

December 28, 2015

West Des Moines City Council Proceedings
Monday, December 28, 2015

Mayor Pro tem John Mickelson 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, December 28, 2015 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, and K. Trevillyan.

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

Vote 15-565: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

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

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

Council member Messerschmidt reported he attended the WDM Human Services volunteer luncheon, and he thanked the Human Services staff and volunteers for the work they do.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of December 14, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Blue Tomato, Inc., d/b/a Blue Tomato Kitchen, 860 1st Street - Class BW Permit with Sunday Sales - Renewal
 - 2. Occasions Catering, LLC d/b/a Occasions Catering, 7929 Ashworth Road - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - New
 - 3. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal
- d. Approval of Appointment - City Clerk
- e. Approval of Orders for Violations of Alcohol Laws
- g. Approval of Agreements:
 - 1. Banking and Ancillary Services
 - 2. Collection Services
- h. Approval of Contracts - Art on the Campus
- i. Approval of Sublease Agreement - 217 5th Street

- j. Approval of Special Assessments - Nuisance Abatements
- k. Approval of Conduit Issuer Fee
- l. Approval and Acceptance of Agreement and Waivers:
 - 1. Ashworth Place, 7545 Ashworth Road
 - 2. Element Hotel, northwest corner of Market Street and South Prairie View Drive

Vote 15-566: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

On Item 4(f) Approval of Certification of 2015 Special Census Results

Council member Mickelson stated the 2015 Special Census resulted in a 12 percent population increase for West Des Moines since the 2010 Census, and this will result in increased road use tax revenue for the City. He commended staff for their efforts on the 2015 Special Census.

It was moved by Mickelson, second by Messerschmidt to approve Item 4(f) Approval of Certification of 2015 Special Census Results.

Vote 15-567: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

On Item 4(m) Approval of Addressing - Various Locations within City Limits

Council member Trevillyan stated he supports a majority of the address changes listed for this item, however he is opposed to the renaming of all addresses south of the Raccoon River to add a SE or SW prefix.

It was moved by Trevillyan, second by Mickelson to approve Item 4(m) Approval of Addressing - Various Locations within City Limits.

Vote 15-568: Messerschmidt, Mickelson..... 2 yes
Trevillyan..... 1 no
Motion failed.

On Item 5(a) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) - Rename Portion of Army Post Road east of Veterans Parkway to Willow Creek Drive and Rename Willow Creek Street to Double Eagle Drive, initiated by the City of West Des Moines

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

Vote 15-569: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the second reading of the ordinance.

Vote 15-570: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

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

Vote 15-571: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - Grand Prairie Parkway and I-80 Ramps, initiated by the City of West Des Moines

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

Vote 15-572: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Messerschmidt, second by Trevillyan to approve the second reading of the ordinance.

Vote 15-573: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

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

Vote 15-574: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

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On Item 6(a) Amendment to City Code - Title 9 (Zoning), Various Chapters - Define and Establish Regulations Pertaining to Short-Term Rentals, initiated by the City of West Des Moines (Continued from December 14, 2015)

It was moved by Messerschmidt, second by Trevillyan to adopt Motion - Continue Public Hearing to January 11, 2016.

Council member Trevillyan inquired why staff is requesting that this public hearing item be continued.

Linda Schemmel, Development Coordinator, responded staff needs additional time to ensure the new definitions added with the proposed amendment will be consistent with other Code sections.

Vote 15-575: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

On Item 6(b) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider 1st Street Redevelopment, southwest corner of 1st Street and Grand Avenue - Amend the Comprehensive Plan Land Use Map to Change approx. 10,000 sq. ft. from Single Family Residential to Community Commercial and Amend the Planned Unit Development (PUD) to Add a 10,000 sq. ft. Property and Amend Setback Requirements, 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 December 11, 2015 in the Des Moines Register. Mayor Pro tem Mickelson 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 comprehensive plan amendment and PUD amendment, and one correspondence was received which was included with the Council communication.

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

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Comprehensive Plan Land Use Map Amendment.

Council member Trevillyan inquired how the current encroachment on the City-owned lot is allowed to happen.

Linda Schemmel, Development Coordinator, responded the property owner does have a construction easement on Lot 1 to even out the grading.

Vote 15-576: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

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

Vote 15-577: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 15-578: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

On Item 6(c) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider Amendment #1 to the 4125 Westown Parkway 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 December 18, 2015 in the Des Moines Register. Mayor Pro tem Mickelson asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 15-579: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

On Item 6(d) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider Development Agreement, 4125 Westown Parkway Urban Renewal Area, initiated by 4125 Westown, LLC; Hurd Westown, LLC and Shive-Hattery, Inc. (Tenant). He asked for the date the notice was published and the City Clerk indicated the notice was published on December 18, 2015 in the Des Moines Register. Mayor Pro tem Mickelson asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Amended Development Agreement.

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Vote 15-580: Messerschmidt, Mickelson, Trevillyan...3 yes
Motion carried.

On Item 7 - New Business: no items

On Item 8(a) Comprehensive Annual Financial Report - 2014-15 FY - Received and Filed

On Item 8(b) West Des Moines Water Works - 2016 Budget - Received and Filed

On Item 9 - Other Matters

Council member Trevillyan stated the Metro Waste Authority will give a presentation during a workshop following the January 11th Council meeting regarding possible changes to the Compost It program.

The meeting was adjourned at 5:46 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

John Mickelson, Mayor Pro tem