

May 30, 2017

West Des Moines City Council Proceedings
Tuesday, May 30, 2017

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 Tuesday, May 30, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending an amendment to Item 7(g) Amendment to City Code - Regulate the Use of Consumer and Display Fireworks, as a minor change has been made to the ordinance language.

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

Vote 17-285: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum

Dennis Garcia, 204 7th Street, expressed concerns about emergency access at the Polk County Westside Community Center. He suggested that parking should not be allowed on the alley along the west side of the building and the City should ensure the building exits are sufficiently clear. He also expressed concerns regarding the railroad crossing on the private road south of Commerce Drive and requested additional information related to that issue.

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

Interim Police Chief Jim Barrett introduced Police Officers Brandon Condon, Gladys Espitia, Zachery Fries, James O'Halloran, Andree Owen, and Matthew Wood, who were then sworn in by Mayor Gaer.

A report was given on the Public Arts Advisory Commission by Sally Ortgies, Parks and Recreation Director, and Tamara Kenworthy, Chair of the Public Arts Advisory Commission, which highlighted a number of public art projects around the community.

The Mayor and Council expressed appreciation to the Public Arts Advisory Commission members for their efforts and accomplishments.

Council member Sandager reported that Bravo Greater Des Moines is scheduled to release an "Arts for Economic Prosperity" report in the coming weeks, and Executive Director Sally Dix was recently elected to serve on a national board. He also reported the Development and Planning Subcommittee met, where discussion was held on a proposed high-rise in the Glen

May 30, 2017

Oaks development and a proposed rezoning to a higher density for the Eldorado Estates development, which was not supported by the subcommittee.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed the Redevelopment Incentive Programs, Amendment #1 to the Coachlight Drive Urban Renewal Area, and a sizeable donation from Microsoft to the West Des Moines Community Enrichment Foundation, with a majority to be allocated towards a proposed amphitheater project on the City Hall campus.

Council member Mickelson reported he volunteered with his company at the Valley Junction Farmers Market this past Thursday, and he encouraged everyone to attend, as it is held every Thursday until the end of September.

Council member Messerschmidt reported the Historic West Des Moines Plan Implementation Committee is working on prioritizing the ideas that arose from the study.

City Manager Tom Hadden noted the City's public art projects are all funded by hotel/motel tax dollars.

On Item 4. Consent Agenda.

Council members pulled Item 4(g) for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of May 15, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. MLC Holdings, LLC, d/b/a Blue Moon Dueling Piano Bar & Restaurant, 5485 Mills Civic Parkway - Class LC Liquor License Extension of Outdoor Service - June 3, 2017
 2. El Tapatio, LLC d/b/a El Tapatio, 3751 EP True Parkway - Class LC Liquor License with Sunday Sales - Renewal
 3. P2C2 Investments, LLC d/b/a Global Brew Tap House and Lounge, 9500 University Avenue, Suite 1118 - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
 4. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - June 7-8, 2017
 5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - June 28-29, 2017
 6. OTB Acquisition, LLC d/b/a On The Border, 140 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal

May 30, 2017

7. Pragathi International, LLC d/b/a Persis Indian Grill, 6925 Mills Civic Parkway, Suite 142 - Class BW Permit with Native Wine and Sunday Sales - Renewal
 8. Conrado Corporation d/b/a Taco Andreas 3, 1250 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 9. Target Corporation d/b/a Target Store T-1901, 5405 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 10. Vino 209, LLC d/b/a Vino 209, 209 5th Street - Class BW Permit with Carryout Wine and Sunday Sales - New
- d. Approval of Order and Settlement Agreements for Violations of Alcohol Laws
 - e. Approval of Appointments - Human Services Advisory Board
 - f. Approval of Professional Consulting Services Agreement - Cost Advisory Services, Inc.
 - h. Establish Public Hearings:
 1. Issuance of Not to Exceed \$101,000,000 General Obligation Urban Renewal Bonds (Osmium)
 2. Issuance of Not to Exceed \$7,100,000 General Obligation Urban Renewal Bonds (Coachlight)
 3. Issuance of Not to Exceed \$5,400,000 General Obligation Urban Renewal Bonds (Mills Parkway)
 4. Issuance of Not to Exceed \$4,000,000 General Obligation Refunding Bonds
 - i. Order Construction:
 1. South Grand Prairie Parkway, SW Madison Avenue to Raccoon River Drive
 2. South 100th Street Culvert on Sugar Creek Tributary
 3. SW 60th Street, SE 50th Street, and SE Adams Street
 - j. Accept Work - 2016 PCC Patching Program
 - k. Accept Public Improvements - West Side Community Center
 - l. Establish Public Hearing Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property - Project Osmium Public Infrastructure
 - m. Establish Consultation Meeting and Public Hearing – Amendment #1 to the Coachlight Drive Urban Renewal Area
 - n. Approval and Acceptance of Non-Interference Agreement - 3900 University Avenue
 - o. Approval of Extension of Entitlements:
 1. Alameda Office Building, 6770 Vista Drive
 2. Waterbury Building, 7765 Office Plaza Drive North
 - p. Approval of First Amendment to Development Agreement - Hubbell Realty Company
 - q. Proclamation - Historic Valley Junction's 30th Anniversary as a Main Street Iowa Community

Vote 17-286: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(g) Approval of Amendment No. 3 to Professional Services Agreement - Fox Creek Trunk Sewer Extension

May 30, 2017

Council member Messerschmidt expressed appreciation that this amendment is expected to help conclude a project that has had many issues.

It was moved by Messerschmidt, second by Trevillyan to approve item 4(g) Approval of Amendment No. 3 to Professional Services Agreement - Fox Creek Trunk Sewer Extension.

Vote 17-287: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Jim Miller, Executive Director for the Historic Valley Junction Foundation, provided an update on the organization's activities as they celebrate the 30th anniversary of their designation as a Main Street Iowa Community.

Mayor Gaer read Proclamation - Historic Valley Junction's 30th Anniversary as a Main Street Iowa Community.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 4 (Zoning Districts and Map) and Chapter 9 (Planned Unit Development District) - Modify Definitions and Regulations Pertaining to The Acreage Requirements for Planned Unit Development Districts, initiated by the City of West Des Moines

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

Vote 17-288: 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 second reading of the ordinance.

Vote 17-289: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 17-290: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

May 30, 2017

On Item 5(b) Greenway Crossing, south of Bishop Drive between 90th Street and 92nd Street - Amend the Planned Unit Development (PUD) Parcel H Setbacks to Allow 30-foot Front Yard Setbacks, initiated by Gregg Gustafson

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

Vote 17-291: 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 Trevillyan to approve the second reading of the ordinance.

Vote 17-292: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 17-293: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) and Chapter 10 (Performance Standards) - Regulate Hardware Stores in the Neighborhood Commercial District, 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 17-294: 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 17-295: 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.

May 30, 2017

Vote 17-296: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) Redevelopment Incentive Programs - Approval of Amendment to Property Improvement Fund Program, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Amendment.

Vote 17-297: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(e) City Hall Exterior Renovations, initiated by the City of West Des Moines
(Continued from May 15, 2017)

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Ball Team, LLC.

Council member Trimble inquired if removing add alternate #1 could result in further issues.

John Lott, Benjamin Design Collaborative, responded that add alternate #1 included the front side of the building, which has had the least amount of issues, so it is not as urgent as the remainder of the project.

Vote 17-298: 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 The Preserve on Grand, north and west of Grand Avenue across from the Raccoon River Park entrance - Amend the Comprehensive Plan Land Use Map to Change the Land Use Designation of the Grand Lakes Planned Unit Development (PUD) Parcel B to Medium Density Residential and Amend the Grand Lakes PUD to Change the Name of the PUD, Change the Zoning of PUD Parcel B to Single Family Residential, and Amend Provisions for PUD Parcel D to Allow a Prairie to Be Established, initiated by Diligent Grand 67, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 12, 2017 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 comprehensive plan amendment and PUD amendment.

Mayor Gaer asked if there were any public comments.

Jake Becker, McClure Engineering Company, provided an overview of the proposed project.

May 30, 2017

Mayor Gaer asked if there were any additional 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 17-299: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 17-300: 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 17-301: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Brody Property, immediately east/southeast of 601 Clegg Road - Amend the Comprehensive Plan Land Use Map to Change approx. 0.8 acres from Office to Single Family Residential and Rezone the Property from Office to Residential Single Family Consistent with the Comprehensive Plan Land Use Designation, initiated by Emmet Brody. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 12, 2017 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 comprehensive plan amendment and rezoning request.

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 17-302: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

May 30, 2017

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

Vote 17-303: 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 17-304: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Cascades at Jordan Creek, southwest corner of South 81st Street and Cascade Avenue - Rezone the Property to Residential Medium Density Consistent with the Comprehensive Plan Land Use Designation, 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 May 12, 2017 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 rezoning request.

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

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

Vote 17-305: 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 Trevillyan to approve the first reading of the ordinance.

Vote 17-306: 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 Raccoon River Quarries, generally located south of Raccoon River Drive and west of South 88th Street - Amend that Portion of the Planned Unit Development (PUD) Located at 10050 Raccoon River Drive (Martin Marietta Materials) to Modify the Extraction Setback on the West Side of the Property to Further Restrict Mining in Order to Better Accommodate the Future Widening of

May 30, 2017

South Grand Prairie 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 May 12, 2017 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 PUD amendment, and one correspondence was received and included with the council communication.

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

Mayor Gaer noted staff recommends including additional language in the ordinance to address the concerns expressed by Chris Nelson.

It was moved by Trimble, second by Messerschmidt to consider the first reading of the ordinance, with the additional language as recommended by staff.

Vote 17-307: 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, with the additional language as recommended by staff.

Vote 17-308: 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 Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office, and Industrial Use Regulations), Chapter 15 (Off-Street Parking and Loading), and Chapter 16 (Temporary Use Permits) - Regulate the Sale and Storage of Consumer-Grade Fireworks, 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 May 19, 2017 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 ordinance amendment.

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 consider the first reading of the ordinance.

May 30, 2017

Council member Trimble stated he does not support this ordinance amendment, as the City does not currently allow any retail in general industrial zoning districts, so fireworks would become the only retail sales allowed there, which he believes doesn't make sense. He also stated he believes this could be considered a form of discrimination against the product being sold, and he feels as long as there are precautions in place to ensure that fireworks are stored and sold safely, the sale should be allowed in retail areas as well. He also noted any temporary structures selling fireworks would only be up for a limited period of time.

Council member Trevillyan stated he does not support this ordinance amendment, as he does not believe it makes sense to concentrate all fireworks sales in the general industrial areas. He also stated he does not believe it would be fair to prohibit existing retail businesses from selling fireworks as long as they are able to meet the City's safety standards.

Council member Trimble noted the agenda indicates this item will be considered for first reading tonight but then have the second and third readings waived. He inquired if that can be done even if the vote is not unanimous.

City Attorney Dick Scieszinski explained that the City Council procedural rules require a three-fourths vote of the Council to waive the second and third readings.

Council member Messerschmidt inquired if staff has received any comments on this proposed ordinance.

Lynne Twedt, Development Services Director, responded some businesses have inquired about where the City would allow the sale of fireworks. Upon informing them what would be allowed under the proposed ordinance, staff has not received any pushback from the businesses.

Vote 17-309: Messerschmidt, Mickelson, Sandager ... 3 yes
Trevillyan, Trimble ... 2 no

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 17-310: Messerschmidt, Mickelson, Sandager ... 3 yes
Trevillyan, Trimble ... 2 no

Motion carried.

It was moved by Messerschmidt, second by Mickelson, in accordance with Rule 36 of the City Council Procedural Rules to waive the second and third readings.

May 30, 2017

Vote 17-311: Messerschmidt, Mickelson, Sandager, Trimble ... 4 yes
Trevillyan ... 1 no

Motion carried.

It was moved by Messerschmidt, second by Mickelson to adopt the ordinance in final form.

Vote 17-312: Messerschmidt, Mickelson, Sandager ... 3 yes
Trevillyan, Trimble ... 2 no

Motion carried.

On Item 7(a) The Preserve on Grand, north and west of Grand Avenue across from the Raccoon River Park entrance - Approval of a Preliminary Plat to Subdivide the Property into 72 Single Family Residential Lots, 20 Medium Density Residential Lots, One Outlot for Open Space, and Two Lots for Public Streets, initiated by Diligent Grand 67, 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 conditions of approval listed in the Resolution.

Vote 17-313: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Jordan Creek Professional Plaza, 1121 Jordan Creek Parkway - Subdivide the Property into Two Lots for Commercial Development and Approval of a Site Plan to Construct a 9,322 sq. ft. Dental Office Building and a 8,073 sq. ft. Multi-Tenant Building, initiated by Downing Construction, Inc.

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

Vote 17-314: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Della Vita Townhomes, northwest corner of EP True Parkway and 88th Street - Site Plan to Construct 54 Townhome Units, initiated by Della Vita, LLC

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

Vote 17-315: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

May 30, 2017

On Item 7(d) Historic West Des Moines Urban Renewal Area, initiated by the City of West Des Moines

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

Vote 17-316: 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 17-317: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Teamsters - Library Local #238 and City of West Des Moines - July 1, 2017 to June 30, 2018 Contract Period, initiated by the City of West Des Moines and Local 238

It was moved by Trevillyan, second by Trimble to Adopt Resolution - Acknowledgement of Recommended Contract.

Council member Trimble inquired why this contract is a one-year contract, as opposed to the usual three-year contract.

Jane Pauba Dodge, Human Resources Director, responded staff is seeking to adjust the timing for all the City's bargaining agreements so they can all renew in the same year.

Vote 17-318: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 3 (Business and Licensing), Chapter 1 (General Licensing Provisions), Section 14 (Sale of Fireworks) - Regulate the Retail and Wholesale Sale and Storage of Consumer and Display Fireworks, initiated by the City of West Des Moines

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

Vote 17-319: Messerschmidt, Mickelson, Sandager, Trimble ... 4 yes
Trevillyan ... 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-320: Messerschmidt, Mickelson, Sandager ... 3 yes
Trevillyan, Trimble ... 2 no

Motion carried.

It was moved by Messerschmidt, second by Mickelson, in accordance with Rule 36 of the City Council Procedural Rules to waive the second and third readings.

Vote 17-321: Messerschmidt, Mickelson, Sandager, Trimble ... 4 yes
Trevillyan ... 1 no

Motion carried.

It was moved by Messerschmidt, second by Mickelson to adopt the ordinance in final form.

Vote 17-322: Messerschmidt, Mickelson, Sandager ... 3 yes
Trevillyan, Trimble ... 2 no

Motion carried.

On Item 7(g) Amendment to City Code - Title 5 (Police Regulations), Chapter 2 (Criminal Code), Section 14 (Fireworks) - Regulate the Use of Consumer and Display Fireworks, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to consider the first reading of the ordinance, with an amendment to allow the use of fireworks only on July 4th from 10:00 a.m. to 10:00 p.m. and that the City institutes the maximum fine of \$625 for violations.

Council member Mickelson expressed concerns that having such a narrow timeframe could result in a number of residents being cited for using fireworks outside the timeframe, and they would likely be upset about having to pay the \$625 fine.

Council member Trimble stated he has heard arguments from all sides on this issue, so he has been seeking a reasonable compromise. His initial suggestion of allowing the use of fireworks for three days in the year was not supported at the workshop, so he is now suggesting to allow the use for only one day.

Council member Trevillyan expressed support for Council member Trimble's suggestion.

Council member Mickelson suggested the Council table the discussion at this time to see how it goes in the neighboring communities that are going to allow the use of fireworks for this

May 30, 2017

upcoming July 4th season. Then the subject could be brought back to the Council for further discussion in the fall.

Council member Trimble stated he believes allowing the use of fireworks on only July 4th could serve as a good trial run, and if there are significant issues, the Council could then reconsider the ordinance.

Council member Sandager stated if the Council were to allow the use of fireworks only on July 4th, he would prefer that the timeframe be 4:00 p.m. to 10:00 p.m., so that it is consistent with Des Moines.

Council member Trimble rescinded his original motion, and Council member Trevillyan rescinded his second to the original motion.

It was moved by Trimble, second by Trevillyan to consider the first reading of the ordinance, with an amendment to allow the use of fireworks only on July 4th from 4:00 p.m. to 10:00 p.m. and that the City institutes the maximum fine of \$625 for violations.

Vote 17-323: Messerschmidt, Sandager, Trevillyan, Trimble ... 4 yes
Mickelson ... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Sandager to approve the first reading of the ordinance, with an amendment to allow the use of fireworks only on July 4th from 4:00 p.m. to 10:00 p.m. and that the City institutes the maximum fine of \$625 for violations.

Vote 17-324: Messerschmidt, Sandager, Trevillyan, Trimble ... 4 yes
Mickelson ... 1 no

Motion carried.

It was moved by Sandager, second by Trimble, in accordance with Rule 36 of the City Council Procedural Rules to waive the second and third readings.

Vote 17-325: Messerschmidt, Sandager, Trevillyan, Trimble ... 4 yes
Mickelson ... 1 no

Motion carried.

It was moved by Trimble, second by Sandager to adopt the ordinance in final form with an amendment to allow the use of fireworks only on July 4th from 4:00 p.m. to 10:00 p.m. and that the City institutes the maximum fine of \$625 for violations.

May 30, 2017

Vote 17-325: Messerschmidt, Sandager, Trevillyan, Trimble ... 4 yes
Mickelson ... 1 no

Motion carried.

On Item 8(a) Maple Grove United Methodist Church, 9391 Ashworth Road - Amend Comprehensive Plan Land Use Map and Amend Zoning Map for High Density Residential Land Use and Zoning for Construction of a Church - City Initiated - Referred to Plan and Zoning

On Item 8(b) Phenix, northeast corner of 7th Street between Walnut Street and Locust Street - Amend the Planned Unit Development (PUD) to Define Additional Ground to Be Retained by the City and Remove Allowances for Development of Single-Family Homes- City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters

Council member Trimble inquired about the status of a proposed speed limit study for Grand Avenue, between South 50th Street and the Raccoon River Park entrance.

Brian Hemesath, Interim City Engineer, responded staff plans to have the study conducted after the Grand Avenue Improvements Project has been closed out, which is anticipated to be in the next several months.

The meeting was adjourned at 7:23 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor