

June 29, 2015

West Des Moines City Council Proceedings  
Monday, June 29, 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, June 29, 2015 at 5:30 PM. Council members present were: J. Mickelson, R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff recommends removing from the agenda Item 5(e) Ordinance relating to Motor Vehicle Weight Restrictions for Roadways Not Designated as Truck Routes to send it back to the Public Safety Subcommittee for further review and discussion. Staff also recommends an amendment to Item 6(a) St. Francis of Assisi Comprehensive Plan Amendment, as it should have been listed as a Resolution and not an Ordinance and recommends an amendment to Item 6(b) Country Club Office Plaza and Ashworth Corridor PUD Amendments, as there should have been two separate Ordinances listed.

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

Vote 15-247: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

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

Council member Trimble reported the Finance and Administration Subcommittee met and he reviewed the items discussed at that meeting. He also attended a meeting of the Human Services Advisory Board, where the board voted to move from transitional housing to rapid re-housing and discussed the possibility of investing donated funds in Endow Iowa funds.

Council member Mickelson reported he attended a meeting with the Dallas County Foundation, and he is excited that the City is receiving Dallas County Foundation grant funds for a pedestrian crossing signal at 65th Street and Ashworth Road.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where they reviewed the spring cleanup process, discussed the conversion of Mid-American street lights to LED lights, and discussed how to address the premature deterioration of streets. He also attended the annual meeting of the Greater Des Moines Convention and Visitors Bureau, where the board approved the annual budget, a new slate of officers, and the concept of including cities that do not have any hotel/motel tax revenue, and the board also discussed the possibility of amending the current financing structure.

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City Manager Tom Hadden reported the Walnut Creek and Raccoon River watersheds experienced extremely heavy rainfalls on June 24 and 25, but due to preparations by City staff, there was very little damage. He commended staff for their response throughout the process.

On Item 4. Consent Agenda.

Council members pulled Items 4(i) and 4(o)21 for discussion. It was moved by Messerschmidt, second by Trimble to approve the consent agenda as amended.

- a. Approval of Minutes of June 15, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. 34's Sports Grill Valley West, LLC, d/b/a 34's Sports Grill, 1551 Valley West Drive, Suite 253 - Class LC Liquor License with Sunday Sales - Renewal
  - 2. Fordad, Inc., d/b/a Cattoor's on Grand, 1306 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 3. The Cheesecake Factory Restaurants, Inc., d/b/a The Cheesecake Factory, 101 Jordan Creek Parkway #12550 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 4. Crazy Chicken, LLC, d/b/a Chicken Coop Sports Bar & Grill, 1960 Grand Avenue, Suite 23 - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
  - 5. Chipotle Mexican Grill of Colorado d/b/a Chipotle Mexican Grill, 490 South 68th Street, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
  - 6. Wesley Retirement Services, Inc. d/b/a Edgewater, A Wesley Active Life Community, 9225 Cascade Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Services - Renewal
  - 7. OSI/Fleming's, LLC, d/b/a Fleming's Prime Steakhouse & Wine Bar, 150 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 8. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - July 16, 2015
  - 9. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - July 29-30, 2015
  - 10. Kum & Go, LC d/b/a Kum & Go #576, 3501 EP True Parkway - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
  - 11. Fast Mart 2, LLC, d/b/a Vine Stop, 2704 Vine Street - Class LE Liquor License with Native Wine and Sunday Sales - Renewal
- d. Approval of Cigarette Permit
- e. Approval of Fireworks Displays

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- f. Accept Polk County Community Betterment Grant Funds - Human Services Emergency Assistance Program
- g. Approval of Amendment to Memorandum of Agreement - Special Census
- h. Approval of Lease Agreement for 318 5th Street - West Des Moines Business Incubator
- j. Order Construction:
  - 1. Street and Pavement Repair Supplemental Retainer Contract
  - 2. Storm Sewer Repair Supplemental Retainer Contract
  - 3. White Crane Road - South 8th Street to East
  - 4. Law Enforcement Center Roof Replacement
  - 5. Community Center Interior Renovations
- k. Accept Work:
  - 1. 2014 PCC Patching Program - Phase 2
  - 2. 139 6th Street - Building Renovation
  - 3. 5th Street Banner Pole Replacement
- l. Accept Dallas County Foundation Grant Funds - Pedestrian Crossing Signal at 65th Street and Ashworth Road
- m. Approval and Acceptance of Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement - St. Francis of Assisi, 6975 Woodland Avenue
- n. Approval and Acceptance of Indemnification/Hold Harmless Agreement - Galleria Hotels, 6220 Stagecoach Drive and 6160 Mills Civic Parkway
- o. Approval of Professional Services Agreements:
  - 1. Public Safety Station 18 HVAC Improvements
  - 2. Public Safety Station 21 HVAC Improvements
  - 3. Public Safety Station 21 Interior Improvements
  - 4. Public Safety Station 18 Building Envelope Commissioning
  - 5. Lighting Upgrade for City Hall and Library
  - 6. South 60th Street Improvements - Grand Avenue to Mills Civic Parkway (Appraisals)
  - 7. 2015 Channel Repair Program
  - 8. Walnut Woods Drive Culvert Replacement
  - 9. South 50th Street Widening - Mills Civic Parkway to EP True Parkway
  - 10. Park Road Drainage Improvements
  - 11. Northeast Basin - 4th Street and Ashworth Road Storm Sewer Improvements
  - 12. Maple Grove Lift Station
  - 13. Greenway Erosion Repair
  - 14. Grand Avenue Siphon Replacement
  - 15. Bridgewood Boulevard Culvert
  - 16. Ashworth Road Improvements, Phase 1 - Jordan Creek Parkway to 81st Street
  - 17. 9th Street Storm Sewer Rehabilitation
  - 18. 50th Street and Stonebridge Road Traffic Signal
  - 19. 50th Street and University Avenue Lift Station Roof Replacement
  - 20. South Services Area Segment II - Browns Woods Sewer
  - 22. 2015 Intake Repair Program

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p. Approval of Streetlight Agreement - Conversion of High Pressure Sodium Streetlights to LED

Vote 15-248: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(i) Approval and/or Ratification of Fees and Charges Effective July 1, 2015

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

It was moved by Sandager, second by Mickelson to approve Item 4(i) Approval and/or Ratification of Fees and Charges Effective July 1, 2015.

Vote 15-249: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 4(o)21 Approval of Professional Service Agreement - 98th Street Improvements - Water Tower to Railroad Tracks

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

It was moved by Sandager, second by Messerschmidt to approve Item 4(o)21 Approval of Professional Service Agreement - 98th Street Improvements - Water Tower to Railroad Tracks.

Vote 15-250: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 5(a) Jordan West, southwest corner of EP True Parkway and Jordan Creek Parkway - Amend the Specific Plan Ordinance to Modify Development Regulations in Alignment with New Development Plan, initiated by Ryan Companies US, Inc.

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

Vote 15-251: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

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Vote 15-252: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 15-253: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) Grand Lakes, north and west of Grand Avenue across from the Raccoon River Park Entrance - Amend the Eight Ways Planned Unit Development (PUD) to Reconfigure PUD Parcels, Zone PUD Parcels Consistent with the Amended Comprehensive Plan, Define Development Regulations for Undeveloped Parcels, Detail Detention Basin Improvements, and Change the Name of the PUD to Grand Lakes, initiated by Diligent Grand Ave. 67, LLC

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

Vote 15-254: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 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 15-255: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 15-256: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(c) Whisper Rock at Quail Cove, 5200 block of Cherrywood Drive - Rezone Property from Medium Density Residential to Single Family Residential, initiated by Prairie Building and Development, LLC

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

Vote 15-257: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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The City Clerk read the preamble to the ordinance.

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

Vote 15-258: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 15-259: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 4 (Traffic Control Devices) and Chapter 5 (Rules of the Road) - Align with Applicable Iowa Code Provisions, initiated by the City of West Des Moines

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

Vote 15-260: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-261: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 15-262: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 12 (Load Limits; Truck Routes) - Motor Vehicle Weight Restrictions for Roadways Not Designated as Truck Routes; Penalties, initiated by the City of West Des Moines

Mayor Gaer noted Item 5(e) has been removed from the agenda and will be sent back to the Public Safety Subcommittee.

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On Item 5(f) 2014 Sidewalk Improvement Program - Phase I, initiated by the City of West Des Moines

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Preliminary Order for Construction, Resolution - Fixing Values of Lots, Resolution - Approval of Preliminary Plat and Schedule, and Resolution - Approval of Proposed Resolution of Necessity.

Vote 15-263: Messerschmidt, Mickelson, Sandager, 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 St. Francis of Assisi, 6975 Woodland Avenue - Amend Comprehensive Plan Land Use Map from Office to High Density Residential, 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 June 12, 2015 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 two members absent, the Plan and Zoning Commission recommended City Council approval of the proposed Comprehensive Plan Amendment. He also stated there is one citizen correspondence which is included with the council communication.

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

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 15-264: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

On Item 6(b) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider Country Club Office Plaza and Ashworth Corridor, 7171 and 6975 Woodland Avenue - Amend Planned Unit Developments (PUD's) to Remove an Overlap in PUD Boundaries and Clarify Development Regulations in the Ashworth Corridor PUD, 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 June 12, 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 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the proposed PUD Amendments. He also stated there is one citizen correspondence which is included with the council communication.

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

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance. (Country Club Office Plaza)

Vote 15-265: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance. (Country Club Office Plaza)

Vote 15-266: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance. (Ashworth Corridor)

Vote 15-267: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance. (Ashworth Corridor)

Vote 15-268: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Dixie Acres Sanitary Sewer Connection Fee District, north of Ashworth Road on 54th 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 June 8 and June 15, 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.



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

Council member Mickelson inquired how this proposed sanitary sewer connection fee district in Polk County would differ from the previously discussed proposed Barnes Heights sanitary sewer connection fee district in Dallas County.

Duane Wittstock, City Engineer, responded the process is exactly the same. The difference with this one is that one of the residents has a failing septic system, so the neighbors reached a consensus in favor of establishing the district to make public sewer available to the neighborhood. He responded to further questions, stating that construction would be anticipated to begin in 2015, but the residents will not be required to hook on to the sewer until they choose to.

Vote 15-269: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 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 15-270: Messerschmidt, Mickelson, Sandager, 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 Holiday Park Baseball Field Improvements, Phase 3, 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 June 12, 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 Messerschmidt, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Joiner Construction Co.

Council member Trimble stated a citizen had expressed concerns about how the Holiday Park baseball fields are being used by SportsPlex West.

Gary Scott, Parks and Recreation Director, stated he will look into the matter.

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Vote 15-271: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) Lindsey Farm Plat 1, 1001 Timber Brook Avenue - Subdivide Property into Three Lots for Single Family Development, initiated by Frank Lindsey

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

1. That the City Council waive the requirement for an agreement and waiver for public improvements including but not limited to the reconstruction of Timberbrook Avenue, the installation of public sidewalks, and the installation of street lights along public streets adjacent to this development.
2. That the west roadway be allowed which exceeds the City's maximum dead end length until such time that the roadway can be extended to connect to a secondary roadway as shown on the City's Ultimate Streets Plan. In the interim, access roads should be 20 feet in width, constructed and surfaced with materials that will withstand 75,000 pounds of gross vehicle weight, and maintain a vertical clearance of 14 feet.
3. That the City Council waive the requirement for the installation of dry sewers.

Vote 15-272: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(b) Creekside Glynn, south of Ashworth Road and east and west sides of future South 81st Street - Subdivide Property into 39 Lots, Eight Street Lots, and Two Outlots for Construction of a Single Family Residential Development, initiated Creekside Glynn, LLC

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

1. In conjunction with development of the property, Applicant will be responsible for the installation of all standard public improvements, including sidewalks/trails and street lights adjacent to all public streets. The applicant acknowledging that public improvements will need to be completed and ready for acceptance by the City prior to issuance of any Final Occupancy permits.
2. The 30' buffer park easement and 30' building setback required for Lot 19 along 81st Street shall be permitted to overlap. Any fence placed along 81st Street on Lot 19, shall be required to be setback 30' to align with where fences could be located on the lots

immediately to the north due to the 30' buffer.

3. No driveway access shall be allowed on the north side of Lot 22 from 79th Court. No accessory structures shall be allowed within the 35' rear setback along the north side of Lot 22.

Vote 15-273: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(c) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 11 (Park Rules and Regulations) - Restrict Parking within Parks to Designated Parking Lots and Marked Stalls Only, initiated by the City of West Des Moines

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

Vote 15-274: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-275: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

On Item 9 - Other Matters

Council member Sandager inquired about the timeline for the repairs to the City Hall fountain.

Bret Hodne, Public Works Director, responded staff is working on the City Hall fountain to address its water line breaks by replacing piping and redesigning the system so it is able to drain adequately for the winter. He stated staff intends to conduct pressure testing tomorrow and it should be back up and running by the end of the week.

Council member Mickelson recognized Mrs. Tischhauser, his first grade teacher, who was in attendance at tonight's Council meeting.

The regular meeting was adjourned at 6:13 p.m. and a Council Workshop followed.

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It was moved by Trevillyan, second by Trimble to go into Executive Session per Chapter 21 of the Iowa Code, to discuss Potential Acquisition/Disposition.

Vote 15-276: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Entered Executive Session at 7:26 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Messerschmidt, Mickelson, Sandager, Trevillyan and Trimble; City Manager, Assistant City Attorney, City Clerk, Finance Director, Parks and Recreation Director, and Park Board member Heather Schebel.

It was moved by Mickelson, second by Trevillyan to adjourn from Executive Session.

Vote 15-277: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Executive Session was adjourned at 7:42 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor