January 26, 2015

West Des Moines City Council Proceedings
Monday, January 26, 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, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending the Council approve Items 4(o) Approval of Amendment No. 1 to Development Agreement - Project Alluvion and 4(p) Approval of Agreement for Design and Installation of Fiber Conduit - Project Alluvion with a condition that both agreements receive formal approval from Microsoft Corporation.

Council member Trimble arrived at 5:31 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, J. Mickelson, K. Trevillyan, and R. Trimble.

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

Vote 15-019: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 2. Public Forum:

Ed Ames, 308 6th Street, expressed concerns about the location of a pedestrian crossing sign and a fire hydrant in the middle of a sidewalk.

Council member Sandager arrived at 5:33 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

Mayor Gaer asked staff to add Mr. Ames' concerns to the agenda for the next Public Works Subcommittee meeting.

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

Police Chief Shaun LaDue introduced Officer Cody Jacobsen, who was then sworn in by Mayor Gaer.

Greg Edwards, President and CEO of the Greater Des Moines Convention and Visitors Bureau, gave an update on his organization's activities over the past year, stating they secured 768,947 inquiries from individuals interested in learning more about visiting Greater Des Moines and booked 16 new city-wide events, 38 new multi-property events, and 200 new single-property events. He noted that during FY 2013-14, the Greater Des Moines Convention and Visitors

Bureau provided $135.6 million in economic impact for Greater Des Moines.

Laura Warner, Director of Sales at Marriott, stated she depends on the Greater Des Moines Convention and Visitors Bureau to fill her hotel, and asked that the City of West Des Moines continue to support it.

Chris Connolly, General Manager of the Iowa Events Center, expressed support for the Greater Des Moines Convention and Visitors Bureau and explained that the economic impact from large events reach West Des Moines even if they are held downtown, as visitors fill the hotels in West Des Moines.

Council member Trimble reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on a potential design contract for updates to the former Human Services Building at 318 5th Street, the review process for hotel-motel tax fund recipients, and the possible purchase of two-year supply of vehicle fuel. He also attended a meeting of the Human Services Advisory Board, where it was reported that, during July to December 2014, the department served 179 new clients, provided 8,484 rides, served 1,958 households through the clothing closet, provided 182 households with emergency assistance, served 1,837 households through the food pantry, provided handyman services to 229 households, provided personal hygiene items to 1,684 households, provided holiday assistance to 169 households, and 136 individuals were served by the housing solutions program. He also noted the open house for the new Human Services facility will be held on February 5th.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where discussion was held on new ADA guidelines requiring sidewalks to widen every 200 feet to a width of five feet to allow for wheelchairs to turnaround. The subcommittee also discussed possible changes to the sidewalk program guidelines to emphasize safety more so than aesthetics.

Council member Sandager stated the Finance and Administration Subcommittee also discussed possible changes to the sidewalk program that would allow property owners to repair sidewalk cracks with caulking rather than requiring them to replace it.

Council member Trimble noted the Finance and Administration Subcommittee also discussed the possible elimination of an administrative fee and discussed that all the changes should be reviewed after a year to evaluate how they are going.

On Item 4. Consent Agenda.

Council members pulled Items 4(g)2 and 4(h) for discussion. It was moved by Sandager, second by Trimble to approve the consent agenda as amended.

a. Approval of Minutes of January 12, 2015 Meeting

b. Approval of Bill Lists

c. Approval of Liquor Licenses:

1. 503 Restaurant & Night Club, LLC d/b/a 503 Restaurant, 1238 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - New
2. Big City Burgers & Greens, LLC, d/b/a Catering DSM, 7700 Mills Civic Parkway - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
3. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
4. G P Sanchez, LLC d/b/a La Hacienda Mexican Restaurant - 4055 Westown Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - New
5. St. Francis of Assisi Roman Catholic Church, 7075 Ashworth Road - 5-Day Class BW Permit - Effective February 5, 2015 - February 9, 2015
6. Good Stuff, LLC, d/b/a Shotgun Betty's, 5535 Mills Civic Parkway, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
7. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - 5-Day Class LC Liquor License with Outdoor Service - Effective March 16, 2015 - March 20, 2014
8. Old Market Ventures, LLC d/b/a Twin Peaks Restaurant, 4570 University Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
9. Waterfront Seafood Market, Inc. d/b/a Waterfront Seafood Market, 2900 University Avenue - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
10. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal

d. Approval of Extended Sound Permit - Sully's Irish Pub St. Patrick's Day Celebration - March 17, 2015

e. Approval to Purchase - Two Year Supply of Vehicle Fuel

f. Approval of Change Orders:

1. 5th Street Banner Pole Replacement Project, #2
2. Library and Law Enforcement Center HVAC Improvements, #6

g. Approval of Amendments to Professional Services Agreements:

1. Library and Law Enforcement Center HVAC Improvements, #1

i. Accept Work:

1. Woodland Park Sewer Rehabilitation
2. Exterior Lighting Retrofit - Law Enforcement Center and Public Works Building

j. Establish Public Hearing - Issuance of $12,800,000 Essential Corporate Purpose and General Corporate Purpose General Obligation Bonds

k. Approval of Economic Development Assistance Contract - Iowa Economic Development Authority and Merchant's Bonding Company
l. Approval of Option to Purchase Phenix School Agreement
m. Approval and Acceptance of Non-Interference Agreement, Irrevocable Offer of Dedication, and Sanitary Sewer Easement - 801 South 19th Street
n. Acceptance of Public Improvements:
   1. Brownstones at Greenway Crossing Plat 8
   2. Galleria at Jordan Creek Plat 5, Lot 7
   3. Galleria at Jordan Creek Plat 12, Lots 1 and 2
o. Approval of Amendment No. 1 to Development Agreement - Project Alluvion (with condition added that the agreement receives formal approval from Microsoft Corporation)
p. Approval of Agreement for Design and Installation of Fiber Conduit - Project Alluvion (with condition added that the agreement receives formal approval from Microsoft Corporation)
q. Order Construction - Alluvion Red Fiber Route
r. Approval of Grant Application to United Way - West Des Moines Human Services Personal Skills Development Program

Vote 15-020: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(g)2 Approval of Amendment to Professional Services Agreement - 318 5th Street Building Renovation, #1

Council member Trevillyan stated he thought it was already determined that the City would take care of any structural or exterior repairs to the building and the West Des Moines Business Incubator would be responsible for any interior updates.

Council member Trimble explained the proposed amendment would have the architect come up with two possible interior update designs of varying cost and the Council could then decide how to proceed. He noted this amendment does not commit the City to pay for any interior updates to be completed.

Council member Trevillyan stated he doesn't understand why the City would pay for the architect to do this work if the City originally had no intention of updating the interior, and he doesn't feel it is appropriate to spend taxpayer money on interior updates for a usable building.

Linda Schemmel, Planner, reported the proposed amendment would provide information on possible interior updates, including cost estimates. She noted this information would be helpful even if the West Des Moines Business Incubator does not locate there.

Council member Trevillyan stated the building was sufficient for the Human Services Department's needs, so he doesn't believe any interior updates are needed for it to meet needs of the West Des Moines Business Incubator.

It was moved by Messerschmidt, second by Trimble to approve Item 4(g)2 Approval of Amendment to Professional Services Agreement - 318 5th Street Building Renovation, #1.

Vote 15-021: Messerschmidt, Mickelson, Sandager, Trimble.....4 yes
Trevillyan ..... 1 no
Motion carried.

On Item 4(h) Adopt National Interoperability Channels for Westcom and City of West Des Moines

Council member Trimble inquired about the purpose of this resolution.

Jeff Dumermuth, Chief of Emergency Medical and Communication Services, responded the State of Iowa has asked all 911 boards to adopt this resolution. He noted Westcom has already been following these guidelines for several years, so this is truly a formality.

It was moved by Trimble, second by Messerschmidt to approve Item 4(h) Adopt National Interoperability Channels for Westcom and City of West Des Moines.

Vote 15-022: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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) - 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

James Patten, 1471 Army Post Road, expressed opposition to the proposed locational prefixes, stating City staff have acknowledged that there is no issue at this time but this amendment is intended to solve an issue that is anticipated to arise at some point in the future. He expressed he would prefer to have the street names left as-is until an issue actually arises.

Lee Fisher, 1515 Army Post Road, expressed opposition to the proposed locational prefixes, stating it could create confusion because the address numbers on the "SE" streets would increase as you go west, which is opposite from how most people would expect. He also noted that Google maps already has multiple street names shown for Army Post Road, as a result of multiple name changes over the years, so changing it again to add a locational prefix could create further confusion.

Jim Hawkins, 2195 South 4th Street, expressed opposition to the proposed locational prefixes, stating he doesn't believe it is needed to help public safety personnel quickly identify in what part of town their destination is. He suggested the City should wait and allow the issue to be solved by technological advances.

Jeff Stone, 1635 Walnut Woods Drive, state he is requesting an exemption from the locational prefix amendment for Walnut Woods Drive, as he believes the street name is widely known to be south of the river, therefore the locational prefix is not necessary. He noted 22 of the 24 property owners on Walnut Woods Drive signed a petition in support of this request, and the other two only did not sign because they were unavailable.

Mr. Patten stated he was not aware the City would entertain petitions for exemption, but he would like to have an opportunity to petition that Army Post Road be exempted from the locational prefix amendment as well.

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

Council member Trimble acknowledged that the locational prefix amendment would create an inconvenience for the residents, but since this relates to a public safety issue, he supports the recommendation of the public safety personnel.

Council member Sandager stated he has not been convinced the locational prefixes would get public safety vehicles to their destinations more quickly, so he believes the public confusion that would be created by this amendment surpasses any potential public safety benefit.

Council member Trevillyan stated that a person driving on Iowa Highway 28, seeking an address on SE Pine Avenue in West Des Moines, would reach the intersection of SW Pine Avenue in Des Moines and would then have to turn west to reach SE Pine Avenue. He believes this is an example of how the locational prefixes will create wayfinding issues. He expressed concerns that the Council listened to the residents along Grand Avenue regarding their concerns with the Grand Avenue Improvements Phase 6 project, and now he feels like the Council is not listening to the residents' concerns on this issue.

Council member Messerschmidt stated, based on growth projections for the area south of the Raccoon River, he believes the change needs to be made at this time before the area becomes more developed and more property owners are affected by the change.

Vote 15-023: Messerschmidt, Mickelson, Trimble.....3 yes
Sandager, Trevillyan ..... 2 no
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-024: Messerschmidt, Mickelson, Trimble.....3 yes
Sandager, Trevillyan ..... 2 no
Motion carried.

On Item 5(b) 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

Mayor Gaer noted some of the definitions contained in the ordinance have been changed to make them clearer, addressing the concerns expressed by Mr. Christiani at the January 12th Council meeting.

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

Vote 15-025: 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 15-026: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) 2013 Sidewalk Improvement Program - Phase I, initiated by the City of West Des Moines

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Final Plat and Schedule of Assessments.

Vote 15-027: 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 Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) and Chapter 10 (Performance Standards) - Amend SIC 7212 to Allow Cleaners

with Limited Equipment in All Commercial, Office, and Industrial Zoning Districts and Add Language Identifying Specific Regulations and Requirements for Dry Cleaners with Equipment Operating Under SIC 7212, 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 9, 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 City Code amendment.

Mayor Gaer asked if there were any public comments.

Jeremy Christiani, 1100 50th Street, Unit 1102, expressed opposition to the proposed City Code amendment, citing concerns about potential health risks related to dry cleaning chemicals.

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.

Council member Trimble stated this ordinance was reviewed by the Fire Department and restrictions were included to ensure the health and safety of the public.

Vote 15-028: 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 15-029: 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 South 88th Street Improvements - Booneville Road to Sugar Creek Drive, initiated by the City of West Des Moines (Continued from January 12, 2015). 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 one correspondence was received and was 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 Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 15-030: 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 Grand Avenue Tree Cutting, 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 16, 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 Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to J. Pettiecord, Inc.

Council member Trevillyan inquired why only one bid was received.

Duane Wittstock, City Engineer, responded three prospective bidders had expressed interest and staff was surprised that only one of them actually submitted a bid. He noted the one bid received was well below the estimate.

Council member Trimble requested that staff communicate with the contractor to make sure there aren't more trees cut down than necessary.

Mr. Wittstock stated staff will communicate with the contractor and conduct a walk-through on site before the work is started.

Vote 15-031: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Willow Creek Baptist Church, 720 Army Post Road - Deferral of Installation of Sidewalks and Streetlights, initiated by Willow Creek Baptist Church

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

1. The City Council granting a deferral for the installation of public sidewalks adjacent to the applicant's property along the east side of S8th Street (approximately 700 linear feet) until such time that development occurs on either side (north or south) of the Church property, unless otherwise required to be installed per City direction as part of any of the following:
   - The City's Sidewalk Improvement Program;

- For pedestrian safety reasons; or
- In conjunction with the development of any portion of the remainder of the property, excluding construction of parking additions which shall not trigger installation of the sidewalks along S8th Street.

2. The City Council granting a deferral of the installation of streetlights adjacent to the applicant's property along the east side of S8th Street, until such time that the City directs installation as part of any of the following:
   - A City Improvement Program;
   - At the order of the City Council;
   - For safety reasons; or
   - When streetlights are installed along that portion of S8th Street between existing Pine Ave and Army Post Road.

Vote 15-032: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Teamsters Local #238 (Police) - Contract July 1, 2015 thru June 30, 2018, initiated by the City of West Des Moines and Teamsters Local #238

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Contract.

Vote 15-033: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Maple Grove West, generally the northeast corner of 98th Street and Larchwood Drive - Amend the Maple Grove West PUD, Parcel B to Modify Requirements for Setbacks, Buffers, and Architecture - Caliber Iowa - Referred to Plan and Zoning Commission

On Item 8(b) Majestic Oaks, generally located at the northwest corner of Stagecoach Drive and South 95th Street - Rezone Property from Unzoned to Single Family Residential Consistent with the Comprehensive Plan - City Initiated - Referred to Plan and Zoning Commission

On Item 9 - Other Matters: none

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

January 26, 2015

ATTEST:

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Steven K. Gaer, Mayor