

July 27, 2015

West Des Moines City Council Proceedings
Monday, July 27, 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, July 27, 2015 at 5:30 PM. Council members present were: J. Mickelson, R. Messerschmidt, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending an amendment to Item 7(d) Coachlight Drive Street Improvements to revise the date of the public hearing being scheduled from August 24, 2015 to September 8, 2015.

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

Vote 15-301: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

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

Mayor Gaer swore in Fire Chief Craig Leu and welcomed him to the City of West Des Moines.

Council member Trevillyan reported he attended an open house at Hallett Materials and appreciated learning more about their operations. He also attended a meeting of the Code Enforcement Subcommittee where discussion was held on a homeowner that needs assistance with maintaining the property.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed the vendor selection for a new council chamber audio-visual system, updates to the list of fees and charges, and proposed consulting agreements with Public Financial Management and NCP, Inc.

Council member Messerschmidt reported he attended the Public Works Subcommittee meeting, where discussion was held on an amendment to the agreement for underground power lines installation with Mid-American Energy and a staff proposal for street lighting design for commercial projects.

On Item 4. Consent Agenda.

Council members pulled Items 4(j) and 4(p)2 for discussion. It was moved by Messerschmidt, second by Trimble to approve the consent agenda as amended.

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- a. Approval of Minutes of July 13, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Christiani's Events, LLC d/b/a Christiani's Events, 8950 University Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 - 2. 50th Street Sports, LLC d/b/a Draught House 50, 1300 50th Street, Suite 206 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 3. Finding Iowa, LLC d/b/a Finding Iowa, 413 Maple Street - Transfer Location Permanently to 201 5th Street (effective August 7, 2015)
 - 4. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Transfer Location Temporarily to 134 6th Street (Polk County Westside Community Center) - August 25-26, 2015
 - 5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - August 12, 2015
 - 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) - August 26-27, 2015
 - 7. A to Z 4 You, LLC d/b/a The Picker Knows, 1208 Prospect Road - Class BW Permit with Carryout Wine and Sunday Sales - New
 - 8. The Social Canvas d/b/a The Social Canvas, 5513 Mills Civic Parkway #105 - Class BW Permit with Sunday Sales - New
 - 9. Trader Joe's East, Inc. d/b/a Trader Joe's #721, 6305 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
 - 10. Stu's Petroleum, d/b/a Valley West Corner Store, 1400 Valley West Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
 - 11. Tea Time Two, LLC, d/b/a Wines of Iowa, 234 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
- d. Approval of Extended Sound Permit - Sacred Heart Church Outdoor Movie Night, August 28, 2015
- e. Approval of Grant Applications - Ebola Grants
- f. Acceptance of Grant - 2014 Continuum of Care Supportive Housing Program
- g. Approval of Orders for Violations of Alcohol Laws
- h. Approval of Contract - Council Chambers Audio-Visual System
- i. Approval of Agreement for Financial Advisory Services
- j. Approval of Consulting Agreement for Banking Services
- k. Approval of Change Order #5 - Holiday Park Baseball Field Improvements, Phases 1 and 2
- l. Approval and/or Ratification of Specific Fees and Charges - 2015-16 FY
- m. Approval of Special Assessments - Nuisance Abatements
- n. Approval of 28E Agreement - Teen Center
- o. Order Preparation of Plans and Specifications - Holiday Park Girls Softball Improvements

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- p. Order Construction:
 - 1. Pine Avenue Improvements - South 8th Street to End of Pavement
 - 2. Alluvion 1A2 Water Improvements Project
- q. Accept Work:
 - 1. 2014 Asphalt Trail Renovation Project
 - 2. Holiday Park Baseball Field Improvements, Phases 1 & 2
- r. Approval and Acceptance of Permanent Pedestrian Easement - Merchants Bonding, 6700 Westown Parkway
- s. Approval of Amendment to Agreement - Underground Power Lines Installation - University Avenue, 60th Street to west of 68th Street
- t. Approval of Professional Services Agreements:
 - 1. Sugar Creek Conveyance Improvements
 - 2. Alluvion Street Improvements
- u. Approval and Acceptance of Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement:
 - 1. Valley Southwoods School, 625 South 35th Street
 - 2. MRES West Glen, 5585 Mills Civic Parkway
- v. Acceptance of Public Improvements - South Maple Grove Plat 15, Lot 1
- w. Approval of Extension of Entitlement - The Cascades at Jordan Creek, 8350 Cascade Avenue
- x. Approval of Professional Services Agreement - Trail Gateway Public Art

Vote 15-302: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(j) Approval of Consulting Agreement for Banking Services

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

It was moved by Trevillyan, second by Trimble to approve Item 4(j) Approval of Consulting Agreement for Banking Services.

Vote 15-303: Messerschmidt, Trevillyan, Trimble...3 yes
Mickelson... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(p)2 Order Construction - Alluvion 1A2 Water Improvements Project

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

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It was moved by Trimble, second by Mickelson to approve Item 4(p)2 Order Construction - Alluvion 1A2 Water Improvements Project.

Vote 15-304: Messerschmidt, Mickelson, Trimble...3 yes
Trevillyan... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 12 (Load Limits; Truck Routes) - Motor Vehicle Weight Restrictions for Roadways Not Designated as Truck Routes; Penalties, initiated by the City of West Des Moines

Mayor Gaer noted the Ordinance has been changed from its first reading to increase the maximum weight rating from 10,000 pounds to 14,000 pounds.

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

Vote 15-305: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-306: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 15-307: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 8 (Building Regulations), Chapter 2A (Building Code), Section 29 (Rental Housing) - Place Restrictions on Rental of Single Family Housing for Thirty-One Days or Less, initiated by the City of West Des Moines

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

Vote 15-308: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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The City Clerk read the preamble to the ordinance.

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

Vote 15-309: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 15-310: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Staff was asked to communicate the new ordinance to the owners of homes listed online for short-term rentals and to the companies that advertise such listings online.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Eldorado Estates, 1450 South Jordan Creek Parkway - Rezone the Property from Residential Estate to a Planned Unit Development (PUD) Establishing the Eldorado Estates PUD, initiated by Chayse Holdings, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 10, 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 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 Messerschmidt to consider the first reading of the ordinance.

Council member Trimble inquired if the PUD ordinance includes any changes other than setback requirements.

Linda Schemmel, Planner, responded the PUD ordinance also includes architectural requirements.

Vote 15-311: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-312: 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 Bartlett Farm Plat 5, 7887, 7899, 7905, 7911, and 7917 Aspen Drive - Vacate 30 foot Buffer Park Easement Located along Rear Lot Line of Lots 3-8, 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 July 10, 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 vacation 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 Messerschmidt to adopt Resolution - Approval of Vacation.

Vote 15-313: 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 Westbridge Plat 1, 874, 902, 914, 926, 938, 950, 962, 974, and 988 78th Place - Vacate 60 foot Buffer Park Easement Located along Rear Lot Line of Lots 10-18, 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 July 10, 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 vacation request.

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 Vacation.

Council member Trimble inquired if this vacation would allow homeowners to construct fences where they previously were not able to.

Linda Schemmel, Planner, responded yes, by vacating this buffer park easement, it removes the no-build requirement.

Vote 15-314: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Bridgewood Drive Vacation, north end of Bridgewood Drive - Vacate that Portion of Bridgewood Drive Located North of Beechtree Lane, 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 July 10, 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 vacation 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 Messerschmidt to consider the first reading of the ordinance.

Council member Trimble inquired what type of traffic calming measures could be implemented once this becomes a private street.

Linda Schemmel, Planner, responded it would typically be speed bumps or cul-de-sac designs.

Vote 15-315: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-316: 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 Jordan West Plat 1, southwest corner of EP True Parkway and Jordan Creek Parkway - Vacate the Existing Sanitary Sewer Easement, 60 foot and 75 foot Ingress/Egress Easements, a Greenbelt Easement, and an Overland Flowage Easement, 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 July 10, 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 vacation 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 Messerschmidt to adopt Resolution - Approval of Vacation.

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Vote 15-317: 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 2014 Sidewalk Improvement Program - Phase I, 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 July 3, 2015 and July 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 Proposed Resolution of Necessity and Resolution - Order Construction.

Vote 15-318: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Community Center Interior Renovations, 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 July 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 Trimble, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Waive the Bid Irregularity and Award Contract to Covenant Construction Services.

Vote 15-319: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Law Enforcement Center Roof Replacement, 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 July 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.

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

Vote 15-320: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Ashworth Road Trail Extension - 58th Street to Prairie View Drive, 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 July 17, 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 Concrete Connection, LLC.

Vote 15-321: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Intersection Improvements - Intersection of 92nd Street and University Avenue and Intersection of Jordan Creek Parkway and Westown Parkway, 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 July 17, 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 Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Sternquist Construction.

Vote 15-322: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) South Maple Grove Plat 15, south of Westown Parkway at Sedona Drive - Subdivide Property into Two Lots for Future Medium Density Residential Development, One Street Lot, and Two Outlots for Buffers, initiated by Mid-America Real Estate Co.

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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 15-323: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 15-324: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(b) Jordan West Plat 3, southwest corner of EP True Parkway and Jordan Creek Parkway - Subdivide Property into Eight Lots and One Outlot for Construction of a Commercial and Multi-Family Residential Development, initiated by Ryan Companies US, Inc.

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 and the following conditions of approval:

1. In conjunction with development of the property, Applicant will be responsible for the installation of all standard public improvements, including sidewalks/trails and street lights adjacent to all public streets. The applicant acknowledging that public improvements will need to be completed and ready for acceptance by the City prior to issuance of any Final Occupancy permits.

Vote 15-325: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(c) South Maple Grove Plat 17, southwest corner of Westtown Parkway and Sedona Drive - Subdivide Property into Two Lots for Future Medium Density Development, initiated by Mid-America Real Estate Company

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.

Vote 15-326: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(d) Coachlight Drive Street Improvements - South 88th Street West, initiated by the City of West Des Moines

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It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Preliminary Order for Construction, Resolution - Approval of Preliminary Plat and Schedule, and Resolution - Approval of Proposed Resolution of Necessity.

Vote 15-327: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) Amendment to City Code - Title 9 (Zoning) - Amend Definitions and Accessory Structures City Code Provisions for Convenience Stores, Fuel Pump Islands, and Island Canopies - City Initiated - Referred to Plan and Zoning Commission

On Item 8(b) Amendment to City Code - Title 9 (Zoning) - Amend Definitions, Commercial, Office, and Industrial Zoning District Chapter, and Performance Standards City Code Provisions for Micro-Breweries - City Initiated - Referred to Plan and Zoning Commission

On Item 9 - Other Matters

Council member Trevillyan stated a resident has expressed concerns about a neighbor feeding raccoons, and he inquired about the possibility of adopting an ordinance to prohibit that.

The Mayor and Council held discussion and asked staff to find a way to address the issue.

The meeting was adjourned at 6:05 p.m.

It was moved by Trevillyan, second by Messerschmidt to go into Executive Session per Chapter 21 of the Iowa Code, to discuss pending/threatened litigation.

Vote 15-328: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Entered Executive Session at 6:10 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Messerschmidt, Mickelson, Trevillyan and Trimble; City Manager, City Attorney, and City Clerk.

It was moved by Messerschmidt, second by Trevillyan to adjourn from Executive Session.

Vote 15-329: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Executive Session was adjourned at 6:43 p.m.

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Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor