November 16, 2020

West Des Moines City Council Proceedings
Monday, November 16, 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, November 16, 2020 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, K. Trevillyan and R. Trimble.

City Clerk Ryan Jacobson stated staff recommends the agenda be amended to remove the Workshop regarding Westown Parkway Realignment.

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

Vote 20-506: 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:

Dr. David Maxwell, Valley High School Principal, presented a report on the findings and recommendations of the Mayor's Pledge Task Force.

The Mayor and Council expressed appreciation and support for the members of the Mayor's Pledge Task Force.

Mayor Gaer requested that the recommendations be discussed further and a phased approach developed at a future meeting of the Public Safety Subcommittee with members of the Mayor's Pledge Task Force present.

Council member McKinney reported he attended a meeting of the Metropolitan Advisory Council, where discussion was held on the COVID-19 pandemic impact on the community. He also attended a meeting of the Public Services Subcommittee, where discussion was held on changes to the snow and ice control operations plan in light of the COVID-19 pandemic and an update was given on the MidAmerican Energy RecPlex construction project. He also recognized Police Officer Jon Kaufman, who was seriously injured during a motor vehicle accident on the interstate, and he stated his thought and prayers are with Officer Kaufman, and he wishes him a full and quick recovery.

Council member Hudson reported he attended a meeting of the West Des Moines Chamber of Commerce, and he encouraged all West Des Moines businesses to emphasize the importance of wearing a face mask to minimize the risk of spreading COVID-19.

Council member Hardman stated her thoughts and prayers are also with Officer Kaufman. She reported she attended a Veterans Day ceremony at the VFW Post 8879 and presented the veterans in attendance with the Veterans Day proclamation. She also reported she attended a meeting of the Human Rights Commission, where new officers were elected and discussion was held on plans for the Martin Luther King Day event in 2021. She also attended a meeting of the Library Board of Trustees, where the Board decided to close the Library to walk-in visitors and transition to curbside pickup only. She reported she participated in a press conference last week encouraging a face mask requirement, and she reiterated her position that everyone should wear them while in public.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of November 2, 2020 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Class BW Permit with Sunday Sales - Renewal
    2. Aldi, Inc. d/b/a Aldi, Inc. #40, 6050 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    3. Bonefish Grill, LLC, d/b/a Bonefish Grill, 650 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    4. Evergreen Properties Investment, LLC d/b/a Circle K, 3501 EP True Parkway – Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales – New
    5. Mahajan, Inc. d/b/a Super Quick Liquor, 1800 22nd Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
d. Approval of Revised 2020-21 Committee and Other Assignments
e. Approval of 2019-20 FY Tax Increment Financing Report
f. Approval of 2021-22 FY Tax Increment Financing Indebtedness and Certification Reports
g. Approval of Contract Agreements:
    1. City Parks System Custodial Services
    2. HVAC Repair Services
h. Approval of Change Order #8 - MidAmerican Energy RecPlex General Construction
i. Order Construction:
    1. 2020 Sanitary Sewer Rehabilitation Program
    2. Ashworth Road Reconstruction, Phase 4
    3. MidAmerican Energy RecPlex - Exterior Signage
    4. MidAmerican Energy RecPlex - Interior Signage
j. Award Contract:
    1. MidAmerican Energy RecPlex - Retractable Seating

2. MidAmerican Energy RecPlex - Scoreboards

k. Accept Work:
   1. City Hall Renovations
   2. Fiber Conduit Interconnect Project - Purple Route and Duct Bank

l. Approval of Professional Services Agreement:
   1. South 115th Street, Booneville Road to Grand Avenue
   2. South Grand Prairie Parkway, Grand Avenue to South of Raccoon River
   3. SE County Line Road, Veterans Parkway to SE Soteria Avenue

m. Approval of Cost Share Funding Agreement - Central Iowa Watershed Management Authority

n. Resolution - Approval of Proposal from MidAmerican Energy Company for Underground Electric - Grand Avenue Reconstruction, 1st Street to 4th Street

o. Approval of IEDA Economic Development Assistance Contract - Claim Doc, LLC

p. Approval of Amendment to IEDA Economic Development Assistance Contract – Midland National Life Insurance Company and North American Company for Life and Health Insurance

q. Approval and Acceptance of Right-of-Way and Sanitary Sewer Easements - The Shoppes at Valley West, 3330 Westown Parkway

r. Approval and Acceptance of Warranty Deed for Outlot X - Courtyards at Kings Landing

s. Approval and Acceptance of Condemnation Awards - Ashworth Road Reconstruction, Phase 4

t. Approval and Acceptance of Purchase Agreement and Property Interests - Sugar Creek Conveyance Improvements, Phase 2

u. Approval of Assignment of Portion of Permanent Public Utility Easement to MidAmerican Energy Company

v. Proclamation -Small Business Saturday, November 28, 2020

Vote 20-507: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) Glen Oaks PUD Parcel 'L', northwest corner of Raccoon River and Grand Avenue - Amend the Planned Unit Development (PUD) to Remove a Portion of Parcel 'L' from the PUD and Consistency Zone the Property to Office, initiated by JCG Equity, LLC

It was moved by Trimble, second by Hardman to consider the second reading of the ordinance (PUD Amendment).

Vote 20-508: 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 Hardman to approve the second reading of the ordinance (PUD Amendment).

Vote 20-509: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 20-510: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trimble, second by Trevillyan to consider the second reading of the ordinance (Consistency Zoning).

Vote 20-511: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Trevillyan to approve the second reading of the ordinance (Consistency Zoning).

Vote 20-512: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trimble, second by Trevillyan to waive the third reading and adopt the ordinance (Consistency Zoning) in final form.

Vote 20-513: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Glen Oaks, south of Mills Civic Parkway at Glen Oaks Drive - Amend the Planned Unit Development (PUD) to Remove PUD Parcels K and K1, Add Property to Parcel E and Change the Zoning from Open Space to Medium Density Residential, and Add Property to Parcel G and Change the Zoning from Open Space to Residential Single Family, initiated by GOCC Investments, LLC

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

Vote 20-514: 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 second reading of the ordinance.

Vote 20-515: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 20-516: 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 Amendment to City Code - Title 5 (Police Regulations) and Title 9 (Zoning) - Modify Regulations Pertaining to Keeping of Animals, 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 October 30, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-2, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments.

Lizzie Gillman, 4307 Aspen Drive, spoke in opposition to the proposed ordinance, as she wishes to raise backyard chickens at her home, but it would not be allowed on the size of her lot under the proposed ordinance. She spoke in support of allowing backyard chickens in residential districts, citing the benefits include teaching children responsibility, increased enjoyment of their own property, and the opportunity to live more sustainably.

Brian Fox, 208 Hillside Avenue, spoke in opposition to the proposed ordinance, as he wishes to raise backyard chickens at his home, but it would not be allowed on the size of his lot under the proposed ordinance. He stated the proposed ordinance would not bring West Des Moines in line with the neighboring communities of Des Moines and Waukee. He also stated most residents interested in raising backyard chickens would seek a couple of laying hens, which he believes would have a minimal impact.

Sabrina Robello, 205 Hillside Avenue, spoke in opposition to the proposed ordinance, as she wishes to raise backyard chickens at her home, but it would not be allowed on the size of her lot under the proposed ordinance. She stated she believes the proposed ordinance is too restrictive, and she requested that the City take another look at it.

Laura Wilson, 3504 Boulder Drive, spoke in opposition to the proposed ordinance, as she wishes to raise backyard chickens at her home, but it would not be allowed on the size of her lot under the proposed ordinance. She spoke in support of allowing backyard chickens in residential districts, citing the benefits include the opportunity to live more sustainably, teaching children responsibility, and it would make West Des Moines a more attractive community for young people to live.

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

Mayor Gaer requested an overview of the proposed ordinance.

Lynne Twedt, Development Services Director, reported the City Code currently allows chickens on a 40,000 sq. ft. lot if it's zoned Residential Estate or Open Space, but the proposed ordinance would allow chickens on a 40,000 sq. ft. of any Residential zoning classification. The proposed ordinance would also establish two classifications in Zoning as well as in the Animal Control chapter: "Agricultural Production Animals, Commercial" and "Agricultural Production Animals, Personal," and the ordinance would provide clarification to multiple sections within the Animal Control chapter. She reported the Development and Planning Subcommittee discussed this matter at four different meetings this year. Staff also conducted a survey of other metro communities and found there is a variety of ordinances in place among the other communities. She stated a majority of the Plan and Zoning Commission supported the proposed ordinance, but two voted against it because they wanted the minimum lot size to be reduced.

Council member McKinney stated he supported the proposed ordinance when it was discussed at the Development and Planning Subcommittee because he felt it could be applied fairly and consistently across the city.

Council member Hardman stated she empathizes with the residents that want to raise backyard chickens but would still be prohibited from doing so under the proposed ordinance because their lots are too small, therefore she is conflicted about this proposed ordinance.

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

Vote 20-517: 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 20-518: 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 #10 to the Amended and Restated Mills Parkway 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 November 6, 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 Trevillyan to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 20-519: 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 Purchase Agreement with Hope Development & Realty, LLC and Daniel J. Stanbrough - Acquisition of Property Located at 7630 Ashworth Road, 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 November 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 Purchase Agreement.

Vote 20-520: 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 Conveyance of Excess Property to Warren County Conservation - Approximately 5.84 Acres Located at the Southwest Corner of Veterans Parkway and the Great Western Bike Trail, initiated by the City of West Des Moines (Continued from November 2, 2020). He asked for the date the notice was published and the City Clerk indicated the notice was published on October 28, 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 Conveyance of Property.

Vote 20-521: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Lease of Property to the Iowa Armory Board - Lots 4, 5, 6, and 7 of Brubaker Estates, 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 November 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 Hudson, second by Trimble to adopt Resolution - Approval of Lease.

Vote 20-522: 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 Issuance of Not to Exceed $17,000,000 General Obligation Urban Renewal Bonds, 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 October 30, 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 - Instituting Proceedings to Take Additional Action and Resolution - Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement.

Council member Trimble noted these bonds will provide additional funding for the MidAmerican Energy RecPlex project, but the funding for this project also includes over $12 million in private donations. He expressed appreciation to the generous donors and the City staff that worked hard to seek those donations.

Vote 20-523: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2020 Pavement Markings and On-Street Bike Markings Program, 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 November 6, 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.

Council member McKinney stated a resident had expressed concerns about the expense of painting bicycle shared lane markings on the streets. He requested clarification on the purpose of such markings.

Brian Hemesath, City Engineer, reported the Bicycle Master Plan was developed by the Bicycle Advisory Commission and adopted by the City Council in 2015. The plan called for these shared lane markings on certain streets as a means to guide people who may be unfamiliar with the area, warn motorists there may be a higher number of bicycles on that street, and remind motorists that bicycles can be on the road too.

Council member Trevillyan expressed concerns with the cost of painting the shared lane markings on the streets every year.

Council member Trimble noted the original preference of the bicycle community was to install bike lanes on many of the City's streets, which would have cost approximately $1 million per lane mile, so the shared lane markings were suggested as an alternative with a much lower expense. He inquired how many more streets still need to have shared lane markings painted, and when the City expects to have them all completed and transition to simply just maintaining the existing markings.

Mr. Hemesath stated he will research that information and provide a response back to the Council.

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 Advanced Traffic Control, Inc.

Vote 20-524: 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 2020 Stormwater Intake Repair Program, 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

November 6, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Henriksen Contracting, LLC.

Vote 20-525: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Willow Creek Rowhomes, west side of Veterans Parkway at SE Salix Drive - Subdivide Property into 46 Footprint Lots for Attached Rowhomes, Six Outlots, and One Public Street Lot, initiated by Jerry's Homes

It was moved by Trimble, second by Hardman to adopt Resolution - Acceptance of Surety and 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.

Vote 20-526: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) The Preserve Estates Plat 1, east side of SW Grand Prairie Parkway, south of the Raccoon River - Subdivide Property into 12 Single Family Lots and One Street Lot, initiated by Raccoon River Land Co., LLC

It was moved by Trevillyan, second by Trimble to adopt Resolution - Acceptance of Public Improvements and 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.

Vote 20-527: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 10 (Subdivision Regulations), Chapter 2 (Plats and Procedures) - Extend the Time a Preliminary Plat Approval is Valid, initiated by the City of West Des Moines

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

Council Member Hudson spoke in support of the proposed ordinance, stating this is another great example of the City offering increased flexibility for developers.

Mayor Gaer requested clarification on the proposed ordinance.

Lynne Twedt, Development Services Director, responded the initial approval of a preliminary plat would be valid for 18 months, with an option to apply for a six-month extension that would increase the validity timeline to 24 months.

Vote 20-528: 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 20-529: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Trimble reported Governor Kim Reynolds has issued a proclamation this evening to minimize the spread of COVID-19 through additional restrictions, such as establishing a mask mandate, limiting the size of social gatherings, suspending youth sports, and restricting the hours of operation for bars and restaurants.

Council member Hardman expressed appreciation to the West Des Moines School Board for their efforts in navigating the challenges of educating students amidst the current pandemic.

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor