March 23, 2015

West Des Moines City Council Proceedings
Monday, March 23, 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, March 23, 2015 at 5:30 PM. Council members present were: J. Mickelson, K. Trevillyan, and R. Trimble. Council member R. Messerschmidt participated via telephone.

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

Vote 15-100: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 2. Public Forum:

Andrew Furhi, 705 Linnwill Place, expressed concerns about the hardship for Linnwill Place residents with properties that back up to 1st Street if they should be required to mow the grass on the drainage ditch slope and remove snow from the sidewalk behind their property.

Kristin Brantley, 717 Linnwill Place, expressed concerns that her homeowners insurance will not cover slip and fall injuries for the sidewalk behind her property, since it is not part of her property, which could put her at risk of being liable should a slip and fall injury occur on that sidewalk.

Howard Paul, 649 Linnwill Place, stated it is impossible to get a snowblower to the sidewalk behind his property, so if the residents are required to maintain it, it must be shoveled. He stated he ended up in the emergency room this winter as a result of injuries sustained while shoveling snow. He also noted many of his fellow residents along Linnwill Place are senior citizens.

Bill Muilenburg, 617 Linnwill Place, stated he is 88 years old and does not want to shovel the sidewalk behind his property.

Mayor Gaer stated the City is already clearing snow from the sidewalk and mowing the drainage ditch slope and will continue to do so for the time being. He advised that the Public Works Subcommittee will review the policy at an upcoming and will notify residents that request a notification when that meeting will occur.

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

Duane Wittstock, City Engineer, reported the City recently completed the Southwest Connector, Phase 3 project, which has received an award from the Iowa Concrete Paving Association. He then introduced John Cunningham from the Iowa Concrete Paving Association.

John Cunningham, Iowa Concrete Paving Association, commended the City of West Des Moines for the quality of its concrete paving work, and he presented the award for Best Concrete Paving Project in the Urban Arterials category.

Greg Hansen, Recreation Superintendent, provided an update on the Capital Crossroads Parks and Recreation Marketing Team. He reported the team is working to partner with the Greater Des Moines Convention and Visitors Bureau to leverage their online exposure to market the parks and recreation programs of metro communities.

Gary Scott, Director of Parks and Recreation, provided an update on the Capital Crossroads Parks and Recreation Trails, which is seeking to standardize trail signage for wayfinding throughout the metro.

Council member Trevillyan expressed concerns that some trail signs are 15 feet tall.

Mr. Scott stated trail signs are generally installed at that height to prevent vandalism, but he will look for further information on the reasons and report back to the Council.

Police Chief Shaun LaDue, provided an updates on the Capital Crossroads Police Recruitment/Pre-Employment Team and the Police Shared Training Team. He stated he believes there are a lot of potential immediate benefits with the shared training initiative that could result in significant savings for the City.

Council Member Trimble reported the Finance and Administration Subcommittee is currently reviewing applicants for hotel-motel tax funding. He stated the Subcommittee also reviewed budget amendment #2, a proposed agreement with Public Financial Management on tonight's agenda, and the purchase of 84,000 gallons of diesel fuel at $2.16/gallon and 168,000 gallons of unleaded fuel at $1.84/gallon. He reported he also attended a meeting of the Park and Recreation Advisory Board, where park use agreements were approved with the Cricket League of Iowa and the Des Moines Rugby Foundation. The board had also discussed a proposal from a former hockey player to construct an outdoor deck hockey rink in Raccoon River Park and a proposal to relocate the Jon Anderson White riverboat from the Des Moines River to Blue Heron Lake in Raccoon River Park. He also reported the board is considering a proposal form Verizon Wireless to construct a cell tower on City property near 39th Street and EP True Parkway.

Council member Trevillyan requested further information regarding the Jon Anderson White riverboat proposal and what is being requested from the City.

Gary Scott, Director of Parks and Recreation, stated the letter received from the boat's owner requested that the City pay to relocate the boat to Blue Heron Lake, which is estimated to cost approximately $30,000, and to make water and electricity available where the boat would dock, with the first year of rental at no cost. He stated the proposal would require a rezoning, permission from the Iowa Department of Natural Resources, and an amendment to the parks

master plan. He explained that if the City moves forward with the request, they would put out a request for proposals to provide the services of a riverboat on Blue Heron Lake.

Council member Trevillyan inquired about the timelines for both the deck hockey proposal and riverboat proposal.

Mr. Scott responded that if the City moves forward with the deck hockey proposal, the facility could be turned over to the vendor in October so that the program could start in Spring 2016. He stated the riverboat proposal is scheduled to go back to the Park and Recreation Advisory Board in May, but all the required steps in the process would not allow the boat to be relocated to Blue Heron Lake until 2016.

Mayor Gaer expressed concerns that the City could lose the opportunity with the riverboat proposal if the process takes too long.

Mr. Scott stated a decision could be made by the Park and Recreation Advisory Board at their meeting in May and then by the City Council in early June.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of March 9, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Blazin Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 6925 Mills Civic Parkway, Suite #115 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    2. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    3. El Rey Corporation d/b/a El Rey Burritos, 1310 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
    4. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class BC Permit with Sunday Sales - Renewal
    5. Hy-Vee, Inc. d/b/a Hy-Vee Corporate Conference Center, 5820 Westown Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
    6. Hy-Vee, Inc. d/b/a Hy-Vee Food Store & Drug Center #2, 1990 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    7. BDF, Inc. d/b/a The Longest Yard, 122 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal

8. JLS Vending, Inc. d/b/a The Oasis, 2500 Grand Avenue (softball complex) - Class BB Beer Permit with Sunday Sales and Outdoor Service Privileges - Renewal
9. R. Mexican Market, Inc. d/b/a Raul's Mexican Restaurant, 1261 8th Street - Class LC Liquor License - Renewal
10. Vision Night Club, LLC d/b/a Vision Night Club, 1720 25th Street, Unit 400 - Class LC Liquor License with Sunday Sales - Renewal

d. Approval of Appointments:
   1. Plan and Zoning Commission
   2. Sister Cities Commission

e. Acceptance of Grant - Community Betterment Program - Human Services

f. Approval of Agreement for Financial Advisory Services

g. Approval of Change Order #7 - Library and Law Enforcement Center HVAC Improvements

h. Approval of Park Use Agreements:
   1. Cricket League of Iowa
   2. Des Moines Rugby Foundation

i. Approval of Letter of Support - Revisions to the Federal Functional Classification System

j. Order Construction:
   1. 2015 Sewer Cleaning and Televising Program
   2. Thornwood Sanitary Sewer, Phase 3

k. Accept Work:
   1. 2013 Sidewalk Improvement Program, Phase 1
   2. 2013 Valley Junction Business District Sidewalk Improvement Program

l. Completion of Work - 22nd Street Adaptive Signal System

m. Approval of Professional Services Agreement - Sugar Creek Trunk Sewer

n. Approval and Acceptance of Purchase Agreement and Property - Ashworth Road Low Pressure Sewer System Project

o. Approval and Acceptance of Purchase Agreement and Easements:
   1. Fox Creek Sanitary Sewer Improvements, Phase 1
   2. Fox Creek Sanitary Sewer Improvements, Phase 2
   3. Frink Creek Sanitary Sewer Project
   4. Grand Avenue Improvements, Phase 5
   5. Grand Avenue Improvements, Phase 6

p. Approval of Proclamations:
   1. Colorectal Cancer Awareness Month, March 2015
   2. Kids to Parks Day, May 16, 2015

Vote 15-101: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(a) Issuance of $21,755,000 General Obligation Urban Renewal Bonds, Series 2015A, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Appoint Registrar and Paying Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 15-102: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(b) Issuance of $12,835,000 Taxable General Obligation Urban Renewal Bonds, Series 2015B, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Appoint Registrar and Paying Agent and Resolution - Authorizing the Issuance and Approval of Continuing Disclosure Certificate.

Vote 15-103: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(c) Issuance of $3,475,000 General Obligation Urban Renewal Refunding Bonds, Series 2015C, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Appoint Registrar and Paying Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate, Continuing Disclosure Certificate, and Refunding Trust Agreement.

Vote 15-104: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Aspen Valley, northeast corner of future 84th Street and Aspen Drive - Rezone Property from Single Family (RS-20) to Single Family (RS-10), initiated by Arrow Properties. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 6, 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 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 15-105: Messerschmidt, Mickelson, Trevillyan, Trimble…4 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 15-106: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider South Water Tower Place, 4001 Westown Parkway - Amend Planned Unit Development (PUD) to Modify Architectural Standards, 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 March 6, 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 PUD amendment.

Mayor Gaer asked if there were any public comments.

Tim Hogan, Hogan Law Office, representing behalf of Keller Williams, stated the applicant is in agreement with City staff, and the PUD amendment is being requested to allow architectural design woods on the front of the building. He requested that the Council waive the third reading to help speed up the process.

Mayor Gaer noted that if the first reading receives unanimous approval tonight, then the third reading could be waived at the next Council meeting in two weeks.

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.

Vote 15-107: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-108: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #1 to the Alluvion Urban Renewal Area, 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 March 13, 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 Trimble, second by Trevillyan to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 15-109: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(d) Project Mountain, northwest corner of South 88th Street and future Grand Avenue - Agreement for Private Development, initiated by Microsoft Corp.

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

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

Vote 15-110: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Frink Creek Sanitary Sewer, 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 March 13, 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 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 S.M. Hentges & Son's, Inc.

Vote 15-111: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 2015 PCC Patching Program, Phase 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 March

13, 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 The Concrete Co.

Vote 15-112: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(a) Village Cooperative, 845 South 60th Street - Subdivide Property into Two Lots, One Outlot, and One Street Lot, initiated by Real Estate Equities Development, LLC

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

1. The applicant granting the necessary Ingress-Egress/Cross Access Easements to allow a driveway interconnect to Calvary Baptist property located immediately south of the subject plat.

Vote 15-113: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(b) Keller Williams Realty, 4001 Westown Parkway - Addition of New Entry on South Side of the Building and Other Site Improvements, initiated by Keller Williams

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

1. Approval of this Major Modification is contingent upon the approval and adoption of the amendment to the South Water Tower Place PUD relating to architectural requirements.

2. The City Council granting a deferral of implementation of storm water management improvements until such time that the applicant adds onto the building or by 2025, whichever occurs first.

3. The City Council granting a deferral for the installation of five (5) overstory trees within the parking lot and eleven (11) evergreen open space trees until such time that the north

parking lot is removed and a detention pond constructed, as outlined in the approved Storm Water Management Plan.

4. The City Council granting a deferral for the installation of landscape pods in the parking lot as required by City Code until such time that the parking lot is modified, expanded or reconstructed in the future.

Vote 15-114: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(c) West Grand Business Park, 5950 Grand Avenue - Create One Parcel for Transfer of Ownership, initiated by M & F Investments, LLC

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

1. The applicant acknowledging that Pacel BB being created with this Plat-of-Survey is unbuildable as a stand-alone parcel, including the construction of any commercial structures; and,

2. The applicant acknowledging that any further land splits of the property must be done through the City's Subdivision process.

Vote 15-115: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(d) West Des Moines Association of Professional Fire Fighters Local #3586 and City of West Des Moines - Contract July 1, 2015 thru June 30, 2018, initiated by the City of West Des Moines and Local 3586

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

Vote 15-116: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 8(a) Grand Lakes, Scenic Valley Drive on the west side of Grand Avenue - Amend the Eight Ways Planned Unit Development (PUD) Land Uses, Parcel Configuration, and Rename the PUD to Grand Lakes - Diligent Grand Avenue 67, LLC - Referred to Plan and Zoning Commission

On Item 8(b) Tallyn's Reach, generally located at the intersection of Cascade Avenue and South 91st Street - Amend the Tallyn's Reach Planned Unit Development (PUD) to Remove the

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Minimum Age Requirement for PUD Parcel F - Jerry Bussanmas - Referred to Plan and Zoning Commission

On Item 9 - Other Matters: none

The meeting was adjourned at 6:38 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor