August 10, 2015

West Des Moines City Council Proceedings
Monday, August 10, 2015

Mayor Pro tem John Mickelson 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, August 10, 2015 at 5:30 PM. Council members present were: J. Mickelson, R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff recommends an amendment to agenda item 7(d) Kings Landing Plat 1, as the agenda should have two Resolutions listed for that item, one for approval of the Preliminary Plat and one for the Final Plat.

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

Vote 15-330: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum:

Terry Gray, 1641 South 35th Street, expressed concerns about potential stormwater drainage issues near his home, and he requested that the City look into the matter.

Staff was asked to place this matter on an upcoming agenda for the Public Works Subcommittee.

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

Council member Trevillyan reported he and Council member Trimble attended the USA Rugby National Tournaments at Cownie Park in Des Moines.

On Item 4. Consent Agenda.

Council members pulled Item 4(c)1 for discussion. It was moved by Messerschmidt, second by Sandager to approve the consent agenda as amended.

a. Approval of Minutes of July 27, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    2. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #2, 1990 Grand Avenue (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
    3. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe #3, 1725 Jordan Creek Parkway (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal

4. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class LC Liquor License Extension of Outdoor Service - August 15-16, 2015
5. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class LC Liquor License Extension of Outdoor Service - August 22-23, 2015
6. The Noodle Shop, Co. - Delaware, Inc., d/b/a Noodles & Company, 6630 Mills Civic Parkway, Suite 6110 - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
7. Walnut Brewery, Inc., d/b/a Rock Bottom Brewery - Class LC Liquor License with Sunday Sales, Brew Pub, High Proof Brew Pub, Catering and Outdoor Service Privileges - Renewal
8. Smashguys, LLC, d/b/a Smashburger, 1821 22nd Street, Suite #106 - Class B Beer Permit with Sunday Sales - Renewal
9. Taste of the Junction, Inc., d/b/a Taste of the Junction - Five-Day Class B Beer Permit with Outdoor Service for Street Party Event in the 400 Block of Railroad Place, September 5, 2015
10. Moreno's Corporation d/b/a Tequila Limon y Sal Mexican Restaurant, 5014 EP True Parkway - Class LC Liquor License with Sunday Sales - New

d. Approval of Cigarette Permit

e. Approval of Extended Sound Permits:
   1. Nature Lodge Wedding Reception, August 15, 2015
   2. The Keg Stand, 3530 Westown Parkway - August 22, 2015 and September 19, 2015

f. Approval of Lane Closure(s) for Special Events - Block Party - 3000 Block of Giles Street, August 29, 2015

g. Approval of Parking on School Property Grass - 2015 Valley Stadium Football Games

h. Approval of Orders for Violations of Alcohol Laws

i. Approval of Change Order #1 - Frink Creek Sanitary Sewer

j. Approval of Amendment No. 2 to Professional Services Agreement - South Grand Prairie Parkway Improvements, Mills Civic Parkway to Wendover Road

k. Order Construction - South 8th Street - County Line Road to White Crane Road

l. Approval of Grant Application - Traffic Safety Improvement Program - Radar Technology Traffic Signal Vehicle Detection Units

m. Approval of High Quality Jobs Program Application - GAR-MRO Services, Inc. and Shojaat Properties, Inc.

n. Approval of Professional Services Agreements:
   1. Miscellaneous Land Surveying Services
   2. Public Safety Station 17 HVAC Commissioning

o. Approval of Settlement Agreement and Release - Rick Swalwell

Vote 15-331: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(c)1 Approval of Liquor License - Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - New

Council member Trimble stated he will abstain on this item due to a potential conflict of interest, as he has an investment with Fox Brewing, LLC.

It was moved by Sandager, second by Trevillyan to approve Item 4(c)1 Approval of Liquor License - Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - New.

Vote 15-332: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Trimble… 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) 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

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

Vote 15-333: 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 second reading of the ordinance.

Vote 15-334: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 15-335: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) 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

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

Vote 15-336: 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 Messerschmidt to approve the second reading of the ordinance.

Vote 15-337: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 15-338: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider East 500 feet of the South 33 feet of Ashawa - Sale and Conveyance of Property, initiated by Jon Arnold and Robin (Cosner) Arnold. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 23, 2015 in the Des Moines Register. Mayor Pro tem Mickelson asked if any written comments had been received. The City Clerk stated none had been received.

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

Council member Trevillyan stated he would like to continue this item for two weeks to allow time to have his questions answered.

It was moved by Trevillyan, second by Messerschmidt to continue this item to August 24, 2015.

Vote 15-339: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(b) Development Agreement, Westown V Urban Renewal Area - Development of an Office and Conference Center, initiated by Hy-Vee, Inc.

It was moved by Messerschmidt, second by Trevillyan to adopt Motion - Continue Public Hearing to August 24, 2015.

Vote 15-340: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(c) Stagecoach Drive in Woodland Hills - Agreement for Private Development - Hubbell Realty Company - Agreement for Private Development, initiated by Hubbell Realty Company

It was moved by Messerschmidt, second by Trimble to adopt Motion - Continue Public Hearing to August 24, 2015.

Vote 15-341: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(d) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider Pine Avenue Improvements - South 8th Street to End of Pavement, 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 31, 2015 in the Des Moines Register. Mayor Pro tem Mickelson asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Mickelson 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 Elder Corporation.

Vote 15-342: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(e) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider Alluvion 1A2 Water Improvements Project, 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 31, 2015 in the Des Moines Register. Mayor Pro tem Mickelson asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Mickelson 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 J&K Contracting.

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

Vote 15-343: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Trevillyan… 1 abstain due to potential conflict of interest
Motion carried.

On Item 7(a) The Cascades at Jordan Creek Plat 1, southwest corner of Cascade Avenue and South 81st Street - Subdivide Property into Two Lots and Two Street Lots for Medium Density Residential Development, initiated by SM Heritage Hills, LLC

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval and Release of Final Plat and Acceptance of Phase 1 Public Improvements, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant completing outstanding punch list items associated with Phase 1 public improvements; and,

2. The applicant providing surety for Phase 2 Public Improvements prior to issuance of any occupancy permits, including temporary occupancy permits for any building within the development.

Vote 15-344: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 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 for Residential and Commercial Development and One Lot for Public Use, initiated by Ryan Companies US, Inc.

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

Vote 15-345: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

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

Vote 15-346: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Kings Landing Plat 1, south of Stagecoach Road and west of South 95th Street - Subdivide Property into Eleven Lots for Single Family Development and Six Outlots for Flood Plain Use, initiated by Kings Landing LLC

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

Vote 15-347: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Sandager, 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 15-348: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Wolf Construction Warehouse Building, 2202 Wolf Way - Construction of a 31,350 sq. ft. Warehouse Building for Storage Use, initiated by Scott Wolfswinkel

It was moved by Sandager, second by Messerschmidt 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 seven (7) evergreen trees to be implemented for screening purposes located on the south side of the building shall be a minimum of six (6) feet in height at the time of planting.

2. All landscape screening along the south and west sides of the new building shall be watered regularly and kept in good health. If at any time the vegetation dies or is damaged to the point where it no longer provides screening, it shall be replaced by the applicant at the earliest practical time.

3. No storage of any kind shall occur between the buildings and the western property line or in the grass area along the southern property line.

Council member Trimble inquired if the neighboring property owners were notified of this proposed major modification and given an opportunity to comment.

Lynne Twedt, Development Services Director, responded the neighboring property owners were notified before this item went to the Board of Adjustment, and there were several that made comments at that meeting. She was informed the developer also met directly with the neighboring property owners and there were no concerns about the proposed major modification.

Vote 15-349: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - Traffic Signals at Intersection of 65th Street and Ashworth Road, 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 15-350: 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 Trevillyan to approve the first reading of the ordinance.

Vote 15-351: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(g) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 6 (Parking Regulations) - Parking Restrictions on Grass on Public Property, initiated by the City of West Des Moines

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

Vote 15-352: 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 first reading of the ordinance.

Council member Trevillyan inquired how the vehicles will be contained in the designated grass parking area for football games at Valley Stadium.

Council member Trimble responded the West Des Moines School District will put up barricades to prevent vehicles from driving on the grass outside the designated parking area, and there will also be someone directing vehicles where to park.

Jason Wittgraf, Assistant City Attorney, stated it has been made clear to the West Des Moines School District that they need to section off the grass parking area, and they have been given a map of the property boundaries, so they can ensure the grass parking area does not cross the boundary onto City property.

Vote 15-353: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(h) Title 7 (Public Ways and Property), Chapter 11 (Park Regulations) - Penalty for Illegal Parking in Parks, initiated by the City of West Des Moines

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

Vote 15-354: 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 first reading of the ordinance.

Vote 15-355: 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 5:53 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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John Mickelson, Mayor Pro tem