

May 18, 2015

West Des Moines City Council Proceedings
Monday, May 18, 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, May 18, 2015 at 5:31 PM. Council members present were: J. Mickelson, R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 15-178: 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 Sandager reported he and several of the other elected officials attended the annual Washington DC trip with the Greater Des Moines Partnership, where they held meetings with Iowa's Senators and Congressmen.

Council member Trevillyan reported he will hold a Ward 1 quarterly town hall meeting on May 30th from 10:30 a.m. to noon.

Council member Trimble reported the Holiday Park baseball fields grand opening will be held tomorrow.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where discussion was held on the proposed Barnes Heights Sanitary Sewer Connection Fee District and the subcommittee recommended bringing the ordinance back for consideration of first reading at the June 1st Council meeting. He also reported the subcommittee reviewed a new concept used by Mid-American Energy of restoring grass in the right-of-way disrupted by utility work with a seeding mat and recommended the continued use of this concept. He also noted the Spring Cleanup program will be the week of June 1st and several changes have been implemented to the program this year, and staff has used multiple outlets to communicate those changes to the residents.

Mayor Gaer reported the Mayor's Bike Ride was held on May 16th and it was a successful event.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of May 4, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. MVC Acquisition LLC, d/b/a Cabaret, 560 Prairie View Drive, Suite 105 - Class LC Liquor License Extension of Outdoor Service - June 5-6, 2015
 - 2. Dino Investment, Corp. d/b/a The Filling Station, 305 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 3. Turkey Brothers, Inc. d/b/a Fire Creek Grill, 800 South 50th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 4. Migliero Real Estate d/b/a G. Mig's 5th Street Pub, 128 5th Street - Class LC Liquor License with Sunday Sales - Renewal
 - 5. Big Winds WDM, Inc. d/b/a Hurricane Grill and Wings, 3340 Westown Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 - 6. Hy-Vee, Inc. d/b/a Hy-Vee Reception, 1701 25th Street (Wedding Reception at Events Center West) - 5-Day Class BW Permit - Effective May 30-June 3, 2015
 - 7. 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 4, 2015
 - 8. MM, LLC d/b/a Ladder #13, 1316 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 9. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, 6255 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 10. Old Market Ventures, LLC d/b/a Twin Peaks Restaurant, 4570 University Avenue - Class LC Liquor License Extension of Outdoor Service - June 5-7, 2014
 - 11. Turner Beverage, LLC d/b/a Vintage Wine, 6905 Mills Civic Parkway - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service Privileges - Renewal
 - 12. Des Moines Wine Festival Foundation, d/b/a Winefest Des Moines, 1310 Tulip Tree Lane - 5-Day Class BW Permit with Outdoor Service - Effective June 4-8, 2015
- d. Approval of Extended Sound Permits:
 - 1. 503 Restaurant, 1238 8th Street
 - 2. 58th Street Block Party
- e. Approval of Lane Closure(s) for Special Events:
 - 1. 58th Street Block Party
 - 2. Mustang Ford Show
- f. Approval of Settlement Agreements for Violations of Alcohol Laws
- g. Approval of Contract Agreement - Median Limestone Block Repair
- j. Approval of Special Assessments - Nuisance Abatements

- k. Order Construction - Alluvion Yellow Fiber Route
- l. Approval of Professional Services Agreements:
 - 1. Law Enforcement Center Roof Replacement
 - 2. Law Enforcement Center Garage
 - 3. Public Services Facility Master Plan Study and Grading Plan
- m. Approval of Extension of Entitlements:
 - 1. Waterbury Building, 7765 Office Plaza Drive North
 - 2. Alameda Office Building, 6770 Vista Drive
 - 3. Newport Office Building, 1055 Jordan Creek Parkway
- o. Acceptance of Public Improvements - Maple Grove West Plats 4 and 5
- p. Approval of Modification to Terms of Agreement and Waiver - Silverwood Plat 4
- q. Proclamation - National Public Works Week, May 17-23, 2015

Vote 15-179: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(h) Approval of Change Order #8 - Library and Law Enforcement Center HVAC Improvements

Council member Trimble inquired how the unexpected issue requiring this change order arose.

Linda Schemmel, Planner, responded the project specifications for the equipment were based on performance, not a specific unit or supplier. The maintenance and ventilation clearance for the unit provided by the contractor requires a larger area than the engineer anticipated.

It was moved by Trimble, second by Sandager to approve Item 4(h) Approval of Change Order #8 - Library and Law Enforcement Center HVAC Improvements.

Vote 15-180: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(i) Approval of Early Release of Retainage - 139 6th Street Building Renovation

Council member Trimble inquired if staff is confident that the remaining work on this project will be completed if the City no longer has the leverage of the retainage.

Linda Schemmel, Planner, responded the 95 percent of retainage that is proposed for early release is associated with the construction that has been completed and inspected. The five percent that would remain is associated with the construction that has been completed but not inspected yet, as well as a sufficient amount to cover any close-out documents that are not submitted. She stated the City is not obligated to release the retainage until 30 days after final acceptance of the project, but the proposed early release of retainage for this project is at the request of the contractor, because he has subcontractors he needs to pay.

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Council member Trimble stated he would not be comfortable releasing retainage before a project has been completed if that project involved his own home, so he does not support this request.

It was moved by Mickelson, second by Sandager to approve Item 4(i) Approval of Early Release of Retainage - 139 6th Street Building Renovation.

Vote 15-181: Messerschmidt, Mickelson, Sandager.....3 yes
Trevillyan, Trimble.....2 no

Motion carried.

On Item 4(n) Approval of Financing Agreement - West Des Moines Water Works

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

It was moved by Mickelson, second by Trimble to approve Item 4(n) Approval of Financing Agreement - West Des Moines Water Works.

Vote 15-182: Messerschmidt, Mickelson, Sandager, Trimble...4 yes
Trevillyan... 1 abstain due to potential conflict of interest

Motion carried.

On Item 5(a) Aspire, south side of Stagecoach Drive approximately 680 feet west of South 68th Street - Vacate a Portion of Public Street Right-of-Way Associated with the Driveway Turnouts Constructed along the South Side of Stagecoach Drive, initiated by Aspire Residential, LLC

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

Vote 15-183: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-184: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

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Vote 15-185: 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 Jordan West, southwest corner of EP True Parkway and Jordan Creek Parkway - Amend the Comprehensive Plan Land Use Designation from Office to Support Commercial and Medium Density Residential and Amend the Jordan West Area Development Plan, initiated by Ryan Companies US, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 1, 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 Area Development Plan 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 Trevillyan to adopt Resolution - Approval of Comprehensive Plan Amendment.

Council member Mickelson commended the developer for working with the neighboring residents to proactively address their concerns, as well as the project engineer and staff involved with this project for facilitating the process.

Vote 15-186: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Area Development Plan Amendment.

Vote 15-187: 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 Village of Ponderosa, east of South 60th Street at Village View Drive - Amend the Comprehensive Plan Land Use Designation of approx. 41.9 acres; Amend the Area Development Plan for Village of Ponderosa; Amend the Village of Ponderosa Specific Plan Ordinance to Allow Mix of Uses Including Retail, Office, Restaurants, Hotel, Convenience Store, and Medium Density Residential, initiated by LENC, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 1, 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, Area Development Plan Amendment, and Specific Plan Amendment

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

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

The Mayor and Council spoke positively of the proposed development and thanked the developer for their investment in West Des Moines.

Vote 15-188: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval of Area Development Plan Amendment.

Vote 15-189: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 15-190: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-191: 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 Community Development Block Grant Program - 2015-20 Consolidated Plan and 2015-16 Annual Action 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 May 8, 2015 in the Des Moines Register, May 13, 2015 in the Indianola Record Herald, May 6, 2015 in the Madisonian, and May 14, 2015 in the Dallas County News. 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.

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It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of 2015-20 Consolidated Plan and 2015-16 Annual Action Plan.

Council member Trimble inquired if the FY 2015-16 allocation received is different from FY 2014-15.

Christine Gordon, Housing Planner, responded the allocation received is about a \$15,000 decrease from the previous year, however she stated there should be enough funding available to take care of all the remaining homes on the list of those seeking funding for owner-occupied rehabilitation.

Vote 15-192: 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 #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 May 8, 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 - Approval of Budget Amendment #3.

Vote 15-193: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Mills Crossing Plat 1, 5901 Mills Civic Parkway - Subdivide Property into Seven Lots for Commercial Development, initiated by Hurd Mills, LLC

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

1. The applicant providing final drawings of the preliminary plat which addresses staff comments prior to the final plat proceeding to the City Council for approval.

Vote 15-194: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 7(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - Intersection of 63rd Street and Orchard Drive and Intersection of 65th Street and Orchard Drive, initiated by the City of West Des Moines

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

Vote 15-195: 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 Sandager to approve the first reading of the ordinance.

Vote 15-196: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - West Side of 13th Street, from Locust Street to Walnut Street, initiated by the City of West Des Moines

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

Vote 15-197: 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 15-198: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) 2015-16 FY Hotel/Motel Tax Allocations, initiated by the City of West Des Moines

It was moved by Sandager, second by Trimble to adopt Motion - Approval of Subcommittee Recommendation.

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Council member Trevillyan inquired how the City will ensure that funds allocated for infrastructure improvements are actually used for that purpose.

Tim Stiles, Finance Director, responded the policy approved by the Council in January 2015 requires entities to show documentation for the previous year's allocation, so entities applying for funding next year will have to show how this year's funds were spent.

Council member Trimble expressed a desire to see other entities that benefit from these organizations provide financial support in the future, so they are not so heavily dependent on West Des Moines' hotel/motel funding.

The Mayor and Council discussed the funding formula used by the Greater Des Moines Convention and Visitors Bureau 28E agreement and expressed support for the organization, but also expressed a desire to amend the agreement so the formula does not give a fixed amount increase of hotel/motel funding each year to the Greater Des Moines Convention and Visitors Bureau.

Mayor Gaer stated staff is already working with other cities to review those provisions of the 28E agreement which dictate city contribution levels to the Greater Des Moines Convention and Visitors Bureau, and he noted a Council workshop should be scheduled on this subject at some point in the future.

Vote 15-199: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) Eldorado Estates, 1450 South Jordan Creek Parkway - Establish New Planned Unit Development (PUD) Regulations for Residential Estate Property - Chayse Holdings, LLC - Referred to Plan and Zoning Commission

On Item 8(b) Whisper Rock at Quail Cove, 5100 block of Cherrywood Drive - Rezone Property from Residential Medium Density to Single Family Residential - Prairie Building and Development, LLC - Referred to Plan and Zoning Commission

On Item 8(c) Country Club Office Plaza, 72nd Street and Woodland Avenue - Amend the Planned Unit Development (PUD) to Remove Property from the PUD - City Initiated - Referred to Plan and Zoning Commission

On Item 8(d) Ashworth Road Corridor, 6975 Woodland Avenue - Amend the Planned Unit Development (PUD) to Add Property to the PUD - City Initiated - Referred to Plan and Zoning Commission

On Item 9 - Other Matters: none

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The meeting was adjourned at 6:34 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor