

September 21, 2020

West Des Moines City Council Proceedings
Monday, September 21, 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, September 21, 2020 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending one amendment to the agenda: removal of Item 4(r) Grant of Fiber Optic Cable Easement - EBS Property Iowa, LLC

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

Vote 20-408: 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:

Dawn Davis, ETC Institute, reported on the results of the 2020 citizen survey, stating the residents have a very positive perception of the city overall. She also noted the City of West Des Moines rated above the national average in all 51 comparative factors.

The Mayor and Council held discussion on the citizen survey results, and they expressed appreciation to staff for their efforts which contribute to the City's high ratings.

Council member McKinney reported he attended the swearing in ceremony for several new police officers. He also attended a meeting of the Bravo Greater Des Moines Board, where discussion was held on budgetary concerns amidst the effects of the COVID-19 pandemic. He stated he attended the dedication ceremony for the Jamie Hurd Amphitheater, which he believed was a great event. He also attended a meeting of the Development and Planning Subcommittee, where discussion was held on variances for additions constructed on homes and the current prohibition on backyard chickens.

Council member Trimble he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on professional services agreements with Strategic America for communications and outreach and with David Lyons for special projects such as the citywide conduit network.

Council member Hardman reported she attended the first responder appreciation breakfast hosted by the West Des Moines Chamber of Commerce. She reported she also attended the dedication

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ceremony for the Jamie Hurd Amphitheater. She also attended meetings of the Human Rights Commission, where Police Chief Chris Scott spoke about his department, and the Library Board, where discussion was held about the new Valley Junction kiosk and the success of the virtual summer reading program. She reported she also attended the swearing in ceremony for several new police officers. She commended City staff for their service and responsiveness to the public as well the elected officials.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of September 8, 2020 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Thawee Wathana, LLC d/b/a BananaLeaf Asian Bistro, 5515 Mills Civic Parkway, Suite #140 - Class LC Liquor License with Sunday Sales - Renewal
 2. Master of None, LLC d/b/a Barn Town Brewing, 9500 University Avenue, Suite 1110 - Class BB Beer Permit with Sunday Sales and Outdoor Service - Renewal
 3. Mangia Tutto, LLC d/b/a Billy Vee's, 304 5th Street - Class LC Liquor License with Sunday Sales, Living Quarters, and Outdoor Service Privileges - Renewal
 4. Cinemark USA, Inc. d/b/a Century 20 Jordan Creek and XD, 101 Jordan Creek Parkway, Unit 2000 - Class BW Permit with Sunday Sales - Renewal
 5. CEC Entertainment, Inc. d/b/a Chuck E. Cheese's #958, 1431 22nd Street – Class BB Permit with Sunday Sales - Renewal
 6. Envision Homes, LLC d/b/a Heart of Iowa Marketplace, 211 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
 7. 52 Gracedieu DBA Memory Lane Antiques, LLC d/b/a Memory Lane Antiques Collectibles & Gifts, 208 5th Street - Class B Native Wine Permit with Sunday Sales – Renewal
 8. International Event Center, Inc., d/b/a Val Air, 301 Ashworth Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- d. Approval of Special Event Lane Closures - Historic Valley Junction Foundation Farmers Market
- e. Approval of Contract Agreements:
 1. Emergency Sanitary and Storm Sewer Repair Services
 2. Sidewalk, Trail, and Parking Lot Snow and Ice Removal Services
- f. Approval of Extension of Professional Services Agreement - WestLAB Facilitation - Dave Lyons, The Iowa Institute
- g. Approval of Professional Services Agreement - Staff Augmentation for Citywide Communication Efforts - Strategic America
- h. Approval of Agreements:
 1. Integrated Parks and Recreation System Software - PerfectMind

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2. MidAmerican Energy RecPlex Technology and Services - CenturyLink Communications
3. MidAmerican Energy RecPlex WiFiMedia Solution - Green Zebra Media Corp.
- i. Approval of Amendment No. 1 to Professional Services Agreement - West Des Moines Digital Enterprise Design
- j. Approval of Change Order #12 - West Public Services Facility - Building and Site Improvements
- k. Approval of Interfund Transfers
- l. Approval of FY 2019-20 Iowa Department of Transportation City Street Financial Report
- m. Order Construction:
 1. Raccoon River Basin Segment 5 Gravity Sewer
 2. Valley View Aquatic Center Three Meter Diving Platform
- n. Accept Public Improvements:
 1. Mill Ridge Plat 4
 2. The Parkways, Lot 4 (Sanitary Sewer)
- o. Approval of Professional Services Agreement - West Grand Business Park, Booneville Road to Grand Avenue
- p. Approval of Proposal from MidAmerican Energy Company to Extend Electrical Services - Future Southwest Public Safety Station
- r. Removed
- s. Approval and Acceptance of Record of Lot Tie - 1609 South 42nd Street and 4203 Cherrywood Court
- t. Establish Consultation Meeting and Public Hearing - Amendment #4 to the Ashworth Corridor Urban Renewal Area
- u. Approval of Proclamations:
 1. Welcoming Week - September 12-20, 2020
 2. Salvation Army Day to Rescue Christmas - September 22, 2020

Vote 20-409: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 4(q) Approval of Highway-Rail Signal Interface Agreement with Iowa Interstate Railroad - Grand Avenue and Scenic Valley Drive

Council member Trimble inquired about any further steps before the traffic signals at this intersection can be activated.

Brian Hemesath, City Engineer, responded that Iowa Interstate Railroad still has more construction work to complete, but this agreement needed to be executed before they could move forward on their construction. He stated he does not have a timeline for when their construction will be completed.

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It was moved by Trimble, second by Hardman to approve Item 4(q) Approval of Highway-Rail Signal Interface Agreement with Iowa Interstate Railroad - Grand Avenue and Scenic Valley Drive.

Vote 20-410: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 5(a) M&W Mini Storage, 2001 Grand Avenue - Establishment a Planned Unit Development (PUD), initiated by MHC 80 (Des Moines, IA) LLC

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

Vote 20-411: 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 20-412: 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 20-413: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Erik's Bikes, 950 1st Street - Establish Planned Unit Development (PUD), initiated by EBS Property Iowa, LC. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 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 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the PUD ordinance.

Mayor Gaer asked if there were any public comments.

Ben Peters, representing the applicant, stated he is available to speak if there are any questions.

Mayor Gaer asked if there were any additional 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.

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Vote 20-414: 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 first reading of the ordinance.

Vote 20-415: 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 Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial and Office and Industrial Zoning District) and Chapter 15 (Off Street Parking and Loading) - Allow SIC 7822 "Theatrical Producers (except Motion Picture) and Miscellaneous Theatrical Services" in the General Industrial and Light Industrial Zoning Districts, 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 September 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 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

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

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

Vote 20-416: Hardman, Hudson, McKinney, Trimble...4 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 20-417: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Oakes Annexation, generally located east of Wendover Road and north of 335th Street, and west of Grand Prairie Parkway (approximately 13.86 acres) - Voluntary Annexation, 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 September 3, 2020 in the Dallas County News and September 4, 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 McKinney, second by Hudson to adopt Resolution - Approval of Voluntary Annexation.

Vote 20-418: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Conveyance of Property to Thomas Stull - Portion of Vacated South 41st Street Right of Way, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 17, 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 Hardman to adopt Resolution - Approval of Sale and Conveyance of Property.

Vote 20-419: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider SE 1st Street and SE Willow Creek Drive Water Main, 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 September 11, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Vanderpool Construction, Inc.

Vote 20-420: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(a) Maffitt Ridge Plat 2, SW Maffitt Lake Road and SW 56th Street - Replat to Change Access Easements for Five Lots on the West Side of the Plat, initiated by Maffitt Ridge, LLC

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

Vote 20-421: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(b) Amendment to City Code - Title 1 (Administrative), Chapter 6 (Mayor and Council), Article B (Council), Section 2 (Meetings) - Amend Date for Adoption of Schedule of Regular City Council Meetings, 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 20-422: Hardman, Hudson, McKinney, Trimble...4 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 20-423: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - 76th Street and Pommel Place, initiated by the City of West Des Moines

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

Vote 20-424: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 20-425: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 6:22 p.m.

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Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor