western terminus), Stagecoach Drive School Speed Zone (140 feet east of South 93rd Street to 200 feet west of South 95th Street), and Booneville Road (South 88th Street to western terminus), initiated by the City of West Des Moines

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

Vote 20-335: 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 20-336: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(k) Low Pressure Sanitary Service/Grinder Pump Retainer Contract, initiated by the City of West Des Moines

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 Effluent, Inc.

Vote 20-337: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

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

On Item 9 - Other Matters

Council member McKinney inquired what the savings from the bond sales would equate to regarding the property tax levy rate.

Tim Stiles, Finance Director, responded the urban renewal bonds are paid through tax increment financing, but the savings on the other bonds could help reduce the debt service levy rate.

Mayor Gaer expressed concerns about the public having issues with unmuting themselves while participating telephonically in our council meetings and about the council meetings still not getting broadcast on the City's cable channel after several months. He requested that staff look into those issues.

Council member Hudson stated, as a history teacher, he knows what it was like in the Soviet Union under Communist rule, and he rejects the comments made by Ms. Ofenbakh during Public Hearing Item 6(c) asserting that the City's public meetings and processes resemble what occurred during that time and place.

Council member Hardman expressed appreciation to Mayor Gaer for his comments during Public Hearing Item 6(b), when he stood up against discriminatory implications made by the petition signed by current residents towards the future residents of that proposed housing development, because we have to be really careful and avoid painting people with a broad brush.

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor