

April 6, 2015

West Des Moines City Council Proceedings
Monday, April 6, 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, April 6, 2015 at 5:30 PM. Council members present were: J. Mickelson, R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 15-117: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

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

Council member Trimble reported the Finance and Administration Subcommittee is continuing to hear presentations from organizations requesting hotel/motel tax funding.

Council Member Mickelson reported he attended a meeting of the Public Safety Subcommittee, where discussion was held on the potential use of body cameras by West Des Moines police officers. It was reported that Police Chief LaDue is in the process of researching that possibility, and he has discovered that the cameras would cost approximately \$30,000 and the storage mechanism would cost approximately \$75,000.

Council member Messerschmidt reported the Tomorrow Plan Affordable Housing Committee has a meeting scheduled to discuss the proposed affordable housing plan to address issues related to affordable housing in the Des Moines metro. He reported he also attended a meeting of the BRAVO Board, where discussion was held on possible changes made to the grant approval process and the proposed removal of the Tier 1 and Tier 2 distinctions for organizations. He also attended a Public Works Subcommittee meeting, where discussion was held on concerns regarding graffiti in Southwoods Park.

Mayor Gaer reported he attended a ribbon cutting ceremony for the new Valley Station senior housing apartments, and he stated that was a great project that will provide a new senior housing option in the Valley Junction area.

On Item 4. Consent Agenda.

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

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- a. Approval of Minutes of March 23, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Montelongo, Inc. d/b/a Abelardo's Mexican Food, 5525 Mills Civic Parkway, Suite 130 - Class BB Beer Permit with Sunday Sales - New
 - 2. BL Restaurant Operations, LLC d/b/a Bar Louie, 7105 Mills Civic Parkway, Suite 150 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 3. The After Midnight Group VIII, LLC d/b/a Cowboy Jacks, 5513 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 4. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Six-Month Class LC Liquor License with Sunday Sales and Outdoor Service - New
 - 5. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 6. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - April 15-16, 2015
 - 7. Walnut Brewery, Inc. d/b/a Rock Bottom Brewery, 4508 University Avenue - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License - May 13, 2015
 - 8. V Lounge, LLC d/b/a V Lounge, 3535 Westown Parkway - Class LC Liquor License - New
 - 9. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal
- d. Approval of Extended Sound Permits:
 - 1. Glen Oaks Country Club, 1401 Glen Oaks Drive
 - 2. Wellman's Pub & Rooftop, 597 Market Street
- e. Approval of Lane Closure(s) for 2015 Special Events:
 - 1. West Des Moines Girls Softball Parade
 - 2. Miscellaneous Events - Historic Valley Junction Foundation
- f. Approval of Change Orders:
 - 1. 2015 Concrete Trail Renovation, #1
 - 2. 139 6th Street Building Renovation, #12
- g. Approval of Amendment #1 to Professional Services Agreement - Fire/EMS Station 17 HVAC Improvements
- h. Approval of Grant Contract - Iowa Department of Agriculture and Land Stewardship Water Quality Initiative Grant
- i. Approval of Lease Agreement - Temporary Office Space for Special Census, 4900 University Avenue, Suite 120
- j. Approval of Resolution of Support - Home Base Iowa Initiative
- k. Approval of Grant Applications - Dallas County Foundation:
 - 1. Police Department

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2. Public Works Department
- l. Order Construction:
 1. 2015 Sewer Lining Program
 2. 2015 Sump Pump Sewer Program
 3. 2015 Valley Junction Brick Paver Repair Program
 4. Grand Avenue Improvements, Phase 6
- m. Accept Work - 2013 PCC Patching Program Phase 2
- n. Approval of 28E Agreement - Youth Justice Initiative
- o. Establish Consultation Meeting and Public Hearing - Amendment #3 to Westtown Parkway V Urban Renewal Area
- p. Approval of High Quality Jobs Program Application - FunnelWise
- q. Acceptance of Easement and Agreement:
 1. Clocktower Square, 2800-2900 University Avenue
 2. Mills Crossing Parcel D, 5901 Mills Civic Parkway
- r. Approval of Indemnity and Hold Harmless Agreement - Fareway
- s. Approval and Acceptance of Purchase Agreement for Disposition of Excess Property - Alice's Road/105th Street Overpass at I-80 Project
- t. Approval of Purchase Agreement, Deeds and Easements - South Grand Prairie Parkway, Wendover Road to Mills Civic Parkway
- u. Approval and Acceptance of Purchase Agreement and Easements:
 1. Fox Creek Sanitary Sewer Improvements, Phase 1
 2. Frink Creek Sanitary Sewer Project
- v. Approval of Proclamations:
 1. Affordable Housing Week, April 13-18, 2015
 2. World Landscape Architecture Month

Vote 15-118: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer read Proclamation - Affordable Housing Week.

On Item 5(a) 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

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

Vote 15-119: 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.

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Vote 15-120: 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 15-121: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) South Water Tower Place, 4001 Westown Parkway - Amend Planned Unit Development (PUD) to Modify Architectural Standards, initiated by the City of West Des Moines

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

Vote 15-122: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-123: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 15-124: 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 Tallyn's Reach, generally located at the intersection of Cascade Avenue and South 91st Street - Amend the Planned Unit Development (PUD) to Remove the Minimum Age Requirement for PUD Parcel F, initiated by Jerry Bussanmas. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 20, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the proposed PUD amendment.

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

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

Vote 15-125: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-126: 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 Lacey Development Annexation, located at the present address of 33526 Rockwood Lane, which is generally located west of 91st Street and north of Mills Civic Parkway (approximately 8.92 acres) - Voluntary Annexation, 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 20, 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 Voluntary Annexation and the Transition for the Imposition of City Tax.

Council member Trimble inquired if any of the surrounding property owners have expressed interest in being annexed as well.

Clyde Evans, Director of Community and Economic Development, stated when the City receives requests for voluntary annexation, they contact the surrounding property owners to determine their level of interest in being annexed as well. When the communication was sent to the property owners surrounding this property, the City received no responses.

Council member Messerschmidt requested an update on other properties that could be potentially annexed in the near future.

Vote 15-127: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Project Mountain, northwest corner of South 88th Street and future Grand Avenue - Agreement for Private Development, initiated by Microsoft Corp. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 2, 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 Messerschmidt to adopt Resolution - Approval of Agreement.

Vote 15-128: 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 2014-15 FY Operating and Capital Budget - Amendment #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 March 27, 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 Budget Amendment #2.

Vote 15-129: 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 Thornwood Sanitary Sewer, Phase 3, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 27, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Messerschmidt, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Sandstone Management.

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Vote 15-130: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 2015 Sewer Cleaning and Televising Program, 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 27, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Sewer Services, Inc.

Vote 15-131: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Maple Grove West Plat 6, 1655 98th Street - Subdivide Property into 48 Lots for Medium Density Residential Development and One Outlot for Common Ground, initiated by Rock Equity Holdings, LLC

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

1. The applicant providing final drawing and building elevations which address remaining staff comments prior to obtaining building permits.

Vote 15-132: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Mills Crossing Kum & Go, 5901 Mills Civic Parkway, Building 200 - Consideration of an Overlay District Site Plan to Construct a 4,992 sq. ft. Convenience Store with Gas Pumps, initiated by Kum & Go, LLC

Mayor Gaer noted the applicant has requested to continue this item for two weeks to allow further discussion of the alternatives presented by staff. He requested that staff place this item on the agenda for the next meeting of the Development and Planning Subcommittee.

Council member Sandager stated there could be berming and landscaping requirements for this site if the canopy faces east towards South Prairie View Drive, unlike the Casey's store at 6630

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Mills Civic Parkway which has a canopy that doesn't parallel a street.

Lynne Twedt, Development Services Director, confirmed Council member Sandager is correct in that Casey's canopy is perpendicular to Mills Civic Parkway, thus the smallest end of the structure is toward the street.

Council member Messerschmidt requested that staff provide the Council with the site plan for the Casey's store at 6630 Mills Civic Parkway to have as a reference.

It was moved by Sandager, second by Messerschmidt to adopt Motion - Continue Item 7(b) to April 20, 2015.

Vote 15-133: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Whisper Ridge, northwest corner of South 88th Street and Coachlight Drive - Create One Parcel for Transfer of Ownership and Two Parcels for Public Street Right-of-Way, initiated by Hidden Creek, LLC

It was moved by Messerschmidt, second by Trimble 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 and agreeing that all public improvements associated with development of the parcel, including but not limited to construction of public streets adjacent to the property, sidewalks, streetlights, and utilities will need to be constructed or appropriate surety provided therefore in conjunction with the physical development of the approximately 13 acre parcel being created through this Plat-of-Survey.

Vote 15-134: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

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

Vote 15-135: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 8(a) Aspire, south of Stagecoach Drive between South Jordan Creek Parkway and South 68th Street/Galleria Drive - Vacate Excess Right-of-Way at the Driveway Turnouts on the South Side of the Stagecoach Drive - Aspire Residential, LLC - Referred to Plan and Zoning Commission

On Item 8(b) Eric Branstad Resignation - Library Board of Trustees - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 5:56 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor