

January 12, 2015

West Des Moines City Council Proceedings
Monday, January 12, 2015

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, January 12, 2015 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, and K. Trevillyan.

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

Vote 15-003: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum:

Jordan Burklund stated he is one of the founding board members of the Iowa STEAM Innovation Zone in West Des Moines, which is dedicated to providing opportunities for students to learn skills in science, technology, engineering, art, and mathematics.

The sixth-grade participants of the Iowa STEAM Innovation Zone introduced themselves and reported on their accomplishments, such as building and programming a robot. They thanked the City for its support of the program.

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

Council member Messerschmidt reported the Public Works Subcommittee met and discussed possible solutions to address an increase in accidents at the intersection of Ashworth Road and 39th Street, the possibility of establishing a proposed Barnes Heights sanitary sewer connection fee district, and the City's sidewalk program.

City Manager Tom Hadden reported that Fire Chief Don Cox is retiring and his last day will be January 16th. Matthew Sonnenberg, Deputy Chief of Operations, has been appointed as Interim Fire Chief. The recruitment of a new Fire Chief is underway and staff expects to have that position filled in April or May.

The Mayor and Council expressed appreciation to retiring Fire Chief Don Cox for his years of service.

Police Chief Shaun LaDue reported the West Des Moines Police Department achieved CALEA reaccreditation in 2014 and was awarded the Certificate of Advanced Meritorious Accreditation for having fully demonstrated its commitment to law enforcement excellence. He thanked the Mayor and Council for their support.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Trevillyan to approve the consent agenda as presented.

- a. Approval of Minutes of December 29, 2014 and January 9, 2015 Meetings
- 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 - New
 - 2. Kum & Go, L.C. d/b/a Kum & Go #2035, 7265 Vista Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - New
 - 3. F & K Hagar, L.L.C. d/b/a Westport Lounge, 800 First Street, Suite C & D - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 4. Wok in Motion Corp. d/b/a Wok in Motion, 5515 Mills Civic Parkway - Class BW Permit with Carryout Wine and Sunday Sales - Renewal
- d. Approval to Purchase Wetland Credits:
 - 1. Grand Avenue Improvements, Phase 5
 - 2. Grand Avenue Improvements, Phase 6
- e. Approval of Special Assessments - Nuisance Abatements
- f. Approval of Policy - Hotel/Motel Tax Allocations
- g. Order Preparation of Plans and Specifications - Holiday Park Baseball Field Improvements - Phase 3
- h. Order Construction - Grand Avenue Tree Cutting
- i. Approval of Professional Services Agreements:
 - 1. Alluvion 1A2 Water Main Improvements
 - 2. Fox Creek Trunk Sewer Extension Phase 2
 - 3. Barnes Heights Sanitary Sewer Connection Fee District
- j. Approval and Acceptance of Purchase Agreements and Easements - Fox Creek Sanitary Sewer Project
- k. Approval and Acceptance of Purchase Agreement and Property - Ashworth Road Low Pressure Sewer System Project
- l. Approval of Addressing - Various Locations within City Limits

Vote 15-004: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5 - Old Business: no items

On Item 6(a) Tallyn's Reach (a/k/a Woodland Hills and Michael's Landing), southwest corner of Mills Civic Parkway and South 91st Street - Amend the Comprehensive Plan Land Use Designation and Zoning Allowed for the Western 9.54 acres of Tallyn's Reach PUD Parcels A

January 12, 2015

and B from Office to Residential High Density for the Development of Senior Apartments, initiated by Calamar and Blue Forest Land Group (Continued from December 29, 2014)

Mayor Gaer noted staff is recommending the Council continue the Public Hearing to February 9, 2015.

Council member Messerschmidt inquired why this item is being deferred.

Mayor Gaer responded the applicant has asked for more time to address concerns of the surrounding property owners.

It was moved by Sandager, second by Messerschmidt to adopt Motion - Continue Public Hearing to February 9, 2015.

Vote 15-005: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Vacated 98th Street Right-of-Way, south of the Union Pacific Railroad at 98th Street - Disposal of Vacated Right-of-Way of Former 98th Street, 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 30, 2014 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 Sandager, second by Messerschmidt to adopt Resolution - Approval of Disposal of Vacated Right-of-Way.

Vote 15-006: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) - Approval to Include a Locational Prefix in the Name of Roadways Located South of the Raccoon River, 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 January 2, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated several correspondences have been received and are included with the Council communication.

January 12, 2015

Lynne Twedt, Addressing Administrator, reported on the background of this proposal to add locational prefixes for roadways south of the Raccoon River. She stated as the City develops south of the Raccoon River, it will pose a greater challenge to public safety personnel responding to those areas, because there are currently two river crossings in the City. It is critical that the public safety responders know immediately based on the street name whether or not they need to go south of the river. The proposal staff is recommending includes a “SE” prefix for the area south of the Raccoon River and east of I-35 and a “SW” prefix for the area south of the Raccoon River and west of I-35.

Mike Whitsell, Fire Marshal, the City doesn't have any public safety stations south of the Raccoon River, so the proposed locational prefixes would help those public safety personnel

Ms. Twedt noted the residents on four streets have expressed a desire to change their streets' names entirely, and now is the best time to do that. She added there have also been discussions about renaming the segment of Army Post Road between Veterans Parkway and Iowa Highway 28, because there are currently two intersections of Veterans Parkway and Army Post Road.

Mayor Gaer asked if there were any public comments.

James Patten, 1471 Army Post Road, expressed opposition to the proposed locational prefixes, stating that a previous readdressing of his property created issues for GPS software and mail delivery, and he is concerned those problems could arise as a result of the proposed locational prefixes. He expressed a preference if the City decides to establish locational prefixes that they only establish a “SW” prefix for the area south of the Raccoon River and west of I-35, because he believes that area will have significantly more growth than the proposed “SE” prefix area.

William Henss, 460 Browns Woods Drive, expressed opposition to the proposed locational prefixes, stating if the intent is to address a public safety issue, he believes the City would be better served to upgrade the software used in public safety vehicles. He also expressed a desire to have water and sewer infrastructure expanded to the areas south of the Raccoon River.

Bob Bowers, 3220 South 22nd Street, expressed a desire for the City's dispatch system to use an indicator for addresses south of the Raccoon River, such as “SR”, without officially changing the street names.

Keith Acheson, 1620 Army Post Road, stated the proposed locational prefixes would be the sixth address change for his property since 1976.

John Karrmann, 2363 S. 14th Street, expressed opposition to the proposed locational prefixes, and he stated there are more individuals in the audience that share his concerns.

Council member Trevillyan asked for the audience members opposed to the proposed locational prefix to stand. Approximately twenty people in the audience stood up.

January 12, 2015

Mr. Patten stated he believes the quadrant of an address (“SE” or “SW”) should have less influence on which river crossing a public safety responder uses than their starting location on the north side of the river.

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

Rob Dehnert, Assistant Chief of Emergency Medical and Communication Services, reported that the challenge for public safety personnel is the reliability of transmitting information over the network. The system is reliable for the dispatcher to communicate to the responder the address where they need to go, but not provide directions. An address prefix that distinguishes addresses south of the Raccoon River would provide a more immediate direction of where the responder needs to go.

Council member Trevillyan inquired about the possibility of creating additional districts for addresses south of the Raccoon River.

Mr. Dehnert responded the districts are used for apparatus recommendations and there are currently no public safety stations south of the Raccoon River.

Council member Trevillyan stated as the area south of the Raccoon River develops, a public safety station will eventually be built there. He believes using the districts to distinguish areas south of the Raccoon River is the best solution.

Mr. Dehnert noted that would require adjustments for the other cities that are dispatched by Westcom as well.

Jeff Dumermuth, Chief of Emergency Medical and Communication Services, stated the goal is to find a solution that will work regardless of whether or not the technology is working, and using the districts to distinguish areas south of the Raccoon River would only work as long as the technology is working.

Council member Trimble arrived at 6:27 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

Council member Sandager stated since a majority of the residents affected by the proposed “SE” prefix area are located north of Iowa Highway 5 in an area that is already mostly-developed, he feels that area should be excluded from the “SE” prefix area.

Lynne Twedt, Addressing Administrator, stated there are still developable parcels in that area, so the City is trying to be proactive by recommending the “SE” prefix encompass the entire area south of the Raccoon River and east of I-35.

January 12, 2015

Council member Trevillyan inquired how the “SE” or “SW” prefix would help responders know specifically where they need to go within the large prefix areas.

Mike Whitsell, Fire Marshal, responded the “SE” or “SW” prefix would be an added piece of the toolbox to help public safety responders know where they are going. He stated every second counts, and the “SE” or “SW” prefix would help them identify which area of the city they need to go to.

Council member Trevillyan reiterated his position that using the districts to distinguish areas south of the Raccoon River is the best solution.

Fire Chief Don Cox stated the districts would conflict with what the U.S. Government is trying to accomplish. He noted the city is already divided into approximately 70 map reference zones that are based on a national grid system, so he recommends keeping that in place.

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

Council member Messerschmidt acknowledged the inconvenience of an address change to the residents, but stated he feels that it is necessary because of the future growth that is expected to occur south of the Raccoon River.

Council member Mickelson acknowledged the inconvenience of an address change to the residents, but because all three of the City’s public safety chiefs have expressed support for adding the proposed “SE” and “SW” prefixes, he feels it would be best to follow their recommendation.

Council member Trimble acknowledged the inconvenience of an address change to the residents, but because the public safety staff have said the proposed “SE” and “SW” prefixes will make people safer, he supports that recommendation.

Council member Trevillyan stated he does support public safety, but he doesn’t believe this is a public safety issue. He reiterated his position in favor of using the districts to distinguish areas south of the Raccoon River, and stated he believes the City should look into other options before establishing the “SE” and “SW” prefixes.

Vote 15-007: Messerschmidt, Mickelson, Trimble.....3 yes
Sandager, Trevillyan 2 no

Motion carried.

The City Clerk read the preamble to the ordinance.

January 12, 2015

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

Vote 15-008: Messerschmidt, Mickelson, Trimble.....3 yes
Sandager, Trevillyan 2 no

Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 2 (Rules and Definitions) and Chapter 6 (Commercial, Office and Industrial Zoning District) - Add a Definition for Antiques, Collectibles, and Flea Markets, Make Antiques a Permitted Use in the Neighborhood Commercial Zoning District, and Make Flea Markets a Permitted Use in the Regional Commercial District, the Community Commercial District, the Valley Junction Historic Business District, and the Warehouse Retail District with No Outdoor Displays, 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 26, 2014 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with one member abstaining due to a potential conflict of interest and one member absent, the Plan and Zoning Commission recommended City Council approval of the proposed City Code amendment.

Mayor Gaer asked if there were any public comments.

Jeremy Christiani, 1100 50th Street, Unit 1102, expressed concerns that this amendment would benefit one individual developer but could harm the quality of life for those who live near any neighborhood commercially zoned development. He stated the proposed amendment includes a new definition for antiques that includes modern, mass-produced furniture, home accessories and used merchandise. It also includes a new definition for collectibles that he believes is broad enough to include almost anything, including pornography, drug paraphernalia, and weapons.

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

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

Mayor Gaer noted tonight is only going to be the first reading of the ordinance, and he asked staff to respond to Mr. Christiani's concerns before the ordinance comes back to Council for a second reading.

Vote 15-009: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

January 12, 2015

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

Vote 15-010: Messerschmidt, Mickelson, Sandager, 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 Fox Creek Sanitary Sewer Extension Project, 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 January 3, 2015 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 Sandager, second by Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 15-011: Messerschmidt, Mickelson, Sandager, 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 Grand Avenue Improvements - Phase 5, 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 January 3, 2015 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 Sandager, second by Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 15-012: Messerschmidt, Mickelson, Sandager, 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 South 8th Street Improvements - Army Post Road to Pine Avenue, 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 January 3, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

January 12, 2015

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

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 15-013: Messerschmidt, Mickelson, Sandager, 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 South 88th Street Improvements - Booneville Road to Sugar Creek Drive, 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 January 3, 2015 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.

Jim Miller, 1390 South 88th Street, stated the information regarding this item was not provided to him until shortly before the Council meeting, so he has not yet had a chance to review it. He stated he would like to have an opportunity to look at the proposed design for the South 88th Street improvements.

Steve Sandahl, 8810 Booneville Road, stated he would also like to see the proposed design for the South 88th Street improvements.

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to January 26, 2015.

Vote 15-014: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider South 60th Street Improvements - Grand Avenue to Mills Civic Parkway, 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 January 3, 2015 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 Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Acquisition of Agricultural Property.

January 12, 2015

Vote 15-015: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Willow Creek Plat 1, southeast corner of Pine Avenue and South 8th Street - Approval of Final Plat to Create Seven Lots and Three Street Lots, initiated by Microsoft Corporation.

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval and Release of Final Plat for Recordation, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant paying all costs associated with the South Water Connection Fee District and South Sanitary Sewer Connection Fee District prior to the issuance of any occupancy permits, including temporary occupancy permits, for the administration building being constructed on Lot 1 within the plat.

Vote 15-016: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) South Maple Grove Plat 14, southwest corner of Westown Parkway and 88th Street - Plat Property into 21 Single Family Lots and Three Outlots, initiated by Mid America Real Estate Company

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval and Release of Final Plat for Recordation, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant completing the finish grading and seeding of the detention ponds that are part of South Maple Grove Plat 14 and provide as-built drawings of said ponds at such time that the parcels in the upstream drainage basin are developed.

Council member Trimble inquired how the deferral of the detention pond might affect properties downstream.

Lynne Twedt, Interim Development Planning and Inspection Manager, responded there is a stormwater management plan in place for the development, and the deferral only applies to the final steps for the detention pond, so if there is any siltation, it can be identified and remedied.

Vote 15-017: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Hawthorne Centre (f/k/a Hawthorne Plaza Phase III), south of University Avenue between 94th Street and 96th Street - Construct Two 27,000 sq. ft. Office and Retail Buildings,

January 12, 2015

initiated by Hawthorne Plaza, LLC

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant acknowledging that a Minor Modification to Site Plan application will need to be submitted and approved which details the location and design aspects for the sidewalk along University Avenue as agreed upon between the City and DSM Water Works. Installation of said sidewalk will need to occur prior to issuance of any occupancy permits, including temporary occupancy permits for any tenant space within either building.
2. The applicant acknowledging that surety for buffer and landscape plantings will be required if not installed by the time temporary occupancy permits may be issued.
3. 3. The applicant providing final drawings of the site plan and storm water management reports, which addresses staff comments prior to the construction of any improvements on the site.

Vote 15-018: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

On Item 9 - Other Matters: none

The meeting was adjourned at 7:01 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor