February 9, 2015

West Des Moines City Council Proceedings
Monday, February 9, 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, February 9, 2015 at 5:31 PM. Council members present were: R. Messerschmidt, J. Mickelson, and R. Trimble.

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

Vote 15-034: Messerschmidt, Mickelson, Trimble…3 yes
Motion carried.

On Item 2. Public Forum:

Wendy Lacina, 537 2nd Street, stated she recently moved to West Des Moines and expressed appreciation to City staff for their responsiveness and helpfulness in answering her questions.

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

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

Police Officer Jeff Hartshorn gave a report on the accomplishments of Reserve Officer Jeff Jungman, who was then recognized as Reserve Officer of the Year.

Police Captain Travis Ouverson introduced Police Sergeants Daniel Jansen, Andrew Countryman, and Jacob Rolph, who were then sworn in by Mayor Gaer.

Council member Mickelson reported the Public Safety Subcommittee met and recommended the purchase of a new fire truck and it was reported that the new building on the Wells Fargo campus has passed its fire inspection and is ready to be occupied.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where discussion was held on possible changes to the emerald ash borer management plan and possible changes to the spring cleanup program. He also reported the Metropolitan Planning Organization's Tomorrow Plan affordable housing subcommittee has a meeting scheduled this month and is working to develop a plan to address affordable housing. He stated the subcommittee is conducting a survey to identify issues related to affordable housing.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of January 26, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
   1. Guttenburger's WDM 1, Inc. d/b/a Guttenburger's, 9250 University Avenue, Suite 116 and 117 - Class BW Permit with Sunday Sales - New
   2. Great Plain's Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
   3. Hy-Vee, Inc., d/b/a Hy-Vee Food & Drugstore #3, 1725 Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - 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) - February 18, 2015
   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) - February 25-26, 2015
   6. Anything Improv, LLC, d/b/a The Last Laugh Comedy Theater, 1701 25th Street - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
   7. Rogers Entertainment, Ltd., d/b/a Legends American Grill, 640 South 50th Street, Suite 2110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
d. Approval of Appointments:
   1. Board of Adjustment
   2. Civil Service Commission
e. Approval of Amendment to Emerald Ash Borer Management Plan
f. Approval to Purchase - Fire Department Class "A" Fire Engine
g. Approval of Amendment No. 2 to Professional Services Agreement - 318 5th Street Building Renovation
h. Approval of Grant Application - Water Quality Initiative Targeted Demonstration Watershed Projects
i. Order Construction - Fox Creek Trunk Sewer - Phase I
j. Accept Work - 2014 Sump Pump Sewer Program
k. Establish Public Hearing - Issuance of $3,680,000 General Obligation Urban Renewal Refunding Bonds
l. Approval of Professional Services Agreements - Law Enforcement Center Roof Investigation
   1. Design Alliance, Inc.
   2. System Works, LLC

Vote 15-035: Messerschmidt, Mickelson, Sandager, Trimble…4 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

Mayor Gaer noted the Council received a memo indicating staff is recommending that the Ordinance be published and made effective on June 1, 2015, as opposed to the originally scheduled date of May 15, 2015, to ensure that the 2015 Special Census can be completed before the address changes become effective.

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

Vote 15-036: Messerschmidt, Mickelson, Trimble……..3 yes
Sandager ……1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-037: Messerschmidt, Mickelson, Trimble……..3 yes
Sandager ……1 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

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

Vote 15-038: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-039: Messerschmidt, Mickelson, Sandager, Trimble…4 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) - 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

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

Vote 15-040: Messerschmidt, Mickelson, Sandager, Trimble…4 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 15-041: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

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

Vote 15-042: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

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 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 and January 12, 2015)

Mayor Gaer noted staff is recommending the Council continue the Public Hearing indefinitely.

It was moved by Trimble, second by Sandager to adopt Motion - Continue Public Hearing Indefinitely.

Council member Sandager stated he received a number of correspondences regarding this amendment, and he inquired if staff also has these letters on record.

Lynne Twedt, Development Services Director, responded most of the letters were also sent to staff and will be included with the Council communication when this item comes back for the public hearing.

Vote 15-043: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Majestic Oaks, generally located at the northwest corner of Stagecoach Drive and South 95th Street - Amend the Comprehensive Plan Land Use Map to Change the Land Use Designation of approximately 8 acres from Medium Density Residential to Single Family Residential and Rezone the Property from Unzoned to Single Family Residential Consistent with the Comprehensive Plan, 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 24, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the proposed Comprehensive Plan amendment and rezoning.

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

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

Council member Messerschmidt noted the maps of Attachments C and D with the Council communication show different land uses for the land southwest of the Majestic Oaks development, but he had clarified with staff that Attachment C is an outdated map and Attachment D is correct in showing that land to be single family residential.

Vote 15-044: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

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

Vote 15-045: Messerschmidt, Mickelson, Sandager, Trimble…4 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.

Vote 15-046: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of $9,100,000 Essential Corporate Purpose General Obligation Bonds, 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 28, 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 Trimble to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-047: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of $700,000 General Corporate Purpose General Obligation Bonds (GCP-1), 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 28, 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 Messerschmidt to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-048: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of $700,000 General Corporate Purpose General Obligation Bonds (GCP-2), 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 28, 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 Messerschmidt to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-049: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of $700,000 General Corporate Purpose General Obligation Bonds (GCP-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 January 28, 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 Messerschmidt to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-050: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of $700,000 General Corporate Purpose General Obligation Bonds (GCP-4), 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 28, 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 Messerschmidt to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-051: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of $700,000 General Corporate Purpose General Obligation Bonds (GCP-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 28, 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 Messerschmidt to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-052: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of $200,000 General Corporate Purpose General Obligation Bonds (GCP-6), 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 28, 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 Messerschmidt to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-053: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Alluvion Red Fiber Route, 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 30, 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 Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Lan-Tel Communication Services.

Council member Trimble stated it is nice to see the bid come in significantly lower than the engineer's estimate.

Mayor Gaer inquired if staff is comfortable that there were no errors with the winning bid.

Duane Wittstock, City Engineer, indicated staff is comfortable with the accuracy of the winning bid.

Vote 15-054: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 7(a), Mayor Pro tem Mickelson will preside over this portion of the meeting.

On Item 7(a) Chick-fil-A, 4502 University Avenue - Construction of a 4,684 sq. ft. Drive-thru Restaurant and Parking Lot, initiated by Chick-fil-A

It was moved by Sandager, 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. Prior to initiation of any site work, including grading, the applicant providing a copy of the Iowa DNR issued NPDES General Permit #2 to staff; and

2. Prior to issuance of an occupancy permit, including Temporary Occupancy, the applicant making necessary modifications to the retention ponds immediately to the east as outlined in the Storm Water Management Plan to comply with West Des Moines Storm Water Management Standards.

Vote 15-055: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 7(b) Issuance of $12,150,000 (Essential Corporate Purpose and General Corporate Purpose) General Obligation Bonds, initiated by the City of West Des Moines.

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Authorizing the Issuance and Levying a Tax.

Vote 15-056: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 10 (Trees and Shrubs) - Amend Ordinance to Include Changes Needed Due to Emerald Ash Borer Management, 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 15-057: Messerschmidt, Mickelson, Sandager, Trimble…4 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 15-058: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Motion carried.

On Item 8(a) Amendment to City Code - Title 9 (Zoning), Various Chapters - Define and Establish Regulations for Brewery Tap Rooms - City Initiated (Refer to Plan and Zoning Commission) - Referred to Plan and Zoning Commission

On Item 9 - Other Matters: none

The meeting was adjourned at 6:13 p.m.

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

_____
Steven K. Gaer, Mayor