

March 16, 2020

West Des Moines City Council Proceedings
Monday, March 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, March 16, 2020 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, and M. McKinney. Council member R. Trimble participated via telephone.

On Item 1. Agenda. It was moved by Hudson second by Hardman approve the agenda as presented.

Vote 20-080: 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 McKinney expressed appreciation to city staff for navigating through the ongoing COVID-19 pandemic situation.

City Manager Tom Hadden requested an update on the COVID-19 pandemic from Fire/EMS Chief Craig Leu.

Fire/EMS Chief Craig Leu reported city staff began planning for a potential COVID-19 pandemic in mid-January and is currently following the city's pandemic plan. He noted there is currently one confirmed case of COVID-19 in Polk County and two in Dallas County, all of which are believed to be the result of community transmission. He noted city staff have been meeting with leaders from the school districts and the business community, and the city is taking direction from the state and the county health departments.

Mr. Hadden stated city staff is continuing operations and working on providing access for employees to work from home to reduce the number of people in the building. They are also preparing for a potential situation in which all non-essential employees would work from home.

Police Chief Chris Scott responded to questions from the council, stating police officers are being educated on the protocols recommended by the CDC to protect themselves from potential exposure.

Mayor Gaer requested that all council members call in for the next several council meetings, and it could just be himself and minimal staff present in the room. He inquired about a potential emergency powers proclamation.

March 16, 2020

City Attorney Dick Scieszinski reported Iowa Code allows Mayors to have emergency powers through a proclamation during an emergency situation. The proclamation could impose any requirements determined to be necessary to protect public health. He stated staff is working on drafting such a proclamation at this time.

Mr. Hadden reported there will be a test lighting of the water tower on South 51st Street on March 25th to allow the residents an opportunity to see what it would look like if permanent lighting is installed.

On Item 4. Consent Agenda.

Council members pulled Item 4(c)12 for discussion. It was moved by McKinney, second by Hudson to approve the consent agenda as amended.

- a. Approval of Minutes of March 2, 2020 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. BDA3sons, LLC d/b/a 3 Sons Sports Bar & Grill, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
 2. BL Restaurant Operations, LLC d/b/a Bar Louie, 7105 Mills Civic Parkway, Suite 150 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 3. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 4. El Rey Corporation d/b/a El Rey Burritos, 1310 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
 5. Tian Lu, LLC d/b/a Heavenly Asian Cuisine & Lounge, 225 5th Street - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
 6. Hy-Vee, Inc. d/b/a Hy-Vee Food Store & Drug Center #2, 1990 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 7. Hy-Vee, Inc. d/b/a Hy-Vee Fast & Fresh, 425 South Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 8. Plunkett Enterprises S&S d/b/a Scissors and Scotch, 440 South 68th Street, #105 - Class LC Liquor License with Sunday Sales - Renewal
 9. Texas Roadhouse Holdings, LLC d/b/a Texas Roadhouse, 6378 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Catering Privileges - New
 10. W West Investments, LLC d/b/a Wellman's West, 597 Market Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal

March 16, 2020

11. W West Investments, LLC d/b/a Wellman's West Rooftop, 597 Market Street (Rooftop) - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
- d. Approval of Acknowledgment/Settlement Agreement for Violation of Tobacco Laws
- e. Approval of Special Event Lane Closures - Miscellaneous Events - Historic Valley Junction Foundation
- f. Appointment of Deputy City Clerk
- g. Approval of Appointments - Due Diligence Committee
- h. Approval of Ground Emergency Medical Transport Intergovernmental Transfer Agreement
- i. Approval of Change Orders
 1. MidAmerican Energy RecPlex - Grading and Site Utilities, #4
 2. City Hall Renovations, #13
- j. Approval of Amendment No. 1 to Professional Services Agreement - Human Services Building Improvements, Phase 2
- k. Order Construction:
 1. 2020 HMA Resurfacing Program
 2. MidAmerican Energy RecPlex - Site Improvements
 3. Parks Restrooms and Shelters, Phase 2 – Miscellaneous Repairs
- l. Accept Work:
 1. ADA Sidewalk Improvements
 2. Pinedale Park Improvements
- m. Approval of First Amendment to Fiber Agreement - Project Osmium Fiber Optic Conduit
- n. Approval to Initiate Development Agreement - First National Bank
- o. Approval and Acceptance of Purchase Agreement and Conveyance of Property Interests - 2020 PCC Reconstruction Program
- p. Approval and Acceptance of Total Purchase Agreement and Conveyance of Property Interests from Bridges of Iowa

Vote 20-081: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 4(c)12 Approval of Liquor License - West Grand Golf, Inc. d/b/a West Grand Golf, 6450 Raccoon River Drive - Class BW Permit with Sunday Sales and Outdoor Service Privileges - New

Council member McKinney stated he will abstain on this item due to a potential conflict of interest.

It was moved by Hardman, second by Hudson to approve Item 4(c)12 Approval of Liquor License - West Grand Golf, Inc. d/b/a West Grand Golf, 6450 Raccoon River Drive - Class BW Permit with Sunday Sales and Outdoor Service Privileges - New.

March 16, 2020

Vote 20-082: Hardman, Hudson, Trimble ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 5(a) Pavilion Park, generally located 1,600 feet east of Grand Prairie Parkway and South of I-80 - Establish the Pavilion Park Planned Unit Development (PUD), initiated by Pavilion Park, LC

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

Council member Hudson inquired if there has been any communication with the Waukee School District regarding this proposed development, as they are currently redrawing the boundaries for their elementary schools and this will add a number of new residences within the Waukee School District.

Waukee Schools in process of redrawing school boundaries. Will affect three elementaries. A lot of residents moving in. Let them know.

Lynne Twedt, Development Services Director, responded they get notified during the project review.

Vote 20-083: 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 second reading of the ordinance.

Vote 20-084: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

Vote 20-085: Hardman, Hudson, McKinney, Trimble...4 yes s
Motion carried.

On Item 5(b) TWG Development, 520 88th Street - Amend the Robel Farm Planned Unit Development (PUD) to Allow for Multi-Family Development, initiated by RBJ, LLC

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

March 16, 2020

Vote 20-086: 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 second reading of the ordinance.

Vote 20-087: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

Vote 20-088: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 5(c) Dawson Ridge, 9450 Booneville Road - Reaffirm April 2018 Approval of Preliminary Plat, initiated by 117 Land Company, LLC

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

Vote 20-089: 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 Manchester Village, 9076 Lindas Lane - Rezone from 'Unzoned' to Residential Medium Density, initiated by Stanbros Development, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 28, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the rezoning request.

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 consider the first reading of the ordinance.

Vote 20-090: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

March 16, 2020

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

Vote 20-091: 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 Agreement for Private Development, initiated by Allied Construction Services, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 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 Trimble to adopt Resolution - Approval of Agreement.

Vote 20-092: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(c) 2020-21 FY Operating and Capital Budget, initiated the City of West Des Moines.

It was moved by Trimble, second by McKinney to adopt Motion - Continue Public Hearing to March 23, 2020.

Vote 20-093: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 6(d), Mayor Pro tem Hardman will preside over this portion of the meeting.

On Item 6(d) Mayor Pro Tem Hardman indicated this was the time and place for a public hearing to consider Not to Exceed \$6,000,000 General Fund Capital Loan Notes, initiated by the City of West Des Moines. She asked for the date the notice was published and the City Clerk indicated the notice was published on March 6, 2020 in the Des Moines Register. Mayor Pro Tem Hardman asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro Tem Hardman asked if there were any public comments; hearing none she declared the public hearing closed.

It was moved by Hudson, second by McKinney to adopt Resolution - Approve Publication of Notice of Public Hearing.

March 16, 2020

Vote 20-094: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2020 Court 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 March 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 Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Gruss Construction, LLC.

Vote 20-095: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 2020 PCC Reconstruction 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 March 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 Hudson, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Rognes Corporation.

Council member McKinney inquired if staff received feedback from the residents when they went door to door in the neighborhood to educate them about this project.

Brian Hemesath, City Engineer, responded the feedback from the residents was good, as many of the residents welcome the project. He noted some had questions and some had special requests that staff will try to accommodate.

Vote 20-096: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

March 16, 2020

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2019 Sewer Rehabilitation 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 March 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 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 Hydro-Klean.

Vote 20-097: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider 2019 Pavement Markings and On-Street Bike Markings, 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 March 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 Quality Striping, Inc.

Vote 20-098: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Human Services Building Improvements, Phase 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 March 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.

March 16, 2020

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 Munro Construction Company.

Vote 20-099: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(a) Dawson Ridge, 9450 Booneville Road - Subdivide Property into 12 Single-Family Lots and Two Street Lots, initiated by 117 Land Company, LLC

It was moved by McKinney, second by Hardman 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.

Vote 20-100: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(b) Amendment to City Code - Title 3 (Business and Licensing), Chapter 2 (Beer and Liquor Control) - Modify the Requirements for Outdoor Service Areas, initiated by the City of West Des Moines

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

Mayor Gaer expressed support for this item, and he noted he appreciates it when staff builds more flexibility into these processes to come up with the right result for projects.

Vote 20-101: 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 20-102: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 8(a) Mark Rocha Resignation - Human Rights Commission - Received and Filed

On Item 9(a) Legislative Updates: none.

The meeting was adjourned at 6:00 p.m.

March 16, 2020

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor