April 20, 2015

West Des Moines City Council Proceedings
Monday, April 20, 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 20, 2015 at 5:30 PM. Council members present were: J. Mickelson, R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

Ryan Jacobson, City Clerk, stated staff is recommending an amendment to agenda item 7(d) Aspire Preliminary Plat/Site Plan, as it should be amended to reflect consideration of the preliminary plat only and consideration of the Aspire site plan will be forthcoming at a future council meeting.

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

Vote 15-136: 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 he attended a meeting of the Parks and Recreation Advisory Board, where the board recommended against a proposed deck hockey rink and a proposed riverboat on Blue Heron Lake. He also reported the Art on the Campus grand opening will be held on April 30 and the Holiday Park Baseball Complex grand opening will be held on May 19. He also stated the West Des Moines Historical Society will be hosting Discover Decoration Day on May 17 at the Jordan House and Jordan Cemetery.

Council Member Messerschmidt reported the Public Works Subcommittee met and received an update on the Grand Technology Gateway study and potential flood control issues in that area. He also attended a Tomorrow Plan meeting on April 15, where presentations were given on urban waterways and the Tomorrow Plan's affordable housing plan.

City Manager Tom Hadden reported the riverboat on Blue Heron Lake proposal, which was recommended against by the Parks and Recreation Advisory Board, will not be moving forward to the Council. He then invited Jeff Dumermuth, Chief of Emergency Medical and Communication Services, to update the Council on the Smart 911 program.

Jeff Dumermuth, Chief of Emergency Medical and Communication Services, reported the Smart 911 program, which was implemented by the City of West Des Moines and other metro agencies on April 13, allows individuals to register their household and cell phone numbers so emergency

responders can quickly locate the house a call is coming from. The household profile also allows individuals to share details and medical information about the individuals living in the house, and this information will only be made available to emergency responders if a number associated with that household dials 911. He encourages everyone to sign up and create a profile online at www.smart911.com. He noted the system will also send an email after a year requesting that users update the information in their profile.

Council member Trimble commended the Parks and Recreation department for their efforts in developing the emerald ash borer management plan, which has become even more important with the recent finding of the emerald ash borer in Dallas County.

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 April 6, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. BW's Inc. d/b/a BW's, 3701 EP True Parkway, Suite 400 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
    2. Casey's Marketing Company, d/b/a Casey's General Store #2150, 2125 Grand Avenue - Add Carryout Native Wine Privileges to Existing Class BC Beer Permit with Sunday Sales
    3. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe, 1700 Valley West Drive (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
    4. Rogers Entertainment Ltd. d/b/a Legends American Grille, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
    5. IA Lodging West Des Moines TRS, L.L.C. d/b/a Marriott West Des Moines Hotel, 1250 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales and Catering Privileges - Renewal
    6. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
    7. Rusty Spoke, Inc. d/b/a Rusty Spokes, 4221 South Orilla Road - Class LC Liquor License with Sunday Sales and Outdoor Service - New
    8. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class LB Liquor License with Sunday Sales - Renewal
    9. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    10. Tres Amigos Bar & Grill, LLC d/b/a Tres Amigos Mexican Restaurant, 304 5th Street - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License - May 2-5, 2015
d. Approval of Cigarette Permit

e. Approval of Extended Sound Permit - Nature Lodge Wedding, May 2, 2015
f. Approval of Fireworks Display - Willow Creek Golf Course, May 2, 2015
g. Approval of Appointment - Library Board of Trustees
h. Approval to Sell Surplus City Equipment
i. Approval of Grant Application - Governor's Traffic Safety Bureau Traffic Enforcement Program
j. Approval of Agreement with Kutak, Rock, LLP
k. Approval of Park Use Agreement - International Soccer League of Iowa
l. Approval of Contract - 2015 Spring Tree and Stump Removal
m. Approval of Contract Addendum - Copier Contract
n. Order Construction:
    1. 2015 PCC Reconstruction Program
    2. 2015 Sewer Rehabilitation Program
    3. Alluvion Blue Fiber Route
o. Approval of Railroad Agreement - Grand Avenue Improvements, Phase 5
p. Approval of Extension of Entitlement - Office at the Galleria, 645 South 60th Street
q. Establish Public Hearing Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property - Grand Prairie Parkway Interchange at I-80
r. Establish Just Compensation and Approve Acquisition of Property - Intersection Improvements (50th Street and Corporate Drive; 50th Street and University Avenue; 92nd Street and University Avenue)
s. Approval of Allowance for Placement of Utilities in Front Yard - Woodland Hills of West Des Moines Plat 1
t. Approval of Purchase Agreement, Deeds and Easements - South Grand Prairie Parkway, Wendover Road to Mills Civic Parkway
u. Approval of Purchase Agreements and Easements:
    1. Fox Creek Sanitary Sewer Improvements, Phase 2
    2. Grand Avenue Improvements, Phase 5
    3. Grand Avenue Improvements, Phase 6
    4. Thornwood Sanitary Sewer Improvements, Phase 3
v. Approval of Proclamations:
    1. Earth Day - April 22, 2015
    2. Arbor Day - April 24, 2015

Vote 15-137: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) 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

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

Vote 15-138: 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 Sandager to approve the second reading of the ordinance.

Vote 15-139: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 15-140: 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 Platinum Pointe Townhomes (f/k/a Whisper Ridge Townhomes), southwest corner of Bridgewood Boulevard and South 88th Street - Rezone approximately 13.3 acres from Residential Medium Density to a Planned Unit Development (PUD) to Allow Construction of a Townhome Development, initiated by Hale Development Company, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 3, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the proposed PUD ordinance.

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

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

Vote 15-141: 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 15-142: 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 2015 Sewer Lining 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 April 10, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Municipal Pipe Tool Company, LLC.

Vote 15-143: 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 2015 Sump Pump Sewer 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 April 10, 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 Kingston Services, LLC.

Vote 15-144: 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 2015 Valley Junction Brick Paver Repair 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 April 10, 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 Hardscape Solutions, Inc.

Council member Trevillyan inquired what concrete sections are being replaced as part of this project.

Bret Hodne, Public Works Director, responded there are some limited areas with settling issues on the east-west streets between 4th Street and 6th Street, and those concrete sections will be replaced with concrete.

Mayor Gaer inquired how staff will minimize this project's disruptions during Valley Junction special events.

Mr. Hodne responded staff has worked with the Historic Valley Junction Foundation to coordinate the project and it will be done one block at a time. He noted the Iowa Downtown Summit is scheduled to take place in Valley Junction in late-August, and it is intended for the project to be completed before that event.

Vote 15-145: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) King's Valley Subdivision Plat 2, 6135 Beechtree Drive - Transfer Portion of Unplatted Property to Enlarge Square Footage of Lot 30, King's Valley Subdivision Plat 1, initiated by Davis Estates, Ltd.

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 15-146: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Village of Ponderosa Plat 6, northeast corner of the intersection of Flagstone Way and South Ridgefield Way - Subdivide Property into Seven Lots for Single Family Development, initiated by Homes by DePhillips

It was moved by Messerschmidt, second by Trimble 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. Prior to the associated Final Plat proceeding to the City Council for approval, the applicant obtaining written permission of the existing property owners and mortgagees within the condominium regime to address replatting and/or modifications to the condominium regime documents.

Vote 15-147: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Village of Ponderosa Plat 8, 419, 423, 437, 439, 441, 443, and 445 South Crescent Way - Subdivide Property into Seven Lots and One Outlot for Single Family Development, initiated by Homes by DePhillips

It was moved by Trevillyan, second by Messerschmidt 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. Prior to the associated Final Plat proceeding to the City Council for approval, the applicant obtaining written permission of the existing property owners and mortgagees within the condominium regime to address replatting and/or modifications to the condominium regime documents; and,

2. Any new retaining walls constructed within any of the lots included within Village of Ponderosa Plat 8 will need to abide by City Code which requires one foot of setback from the lot line for every one foot of above-grade wall height.

Vote 15-148: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Aspire (f/k/a Roger's Farm East), south of Stagecoach Drive, east of Jordan Creek Parkway, west of South 68th Street - Subdivide Property into 26 Lots and One Street Lot for Construction of a 222-unit Condominium Development, initiated by Aspire Residential, LLC

It was moved by Trevillyan, second by Messerschmidt 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 acknowledges that the associated Site Plan must be approved by the City Council prior to the issuance of any building permits, including footing and foundation permits.

2. The applicant acknowledges that the associated Final Plat to create buildable lots must be approved by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits, for any lot within the subject plat.

3. The applicant acknowledges that appropriate access drives acceptable to the Fire Marshal must be in place prior to issuance of building permits. Additionally, the applicant acknowledges that all roads proposed in the future on the subject property will need to be in place and usable prior to issuance of any occupancy permits, including temporary occupancy permits.

Council member Trimble inquired how many stories the proposed condominium buildings will be.

Lynne Twedt, Director of Development Services, responded there will be a combination of two-store and three-story buildings with the two-story buildings being closer to the street and the three-story towards the back of the site. She noted the proposal fully complies with the Planned Unit Development, and the developer has met with the Pheasant Ridge residents regarding this project.

Vote 15-149: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Hy-Vee Corporate Expansion, 5820 Westown Parkway - Construction of a 152,000 sq. ft. Expansion of Office Space, Conference Center, and Underground Parking, initiated by Hy-Vee, Inc.

It was moved by Trimble, second by Trevillyan 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. The City Council deferring the installation of up to 126 parking stalls until such time that on-site events in which parking on the grass or other non-designated parking areas occurs or parking off-site is occurring due to the lack of available parking stalls on-site. At the time when the existing parking is not sufficient to accommodate the events held on-site, the City reserves the right to provide the applicant notice to increase the number of parking stalls. The applicant will be required to provide the additional parking spaces in accordance with City regulations within the first available construction season; and

2. The applicant agreeing that landscaping required in the southeastern parking lot as shown on the approved site plan will be installed with the landscaping for the conference center expansion and prior to issuance of a final occupancy permit for either the Conference Center expansion or Office expansion, whichever occurs first.

Council member Messerschmidt requested clarification on the changes included in the proposed major modification.

Lynne Twedt, Director of Development Services, explained that the deferral of parking is for the parking stalls along the main drive, which Hy-Vee would prefer to defer until needed. She also stated the parking ramp is underneath the office.

Jill Boetger, Confluence, representing Hy-Vee, presented maps showing the proposed changes to the building's footprint, and she noted the conference center will be expanded to the south and to the east.

Vote 15-150: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Alluvion Urban Renewal Area TIF Ordinance, initiated by the City of West Des Moines

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

Vote 15-151: 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 first reading of the ordinance.

Vote 15-152: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters: none

The meeting was adjourned at 6:01 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor