September 8, 2015

West Des Moines City Council Proceedings
Tuesday, September 8, 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 Tuesday, September 8, 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 15-381: 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 Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where discussion was held on the Valley Junction Alley Improvements project. He stated he also participated in a ride-along with the West Des Moines Police Department on August 28th, and he thanked Police Officers Brody Moore, Chelsea Dexter, and Jeremy Kemmer for their participation and commended them for their professionalism.

Council member Trevillyan reported the Iowa Downtown Summit was held in Valley Junction on August 27th and 28th, and Jim Miller of the Historic Valley Junction Foundation has expressed appreciation to the City for helping make that event a success.

Mayor Gaer reported he had the opportunity to provide welcoming comments at the Iowa Downtown Summit, along with Governor Branstad and Lieutenant Governor Reynolds. He stated he thought it was a great event to showcase Valley Junction.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of August 24, 2015 and August 27, 2015 Meetings
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Bradley's Pub, Inc., d/b/a Bradley's Pub, 1300 50th Street, Suite 203 - Class LC Liquor License with Sunday Sales - Renewal

2. Cabaret West Des Moines, LLC d/b/a Cabaret, 560 Prairie View Drive, Suite 105 - Class LC Liquor License Extension of Outdoor Service - September 18-19, 2015
3. KRC Partners, LLP, d/b/a Cooper's on 5th, 227 5th Street - Class LC Liquor License with Sunday Sales - Renewal
4. Embassy Club West, LLC, d/b/a Embassy West - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
5. G.O.C.C. Investments, LLC, d/b/a Glen Oaks Country Club, 1401 Glen Oaks Drive - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
6. Fall Foods, Inc., d/b/a Godfathers Pizza, 5919 Ashworth Road - Class B Beer Permit with Sunday Sales - Renewal
7. Lodge of Ashworth, Inc., d/b/a The Lodge of Ashworth Club, 909 Ashworth Road - Class LC Liquor License with Sunday Sales, Living Quarters, Outdoor Service, and Catering Privileges - Renewal
8. CY Heritage Inn of West Des Moines, LLC, d/b/a West Des Moines Courtyard Inn, 410 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
9. F & K Hagar, L.L.C. d/b/a Westport Lounge, 800 First Street, Suite C & D - Transfer Location Permanently to 1960 Grand Avenue, Suites 29-31 (effective September 20, 2015)
10. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue - Class BW Permit with Carryout Wine, Sunday Sales and Outdoor Service - Renewal

d. Approval of Temporary Parking - Valleyfest, October 10, 2015

e. Approval of Contract Agreement - Landscape Maintenance

f. Approval of Amendment No. 2 to Professional Services Agreement - Pine Avenue Improvements

g. Order Construction:
   1. Dixie Acres Sanitary Sewer

i. Approval of Professional Services Agreements:
   1. Right-of-Way Acquisition Services
   2. Sugar Creek West Sanitary Trunk Sewer Extension - Segment 6F

j. Approval of Stormwater and Drainage Easement and Fiber Optic Easement - McKinney Farms, LC

k. Approval of Purchase Agreements and Easements:
   1. Dixie Acres Sanitary Sewer Project
   2. Maffitt Lake Road Improvements

l. Approval of Settlement Agreement - Jerry Keener

Vote 15-382: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(g)2 Order Construction - 2015 Citywide Energy Savings

Council member Trimble inquired how the City will address the $52,000 budget shortfall for this project.

Tim Stiles, Finance Director, responded staff expects that the 2015-16 CIP projects will cost less than was budgeted, as has historically been the case, so the surplus funds in the CIP budget could cover the $52,000 shortfall. He noted staff felt it was beneficial to pursue this project at this time to take advantage of the rebates.

It was moved by Trimble, second by Sandager to approve Item 4(g)2 Order Construction - 2015 Citywide Energy Savings.

Vote 15-383: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(h) Approval of Grant Application - Iowa Clean Air Attainment Program (ICAAP) - Traffic Adaptive Signal Controls on the 1st Street, 8th Street, Grand Avenue, and Railroad Avenue Corridors

Council member Trimble commended Jim Dickinson, Transportation Engineer, for pursuing grants for projects which help improve the flow of traffic throughout the city.

It was moved by Trimble, second by Messerschmidt to approve Item 4(h) Approval of Grant Application - Iowa Clean Air Attainment Program (ICAAP) - Traffic Adaptive Signal Controls on the 1st Street, 8th Street, Grand Avenue, and Railroad Avenue Corridors.

Vote 15-384: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) 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

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

Vote 15-385: 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 15-386: 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 15-387: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) 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

It was moved by Trevillyan, second by Messerschmidt to consider the second 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 15-388: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Trimble… 1 abstain due to potential conflict of interest
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-389: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Trimble… 1 abstain due to potential conflict of interest
Motion carried.

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

Vote 15-390: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Trimble… 1 abstain due to potential conflict of interest
Motion carried.

On Item 6(a) Development Agreement, Westown V Urban Renewal Area - Development of an Office and Conference Center, initiated by Hy-Vee, Inc. (Continued from August 10, 2015 and August 24, 2015)

It was moved by Trevillyan, second by Sandager to adopt Motion - Continue Public Hearing to September 21, 2015.

Vote 15-391: 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 S & F/Karp, northeast corner of South 41st Street and Mills Civic Parkway - Amend the Planned Unit Development (PUD) to Address Development Regulations, initiated by Highgates Plaza, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 21, 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 PUD Amendment.

Mayor Gaer asked if there were any public comments.

Jeff Rains, BSB Design, 4601 Westown Parkway, reported the proposed project is a small office building intended for small professional offices, which will generate very little traffic.

Mayor Gaer asked if there were any additional 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.

Vote 15-392: 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 Messerschmidt to approve the first reading of the ordinance.

Vote 15-393: 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 Valley View Park Basketball Courts, 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 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 Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Grimes Asphalt and Paving.

Council member Messerschmidt inquired if this basketball court will have lights.

Sally Ortgies, Superintendent of Parks, responded the basketball court will have lights, which will be downcast and activated by a button.

Vote 15-394: 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 Sidewalk Program - Phase 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 August 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.

Joel Gomez, 2002 Catalina Place, Marshalltown, stated he is the owner of JDA Construction, the low bidder for this project. He stated his company was contracted for a similar sidewalk project by the City of Urbandale, but only needed a two-year maintenance bond with a four-year personal guarantee and the City of Urbandale retained 1.5 percent of the total project cost. He inquired if the City of West Des Moines would consider such an arrangement for this project.

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

City Attorney Dick Scieszinski stated what Mr. Gomez is proposing would be a material change to the contract, which could put other bidders at a disadvantage because of the cost difference. Since the proposed change would be a material change to the contract, his recommendation would be to keep the four-year maintenance bond requirement.

Staff was asked to add this matter to an upcoming agenda for the Public Works Subcommittee to discuss.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to JDA Construction, Inc.

Vote 15-395: 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 Maffitt Lake Road Pedestrian Underpass, 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 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 Trevillyan, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Reject All Bids.

Vote 15-396: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) De Haan Plat of Survey, 1745 Glen Oaks Drive - Approval of Plat of Survey to Create One Single Family Lot, initiated by Doug De Haan

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

Council Trimble inquired if the neighboring property owners have been notified of the proposed plat of survey.

Lynne Twedt, Director of Development Services, responded notification is not required for plats of survey, but the applicant was asked to notify the homeowners association.

Council member Trimble suggested this item be deferred to ensure the neighboring property owners have been notified of the proposed plat of survey.

Scott Catron, Bishop Engineering, stated information was received from the pipeline company today regarding requirements for building within the pipeline easement.

The motion made by Sandager, seconded by Messerschmidt was rescinded.

It was moved by Trimble, second by Messerschmidt to continue Item 7(a) De Haan Plat of Survey to September 21, 2015.

Vote 15-397: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Delavan Townhomes, 2500 EP True Parkway - Amend the Beh II Planned Unit Development to Accommodate Development of 21 Attached Townhomes - Capital Homes of Iowa - Referred to Plan and Zoning Commission

On Item 8(b) Paradise Pointe, northwest corner of South 64th Street and Mills Civic Parkway - Amend the Specific Plan Language to Allow Projecting Signs within the Development - Jordan Creek Investments - Referred to Plan and Zoning Commission

On Item 8(c) 1st Street and Grand Avenue Redevelopment, southwest corner of 1st Street and Grand Avenue - Establish Planned Unit Development for Commercial Development - John Mandelbaum - Referred to Plan and Zoning Commission

On Item 8(d) Westport, 33346 V Court - Rezone Property from Unzoned to Single Family Residential - Westport Development, LLC - Referred to Plan and Zoning Commission

On Item 8(e) Lucas Casey Resignation - Civil Service Commission - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 6:04 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor