June 1, 2015

West Des Moines City Council Proceedings
Monday, June 1, 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, June 1, 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 15-200: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum:

Linda Robel, 9075 Linda's Lane, stated the appraisal for the excess right-of-way she is purchasing from the City indicated it considered future sewer and water service for the property. She inquired when sewer and water service would be made available to that property. She also requested to see the contract regarding the purchase.

City Attorney Scieszinski provided Ms. Robel with a printed correspondence that had previously been provided to Ms. Robel's attorney, which contained answers to her questions.

Kris Buldhaupt, 6008 Ashworth Road, began to address the Council regarding the proposed Barnes Heights Sanitary Sewer Connection Fee District.

Mayor Gaer stated the Council intends to vote against the proposed Barnes Heights Sanitary Sewer Connection Fee District tonight and does not plan to reconsider it in the future unless it is desired by a majority of the property owners.

Mr. Buldhaupt presented a petition signed by 13 of the 18 residents in the proposed Barnes Heights Sanitary Sewer Connection Fee District that are opposed to the creation of the district at this time.

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

Council member Trimble reported he participated in a meeting with City staff and the West Des Moines Community School District to address parking issues during high school football games at Valley Stadium, and the group reached a consensus to allow overflow parking on the grass area owned by the school district.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where a report was given on FEMA's reevaluation of floodplains, and he attended the Sister Cities Commission dinner with representatives from China. He also reported the Public Arts Advisory Commission has established the Trail Art Selection Committee.

City Manager Tom Hadden reported the City of West Des Moines has received an Environmental Impact award from the Metro Waste Authority, and he invited Public Works Director Bret Hodne to share further information on that award.

Bret Hodne, Public Works Director, reported the City of West Des Moines received the Environmental Impact Award for the Public Works Department's practices that promote environmental stewardship, including minimizing the volume of salt used for snow and ice control, the conversion of asphalt millings into aggregate for unimproved roads, and the implementation of traffic adaptive signals.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of May 18, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Bambino's Restaurant, Inc. d/b/a Bambino's Restaurant, 2025 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
    2. BBMG Mills Civic Parkway, LLC d/b/a Draught House 50 (f/k/a Bang Bang Mongolian Grill), 6420 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    3. Hy-Vee, Inc. d/b/a Hy-Vee Food Store #1, 1700 35th Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
    4. Eat Thai, LLC d/b/a King and I Thai Cuisine, 1821 22nd Street, #103 - Class BW Permit with Sunday Sales - New
    5. Kum & Go, LC d/b/a Kum & Go #8, 1293 8th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    6. Kum & Go, LC d/b/a Kum & Go #50, 745 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    7. Kum & Go, LC d/b/a Kum & Go #74, 141 South Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    8. Kum & Go, LC d/b/a Kum & Go #2091, 5969 Ashworth Road - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    9. Conrado Corporation d/b/a Taco Andreas 3, 1250 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal

10. Target Corporation d/b/a Target Store T-1901, 5405 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
11. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #506, 1540 22nd Street - Class BC Beer Permit with Native Wine and Sunday Sales - Renewal
12. Walgreen Co. d/b/a Walgreens #6623, 1660 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
13. Walgreen Co. d/b/a Walgreens #6677, 4900 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
14. Walgreen Co. d/b/a Walgreens #6678, 1999 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
15. Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #3762, 6365 Stagecoach Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
16. The Wine Experience at Jordan Creek d/b/a The Wine Experience at Jordan Creek, 101 Jordan Creek Parkway, Suite 12518 - Six-Month Class BW Permit with Sunday Sales and Outdoor Service - New

d. Approval of Extended Sound Permits:
   1. Cabaret West Glen, 560 South Prairie View Drive, Suite 105 - June 5, July 24, and September 18, 2015
   2. Nature Lodge Wedding, June 20, 2015
   3. Valley Junction Independence Day Celebration, July 3, 2015

e. Approval of Appointments:
   1. Human Services Advisory Board
   2. Library Board of Trustees

f. Approval of Orders for Violations of Alcohol Law

g. Approval of License Agreement - ESRI

h. Approval of Memorandum of Understanding - Central Iowa Code Consortium

i. Order Construction:
   1. Holiday Park Baseball Field Improvements, Phase 3
   2. 22nd Street and Kingman Avenue Turn Lane Extension

j. Accept Work:
   1. 2014 HMA Resurfacing Program
   2. 139 6th Street Fiber Optic Connection Project

k. Approval of Agreement for Traffic Safety Improvement Program Funding

l. Approval of 28E Agreements:
   1. Mutual Aid for Polk County Fire/Rescue Services
   2. Amended 28E Agreement - Joint Maintenance of Corporate Line Roads - Warren County

m. Approval of Professional Services Agreements:
   1. 2015 Federal Bridge Inspections
   2. South Grand Prairie Parkway Grading and Paving - Raccoon River Drive to Madison Avenue

3. South Grand Prairie Parkway Bridge over the Raccoon River

n. Approval of Railroad Construction Agreement - Grand Avenue Improvements Phase 5 - Raccoon River Park to South 35th Street

o. Approval and Acceptance of Purchase Agreements and Property - Ashworth Road Trail

Vote 15-201: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) Village of Ponderosa, east of South 60th Street at Village View Drive - Amend the Specific Plan Ordinance to Align with New Development Concept, initiated by LENC, LLC

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

Vote 15-202: 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 Trimble to approve the second reading of the ordinance.

Vote 15-203: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 15-204: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(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 Trimble, second by Trevillyan to consider the second reading of the ordinance.

Vote 15-205: 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.

Vote 15-206: 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 15-207: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(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 Trimble to consider the second reading of the ordinance.

Vote 15-208: 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 15-209: 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 15-210: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) Barnes Heights Sanitary Sewer Connection Fee District, generally located south of Ashworth Road and west of 60th 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 15-211: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 no
Motion failed.

On Item 6(a) Jordan West, southwest corner of EP True Parkway and Jordan Creek Parkway - Amend the Specific Plan Ordinance to Modify Development Regulations in Alignment with New Development Plan, initiated by Ryan Companies US, Inc.

Mayor Gaer noted staff is recommending the Council continue the Public Hearing to June 15, 2015.

It was moved by Trimble, second by Messerschmidt to adopt Motion - Continue Public Hearing to June 15, 2015.

Vote 15-212: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(b) Grand Lakes, west side of Grand Avenue at Raccoon River Park Entrance - Amend the Comprehensive Plan Land Use Designations for the Eight Ways PUD Parcel B from Support Commercial to Neighborhood Commercial, PUD Parcel C from High Density Residential to Medium Density Residential and Single Family Residential, PUD Parcel E from Low Density Residential to Single Family Residential, and Change Parcel I from Low Density Residential to Single Family Residential and Amend the Eight Ways PUD to Zone the Parcels Consistent with the Comprehensive Plan, Define Development Regulations for Undeveloped Parcels, Detail Detention Basin Improvements, and Change the Name of the PUD to Grand Lakes, initiated by Diligent Grand Ave. 67, LLC

Mayor Gaer noted staff is recommending the Council continue the Public Hearing to June 15, 2015.

It was moved by Trimble, second by Messerschmidt to adopt Motion - Continue Public Hearing to June 15, 2015.

Vote 15-213: 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 7920, 8120, and 8180 Ashworth Road and Undeveloped Property Immediately South of 8220 Ashworth Road (not including 8220 Ashworth Road) - Amend Comprehensive Plan Land Use Map to Change approx. 10.7 acres from Office to Single Family Residential and Consistency Zone the Property to Single Family Residential and Rezone approx. 3.5 acres from RS-20 to R-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 May 26, 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 Comprehensive Plan Amendment and Rezoning Request.

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 Comprehensive Plan Amendment.

Vote 15-214: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 15-215: 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 Messerschmidt to approve the first reading of the ordinance.

Vote 15-216: 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 Former Stagecoach Right-of-Way - Sale and Conveyance of Property, initiated by Aspire Residential, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 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 Trimble, second by Sandager to adopt Resolution - Approval of Sale and Conveyance Property.

Vote 15-217: 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 Former 98th Street Right-of-Way - Sale and Conveyance of Property, initiated by Maple Grove West, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 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 Messerschmidt, second by Sandager to adopt Resolution - Approval of Sale and Conveyance Property.

Vote 15-218: 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 Grand Prairie Parkway Interchange at I-80, 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 22, 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 Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 15-219: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Improvements, Phase 5 - Raccoon River Park to South 35th Street, 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 15, 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 Corell Contractors, Inc. Subject to Concurrence from the Iowa Department of Transportation

Vote 15-220: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Alluvion Yellow 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 May 22, 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Communication Technologies, LLC.

Vote 15-221: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Kings Valley Subdivision Plat 2, 6135 Beechtree Drive - Replat of Lot 30, Kings Valley Subdivision Plat 1 to Incorporate Additional Ground, initiated by Davis Estates, Ltd.

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

Vote 15-222: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Grand Valley Plat 1, northeast corner of South 35th Street and Grand Avenue - Plat Property into 21 Single Family Lots, 17 Outlots, and Two Street Lots, initiated by CRVP, LLC

It was moved by Sandager, 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 initiation of any site activity, including grading, the applicant providing final drawings which addresses staff comments.

2. Prior to any grading or site work, a copy of the Storm Water NPDES General Permit No. 2, authorized by the Iowa Department of Natural Resources, shall be submitted to either the Chief Building Official.

3. The applicant executing appropriate legal documents requiring the sale of the associated outlot adjacent to lots 10 through 20 with the main dwelling lot, restricting the sale of the main lot separate from the outlot, and binding responsibilities for maintenance to the associated lot or an established association.

4. The applicant including a note on the Final Plat indicating that no structures which could impact storm water management measures of the outlot or impede water flow/drainage, including but not limited to, sheds, gazebos, solid fences, and play structures, be located within the outlot.

5. The applicant receiving City approval of Public Improvement Construction Plans for all public improvements prior to initiation of construction. Additionally, the applicant acknowledging that public improvements must be constructed and accepted by the city prior to issuance of any occupancy permits, including temporary occupancy permits for any dwelling within the plat.

6. The applicant acknowledging that the outlots indicated for future development will need to be replatted through the City's Preliminary and Final Plat Subdivision process prior to development of any kind, including grading activities. Applicant acknowledging that the associated Final Plat 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 plat.

7. Applicant providing suitable access roads to the satisfaction of the City's Fire Marshal prior to issuance of any building permits for above ground construction.

Vote 15-223: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) West Lakes Office Park Plat 14, southwest corner of University Avenue and 71st Street - Plat Property into Two Lots for Commercial Development, Two Street Lots and One Outlot for Detention, initiated by Hy-Vee, Inc.

It was moved by Sandager, 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. Prior to initiation of any site activity, including grading, the applicant provide final drawings which addresses staff comments.

2. Applicant acknowledging that the associated Final Plat 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 plat.

3. Applicant providing suitable access roads to the satisfaction of the City's Fire Marshal prior to issuance of any building permits for above ground construction.

Vote 15-224: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Platinum Pointe Townhomes (f/k/a Whisper Ridge Townhomes), southwest corner of Bridgewood Boulevard and South 88th Street - Subdivide Property into 66 Postage Stamp Lots, Two Street Lots, and One Outlot for Common Use and Storm Water Detention and Allow

Construction of a 66-unit Townhome Development, initiated by Hale Development Company, LLC

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

1. The applicant agreeing to implement enhanced architecture on those building facades that have been identified to be highly visible.

2. The applicant agreeing to vary the design, style and colors of adjacent units so as to avoid duplication of same units adjacent to one another.

3. ~~In compliance with the PUD, a minimum of five feet (5') as measured from the lot line of the postage stamp lot to the closest element of the dwelling building, including roof overhangs, bump-outs, bay windows, etc. shall be provided; and~~ *In compliance with the PUD, a minimum fifteen foot (15') separation shall be provided between primary attached dwelling structures and between primary dwelling structures and accessory structures. Separation distance between structures shall be measured from the foundation of each structure/building. A minimum of five feet (5') of open space shall be provided between closest elements of structures (egress windows, window or fireplace bump-outs, decks, sunrooms, patios, roof overhangs, etc.). All components of the structure, including foundations shall be located entirely within the lot's boundary.* (Condition modified by the Plan and Zoning Commission at the meeting.)

4. The applicant acknowledging that the public improvements associated with the adjacent streets (S88th Street and Rockwood Lane/Coachlight Drive), as well as public sidewalks and streetlights, will need to be completed prior to the issuance of any Final Occupancy permits.

Vote 15-225: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Bridgewood Drive Vacation, north end of Bridgewood Drive - Vacate that Portion of Bridgewood Drive Located North of Beechtree Lane - Ryan Companies US, Inc. - Referred to Plan and Zoning Commission

On Item 9 - Other Matters: none

The meeting was adjourned at 6:00 p.m.

June 1, 2015

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor