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West Des Moines City Council Proceedings
Monday, August 24, 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 24, 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 there is an amendment to Item 6(d) Amendment to City Code Regarding Breweries, as a correction has been made to the proposed Ordinance and the corrected copy has been placed on the dais.

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

Vote 15-356: 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 attended a meeting of the Development and Planning Subcommittee and two meetings of the Metro Advisory Council.

Council member Trevillyan reported the Main Street Summit will be held this week, Wednesday through Friday, in Valley Junction.

Council member Trimble reported the Parks and Recreation Advisory Board met and discussed a proposal to allow the public to reserve park space and received updates on emerald ash borer management and the Community Center renovation project. He commended Parks and Recreation staff for working with Clive Parks and Recreation to keep Holiday Aquatic Center open through Labor Day. He reported he also attended a meeting of the Finance and Administration Subcommittee, where discussion was held on the possibility of reallocating \$345,000 of CIP dollars from the Police Department vehicle storage facility to the Law Enforcement Center renovations, pay matrix updates for the positions of IT Specialist and City Attorney, an update to the list of City depositories, and the City's electronic vendor payment process.

Council member Messerschmidt reported he attended a meeting of the Metro Advisory Council regarding the Housing Tomorrow program. He noted that although the City is addressing ash trees in the right-of-way, residents should be aware that it is the property owner's responsibility to maintain and upkeep any trees in the right-of-way. He reported he also attended a joint

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meeting of the Greater Des Moines Convention and Visitors Bureau and the Iowa State Fair Board. He also attended the Public Works Subcommittee meeting, where discussion was held on a resident request to connect to the City sewer in the Barnes Heights development, addressing drainage issues in several areas throughout the City, and procedures for sale of City property.

On Item 4. Consent Agenda.

Council members pulled Items 4(h)1 and 4(i) for discussion. It was moved by Messerschmidt, second by Trimble to approve the consent agenda as amended.

- a. Approval of Minutes of August 10, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Casey's Marketing Company, d/b/a Casey's General Store #2150, 2125 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
 2. Chocolate Storybook Too, d/b/a Chocolate Storybook, 1000 Grand Avenue - Class WB Wine Permit with Sunday Sales - Renewal
 3. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - September 9-10, 2015
 4. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - September 23-24, 2015
 5. Jethro's Bacon Bacon, Inc. d/b/a Jethro's BBQ n' Bacon Bacon, 1480 22nd Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 6. Richman Enterprises, LLC, d/b/a Krueger BP, 1272 8th Street - Class BC Beer Permit - Renewal
 7. Sakura Sushi, Inc., d/b/a Sakura Sushi, 1960 Grand Avenue, Suite 11 - Class LC Liquor License with Sunday Sales - Renewal
 8. Your Private Bartender d/b/a Your Private Bartender, 1805 90th Street - Five-Day Class LC Liquor License - Effective September 11-15, 2015
- d. Acknowledgement of Alcohol Violations and Affirmative Defenses
- e. Approval to Sell Surplus City Equipment
- f. Approval of Professional Services Agreement - Woodland Hills Greenway Master Plan
- g. Approval of Official Depositories
- h. Order Construction:
 2. Maffitt Lake Road Pedestrian Underpass
 3. Valley View Park Basketball Courts
- j. Approval of Professional Services Agreement - Right-of-Way Acquisition Services
- k. Establish Public Hearing - Sugar Creek Storm Water Connection Fee District
- l. Approval of Addendum to Agreement - Grand Prairie Parkway Interchange at I-80
- m. Approval of Purchase Agreement and Easements - Dixie Acres Sanitary Sewer Project

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n. Proclamation - Approval of 2015-2019 "Beggars Night"

Vote 15-357: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(h)1 Order Construction - 2015 Sidewalk Program - Phase 1

Council member Trimble inquired if the property owners had been made aware of the changes to the sidewalk program.

Bret Hodne, Public Works Director, responded staff had a lot of contact with the property owners and updated them of the changes to the sidewalk program, which resulted in significantly fewer repairs done by the City since many of the property owners completed the repairs themselves.

It was moved by Trimble, second by Sandager to approve Item 4(h)1 Order Construction - 2015 Sidewalk Program - Phase 1.

Vote 15-358: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(i) Accept Work - Alluvion 1A1 Water Main Improvement Project

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

It was moved by Sandager, second by Trimble to approve Item 4(i) Accept Work - Alluvion 1A1 Water Main Improvement Project.

Vote 15-359: Messerschmidt, Mickelson, Sandager, Trimble...4 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 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 Trimble, second by Messerschmidt to consider the second reading of the ordinance.

Vote 15-360: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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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 15-361: 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 15-362: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) 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 Trimble, second by Messerschmidt to consider the second reading of the ordinance.

Vote 15-363: 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 15-364: 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 15-365: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - 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 Trevillyan, second by Trimble to consider the second reading of the ordinance.

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Vote 15-366: 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 15-367: 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 15-368: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) East 500 feet of the South 33 feet of Ashawa - Sale and Conveyance of Property, initiated by Jon Arnold and Robin (Cosner) Arnold

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Sale and Conveyance Property.

Council member Sandager inquired when the sidewalk will be put in.

Jon Arnold, 200 39th Street, responded he intends to put the sidewalk in by the end of September.

Vote 15-369: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(e) Coachlight Drive Street Improvements - South 88th Street West, initiated by the City of West Des Moines

It was moved by Trimble, second by Sandager to approve Motion - Reschedule Public Hearing to September 21, 2015.

Vote 15-370: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Development Agreement, Westtown V Urban Renewal Area - Development of an Office and Conference Center, initiated by Hy-Vee, Inc. (Continued from August 10, 2015)

It was moved by Messerschmidt, second by Trimble to adopt Motion - Continue Public Hearing to September 8, 2015.

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Vote 15-371: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider Stagecoach Drive in Woodland Hills - Agreement for Private Development, initiated by Hubbell Realty Company (Continued from August 10, 2015). 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 correspondences have been received from Dr. Wilkerson, Superintendent of the Waukee School District, and Philip Dorweiler, a resident of Edgewater Retirement Community.

Mayor Pro tem Mickelson 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 Agreement, with a condition that Jim Miller dedicate the necessary right-of-way at no cost to the City for the construction of South 88th Street.

Council member Trevillyan spoke in opposition to the proposed development agreement, stating he does not believe it is a proper use of taxpayer money. He noted much of the excess dirt on the site has been or will be removed for other projects, so he believes if they can continue to get rid of the dirt, the issue of the excess dirt will eventually be resolved. He also noted South 93rd was constructed to provide access to the Woodland Hills development, and he does not believe additional access is needed, especially at the expense of \$1.2 million. He believes there are higher priority CIP projects, such as EP True Parkway (west of 88th Street), Valley View Park, Ashworth Road Bridge over I-80, Mills Civic Parkway (from South Jordan Creek Parkway to Grand Prairie Parkway), South Jordan Creek Parkway (from Grand Avenue to Raccoon River Drive), and the unimproved roads in the Commerce area. He also stated if the City approves this development agreement, he believes other developers could come forward to request similar agreements for their development projects.

Council member Trimble spoke in support of the proposed development agreement, citing the following reasons: he believes the City shares some of the blame for this property's current status, this is a unique situation that would not set a precedent, this development would not occur if not for the proposed development agreement, the development would increase the assessed valuation of the City's tax base, the City could recoup the investment in 6 to 10 years, the City has protections in place in case the development does not occur as planned, the agreement would allow the City to pay off the Woodland Hills TIF sooner, the agreement would generate additional TIF revenues to benefit low and moderate income residents, and the construction of Stagecoach Drive would provide a connection from South 88th Street to Sugar Creek and beyond. He also stated he believes the City has a responsibility to clean up this last piece of the Regency mess, and he urged the Council to support this proposed development agreement.

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Council member Sandager spoke in support of the proposed development agreement, stating he calculates this development would yield an additional \$600,000 of new revenue to the City each year. He noted if the City doesn't approve this development agreement, he believes it will significantly delay development in this area.

Council member Messerschmidt spoke in support of the proposed development agreement, concurring with the benefits listed by Council member Trimble and stated he sees this as a great economic development opportunity that will also improve traffic circulation and benefit the West Des Moines community.

Council member Mickelson requested clarification on the amount of dirt that needs to be removed from the site for the proposed development project.

Joe Pietruszynski, Hubbell Realty Company, 6900 Westown Parkway, explained that initially 550,000 cubic yards of dirt needs to be exported from the site, but approximately 160,000 cubic yards are going towards nearby projects, which leaves 390,000 cubic yards remaining, which is estimated to cost approximately \$1.2 million to export off site. Therefore, the proposed development agreement is needed to make this project economically feasible for Hubbell Realty Company.

Council member Trevillyan suggested the excess dirt could be given away to contractors for projects.

Mr. Pietruszynski noted it is not easy to give away dirt.

Council member Mickelson inquired where the \$1.2 million commitment from the City in the proposed development agreement would come from.

Tim Stiles, Finance Director, responded the City has ended the last couple fiscal years with a greater surplus than budgeted, so staff recommends that the City uses general fund reserves to pay for this project. This would need to come forward in the form of a budget amendment after there is an accurate estimate for the project cost.

Vote 15-372: Messerschmidt, Mickelson, Sandager, Trimble...4 yes
Trevillyan ... 1 no

Motion carried.

On Item 6(c) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) and Chapter 14 (Accessory Structures) - Amend Definitions and Accessory Structures Provisions for Convenience Stores, Fuel Pump Islands, and Island Canopies, 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 August 11, 2015 in the Des Moines Register. Mayor

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Pro tem Mickelson 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 ordinance amendment.

Mayor Pro tem Mickelson 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.

Vote 15-373: 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 first reading of the ordinance.

Vote 15-374: 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 Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Use Regulations), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) - Add a Definition for Breweries and Establish Zoning Districts in which the Use is Allowed and Identify Performance and Parking Standards, 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 August 11, 2015 in the Des Moines Register. Mayor Pro tem Mickelson 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 ordinance amendment.

Mayor Pro tem Mickelson 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.

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.

Vote 15-375: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Trimble... 1 abstain due to potential conflict of interest
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 first reading of the ordinance.

Vote 15-376: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Trimble... 1 abstain due to potential conflict of interest
Motion carried.

On Item 6(e) Mayor Pro tem Mickelson indicated this was the time and place for a public hearing to consider South 8th Street - County Line Road to White Crane Road, 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 August 14, 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 Sandager, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Technologies, Inc.

Vote 15-377: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(f) Mayor Pro tem Mickelson 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 August 14, 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 Sandager, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Coluzzi Construction, LLC.

Vote 15-378: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7 - New Business: no items

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On Item 8(a) Valley South/Watson Center, 3320 Westown Parkway - Amend Planned Unit Development to Establish Regional Commercial Zoning and Amend Allowed Uses to Include a Brewery with Tap Room - Shoppes at Valley West, LLC - Referred to Plan and Zoning Commission

On Item 9 - Other Matters: none

The meeting was adjourned at 6:32 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

John Mickelson, Mayor Pro tem