

Urbandale City Council Minutes  
April 23, 2019

The Urbandale City Council met in regular session on Tuesday, April 23, 2019, at 6:00 p.m. in the Council Chambers, 3600 86<sup>th</sup> Street, with Mayor Robert D. Andeweg presiding. Answering roll call were the following Council Members: Mike Carver, Creighton Cox, Tom Gayman, Ron Pogge, and David Russell. Also present were City Manager A.J. Johnson, City Attorney Bob Laden, Assistant City Manager/Economic Development Director Curtis Brown, Director of Risk Management & Support Services John Konior, Director of Human Resources Karla Lower, Director of Engineering & Public Works Dave McKay, Assistant Director of Engineering John Larson, Assistant Director of Public Works Tim Stovie, Senior Engineer Kristin Brostrom, Director of Parks & Recreation Jan Herke, Assistant Director of Parks & Facilities Kevin James, Chief of Police Rob Johansen, Police Officer Brad Frick, Fire Chief Jerry Holt, Marketing & Communications Specialist Derek Zarn, Community Development Director Steve Franklin, Building Official Roger Schemmel, City Treasurer Donald J. Brush, Polk County Supervisor Bob Brownell and City Clerk Nicole Lunders.

Mayor Andeweg led the Pledge of Allegiance and recited the CHARACTER COUNTS! statement.

Gayman moved, seconded by Cox, to approve the agenda. On roll call, Ayes: Gayman, Cox, Carver, Pogge, Russell. Motion carried.

Jan Herke recognized members of the All Inclusive Playground Fundraising Committee and acknowledged the grant awarded by the Chris Norton Foundation. Terry & Deb Norton presented a \$23,000 grant check to the Mayor.

Mayor Andeweg proclaimed May 2019 as Building Safety Month and recognized the work of local code officials.

Aaron Chittenden, DMACC, 1111 E. Army Post Road, Des Moines, presented the Capital Crossroads Stormwater Update. Gretchen Tegeler, President of the Taxpayers Association of Central Iowa, expressed gratitude for the collaborative efforts.

Polk County Supervisor Bob Brownell presented an update on matters in Polk County.

#### Citizens Forum

Russ Fraiser, Aniwim Housing, 1171 70<sup>th</sup> Street, Des Moines, reviewed the proposed affordable housing project near Merle Hay Mall and requested that the council call for a public hearing to reconsider the requested amendment to the comprehensive plan that failed to pass at the January 15, 2019 City Council meeting. The tax credit grant award by the Iowa Finance Authority must be accepted by Aniwim by May 3, 2019 or be forfeited.

Dan Manning, Lillis Law Firm, 317 6<sup>th</sup> Avenue, Des Moines, spoke on behalf of Merle Hay May and thanked staff and the City Attorney for recent dialog on the proposed apartments. Mr. Manning recognized the unique, unprecedented project and proposed a legal path forward for Council to reconsider the Merle Hay Apartments rezoning and amendment to the Comprehensive Plan. Mr. Manning provided documents on previous cases, noting a legal precedent providing a path for reconsideration. Documents were filed with the City Clerk.

TJ Connolly, TWG Development, 2749 NW 166<sup>th</sup> Ct, Clive, thanked the Council for their consideration of the Merle Hay Apartment project. TWG Development would be the developer, owner and manager for the proposed project.

Bridget Montgomery, 15911 Tanglewood Drive, Urbandale, spoke in support of the Merle Hay Apartments project and requested that Council reconsider the rezoning.

Written public comment in opposition to the Merle Hay Apartment project was provided to Council prior to the meeting.

Pogge moved, seconded by Carver to approve the April 9, 2019 City Council minutes. On roll call, Ayes: Pogge, Carver, Cox, Gayman, Russell. Motion carried.

Pogge moved, seconded by Russell to approve the April 16, 2019 City Council Lunch & Learn minutes. On roll call, Ayes: Pogge, Russell, Carver, Cox, Gayman. Motion carried.

Cox moved, seconded by Russell to approve Consent Agenda items a – j:

- a.) Authorize payment of warrants as listed on City Bill Lists 04-11-2019 and 04-18-2019
- b.) Approve One Day Event Food & Farm Festival at Living History Farms Special Class C Liquor License for The Wine Wagon, 11121 Hickman Road and new Class C Liquor license for Hickman Bar and Grill, 7625 Hickman Road.
- c.) Approve Special Event Request – Carry the Load National Relay.
- d.) Approve Special Event Request – Immune Deficiency Foundation Walk for PI: Des Moines 2019.
- e.) Approve Property & Casualty Insurance Broker Agreement – Holmes Murphy and Associates.
- f.) Approve Body Camera Purchase – Revised Cost.
- g.) Receive Planning and Zoning Commission Minutes of April 15, 2019.
- h.) Receive Civil Service Commission Minutes of April 17, 2019.
- i.) Receive Turf Specialist Certified List.
- j.) Receive Facility Maintenance Laborer Certified List.

On roll call, Ayes: Cox, Russell, Carver, Gayman, Pogge. Motion carried.

Mayor Andeweg stated that publication to consider the Northpark Drive Trail Project, 86<sup>th</sup> Street to 100<sup>th</sup> Street had been completed as required by State law and asked if there were any objections, written or oral to the form of the notice. There were none.

Cox moved, seconded by Pogge to open the public hearing to consider the Northpark Drive Trail Improvement Project bids. On roll call, Ayes: Cox, Pogge, Carver, Gayman, Russell. Motion carried.

Dave McKay presented the project bids.

Cox moved, seconded by Russell to close the public hearing. On roll call, Ayes: Cox, Russell, Carver, Gayman, Pogge. Motion carried.

Russell moved, seconded by Cox to approve Resolution 090-2019 Adopting Plans, Specifications, Form of Contract and Estimated Cost for the Northpark Drive Trail Improvements – 86<sup>th</sup> Street to 100<sup>th</sup> Street. On roll call, Ayes: Russell, Cox, Carver, Gayman, Pogge. Motion carried.

Russell moved, seconded by Cox to approve Resolution 091-2019 Making Award of Contract for the Northpark Drive Trail Improvements – 86<sup>th</sup> Street to 100<sup>th</sup> Street. On roll call, Ayes: Russell, Cox, Carver, Gayman, Pogge. Motion carried.

Russell moved, seconded by Cox to approve Resolution 092-2019 Approving Contract and Bond for the Northpark Drive Trail Improvements – 86<sup>th</sup> Street to 100<sup>th</sup> Street. On roll call, Ayes: Russell, Cox, Carver, Gayman, Pogge. Motion carried.

Mayor Andeweg stated that publication to consider a request to vacate a certain surface water flowage easement had been completed as required by State law and asked if there were any objections, written or oral to the form of the notice. There were none.

Pogge moved, seconded by Cox to open the public hearing to consider a request to vacate a portion of a Surface Water Flowage Easement: “Lot 13 Westkirk Plat 1” (7912 Rocklyn Drive) Case No. 014-2019-01.02. On roll call, Ayes: Pogge, Cox, Carver, Gayman, Russell. Motion carried.

Steve Franklin presented information on the proposed surface water flowage easement vacation.

Carver moved, seconded by Russell to close the public hearing. On roll call, Ayes: Carver, Russell, Cox, Gayman, Pogge. Motion carried.

Pogge moved, seconded by Cox to approve Resolution 086-2019 Authorizing Vacating a Surface Water Flowage Easement “Lot 13 Westkirk Plat 1.” On roll call, Ayes: Pogge, Cox, Carver, Gayman, Russell. Motion carried.

Pogge moved, seconded by Cox to suspend the rules requiring three readings of an ordinance for Ordinance No. 2019-07. On roll call, Ayes: Pogge, Cox, Carver, Gayman, Russell. Motion carried.

Pogge moved, seconded by Cox to approve the first, waive the second, and approve the third and final reading of Ordinance No. 21019-07 Vacating a Surface Water Flowage Easement “Lot 13 Westkirk Plat 1.” On roll call, Ayes: Pogge, Cox, Carver, Gayman, Russell. Motion carried.

Russell moved, seconded by Pogge to approve Resolution 089-2019 “Prairie Tower Plat 1” Preliminary and Final Plats. On roll call, Ayes: Russell, Pogge, Carver. Abstain: Cox, Gayman. Motion carried.

Carver moved, seconded by Russell to approve the “Hy-Vee Fast & Fresh” Site Plan No. 012-2019-03.00. On roll call, Ayes: Carver, Russell, Pogge. Abstain Cox, Gayman. Motion carried.

Carver moved, seconded by Pogge to approve Resolution 093-2019 Appointing Paying Agent, Bond Registrar, and Transfer Agent, Approving the Paying Agent and Bond Registrar and Transfer Agenda Agreement and Authorizing the Execution of the Agreement for series 2019A. On roll call, Ayes: Carver, Pogge, Cox, Gayman, Russell. Motion carried.

Carver moved, seconded by Pogge to approve Resolution 094-2019 Authorizing and Providing for the Issuance, and Amending the Levy of Taxes to Pay the Bonds; Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate for series 2019A. On roll call, Ayes: Carver, Pogge, Cox, Gayman, Russell. Motion carried.

Carver moved, seconded by Pogge to approve Resolution 095-2019 Appointing Paying Agent, Bond Registrar, and Transfer Agent, Approving the Paying Agent and Bond Registrar and Transfer Agenda Agreement and Authorizing the Execution of the Agreement for series 2019B. On roll call, Ayes: Carver, Pogge, Cox, Gayman, Russell. Motion carried.

Carver moved, seconded by Pogge to approve Resolution 096-2019 Authorizing and Providing for the Issuance, and Amending the Levy of Taxes to Pay the Bonds; Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate for series 2019B. On roll call, Ayes: Carver, Pogge, Cox, Gayman, Russell. Motion carried.

Gayman moved, seconded by Cox to accept the bid with trade-in by Dewey Ford, in the amount of \$108,519.20 for the purchase of four pickup trucks with snow removal equipment. On roll call, Ayes: Gayman, Cox, Carver, Pogge, Russell. Motion carried.

Cox moved, seconded by Gayman to accept the proposal from MidAmerican Energy Company, in the amount of \$17,809.73, for the installation of streetlights on 152<sup>nd</sup> Street. On roll call, Ayes: Cox, Gayman, Carver, Pogge, Russell. Motion carried.

Russell moved, seconded by Cox to approve the first reading of Ordinance No. 2019-06 Amending Title VII, Chapter 77 of the Municipal Code of the City of Urbandale, Iowa, 2015, To Update Various Traffic Regulations. On roll call, Ayes: Russell, Cox, Carver, Gayman, Pogge. Motion carried.

Pogge moved, seconded by Carver to approve Resolution 099-2019 Making Award of Construction Contract; accepting the quote from Iowa Signal, Inc., in the amount of \$54,700 for the removal of streetlights on Northpark Drive. On roll call, Ayes: Pogge, Carver, Cox, Gayman, Russell. Motion carried.

Carver moved, seconded by Pogge to approve Resolution 097-2019 Making Award of Design Services Agreement; approving the Design Services Agreement with Toole Design, in the amount of \$36,627 and a not to exceed cost for the reimbursable expenses at \$2,904; and authorize the Mayor to sign the agreement. On roll call, Ayes: Carver, Pogge, Cox, Gayman, Russell. Motion carried.

Russell moved, seconded by Pogge to approve Resolution 100-2019 Making Award of Engineering Services Agreement; approving an engineering services agreement with Shive-Hattery, Inc., in the amount of \$14,500 for the design of a Right-In/Right-Out Access to the Douglas Avenue Frontage Road. On roll call, Ayes: Russell, Pogge, Carver, Cox, Gayman. Motion carried.

Pogge moved, seconded by Carver to approve Resolution 098-2019 Making Award of Contract; approving the service agreement with Diligent Corporation (d.b.a. iCompass), in the three year amount of \$27,750 for the Meeting Manager Pro Agenda Management Solution. On roll call, Ayes: Pogge, Carver, Cox, Gayman, Russell. Motion carried.

Cox moved, seconded by Gayman to enter closed session pursuant to Code §21.5(1)(c) Regarding Pending Litigation. On roll call, Ayes: Cox, Gayman, Carver, Pogge, Russell. Motion carried.

The meeting was closed to the public at 7:16 p.m.

The meeting was opened to the public at 8:22 p.m.

No action was taken on items discussed in closed session.

Other items of discussion included: Recognition of Urbandale and Clive Fire Departments on a collaborative building fire response and pending state legislation regarding property tax reform.

Cox moved, seconded by Gayman to adjourn at 8:25 p.m. On roll call, Ayes: Cox, Gayman, Carver, Pogge, Russell. Motion carried.

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Robert D. Andeweg, Mayor

Attest: \_\_\_\_\_  
Nicole Lunders, City Clerk