October 19, 2015

West Des Moines City Council Proceedings
Monday, October 19, 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, October 19, 2015 at 5:30 PM. Council members present were: R. Messerschmidt, K. Trevillyan, and R. Trimble.

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

Vote 15-444: Messerschmidt, Trevillyan, Trimble…3 yes
Motion carried.

Council member Sandager began participating via telephone at 5:32 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, K. Trevillyan, and R. Trimble, and J. Sandager via telephone.

On Item 2. Public Forum

Tina Gross, 204 8th Street, requested the Council reconsider the ordinance prohibiting chicken coops in West Des Moines, and she presented a petition to the Council signed by thirty residents sharing her opinion.

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

Council member Trimble reported the Parks and Recreation Advisory Board met, where discussion was held on the increased cost to renovate the fields at Holiday Park, presumably because of market conditions. He also attended a public meeting regarding the proposed South 50th Street Widening project, from EP True Parkway to Mills Civic Parkway, where discussion was held on the need for additional right-of-way on the northern segment of that project and how the project might impact the trail crossing at Wistful Vista Drive.

On Item 4. Consent Agenda.

Council members pulled Item 4(k)1 for discussion. It was moved by Trimble second by Trevillyan to approve the consent agenda as amended.

a. Approval of Minutes of October 5, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Add Carryout Wine Privileges to Existing Class BC Beer Permit

with Sunday Sales

2. Firebirds of West Des Moines, LLC d/b/a Firebirds Wood Fired Grill, 440 South 68th Street, Suite 101 - Class LC Liquor License with Sunday Sales - New
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) - November 4, 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) - November 18-19, 2015
5. Crab Addison, Inc., d/b/a Joe's Crab Shack, 130 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
6. Monterrey III, LLC, d/b/a Monterrey III, 6630 Mills Civic Parkway, Unit 3116 - Class LC Liquor License with Sunday Sales - Renewal
7. SA Petro Mart, Inc., d/b/a SA Petro Mart, 136 1st Street - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
8. SA Petro Mart, Inc., d/b/a SA Petro Mart (Liquor Room), 136 1st Street - Class LE Liquor License with Sunday Sales - Renewal
9. Riley Drive Entertainment V, Inc., d/b/a Saints Pub + Patio, 265 50th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
10. LVP SHS Des Moines Holding Corp. d/b/a Springhill Suites Hotel, 1236 Jordan Creek Parkway - Add Carryout Wine Privileges to Existing Class BC Beer Permit with Sunday Sales
11. Target Corporation d/b/a Target Store T-0069, 1800 35th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
12. V Lounge, LLC d/b/a V Lounge, 3535 Westown Parkway - Add Sunday Sales Privileges to Existing Class LC Liquor License
13. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Five-Day Class BW Permit for Outdoor Event, October 24, 2015

d. Approval of Lane Closure for Special Event - Jingle Bell Run, December 12, 2015

e. Approval of Grant Application - 2015 Continuum of Care Housing Solutions Program

f. Approval of Grant Agreement - 2014 Continuum of Care Supportive Housing Program

g. Approval of Change Order #1 - Alluvion Yellow Fiber Route

h. Approval of Amendments to Professional Services Agreements:
   1. Miscellaneous Engineering Services, Amendment #2
   2. 318 5th Street Building Renovation, Amendment #3

i. Approval of Special Assessments - Nuisance Abatements

j. Order Construction:
   1. 318 5th Street Building Renovation
   2. Grand Prairie Parkway - Mills Civic Parkway to Wendover Road
   3. South 88th Street Grading - Booneville Road to Sugar Creek Drive
   4. Greenway Erosion Repair Project

k. Approval of Professional Services Agreements:
   2. Law Enforcement Center Lower Level Remodel, Phase 2
   3. Raccoon River Sewer Crossing

l. Approval of Economic Development Assistance Contract - Iowa Economic Development Authority - Hy-Vee, Inc.

m. Approval Authorizing the Construction of Public Improvements - Bishop Drive - 96th Street to 98th Street

n. Approval of Agreement for Surface Transportation Program Funding - South 50th Street Widening - Mills Civic Parkway to EP True Parkway

o. Approval of Agreement for Dedication of Rockwood Lane to the City of West Des Moines

Vote 15-445: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 4(k)1 Approval of Professional Services Agreement - Historic West Des Moines Master Plan

Council member Messerschmidt stated this project, which will encompass the area west of 1st Street, north of Railroad Avenue, and south of Grand Avenue, will be a significant update for the area. He expressed appreciation to the staff and community members involved with the process the consultant.

It was moved by Messerschmidt, second by Trevillyan to approve Item 4(k)1 Approval of Professional Services Agreement - Historic West Des Moines Master Plan.

Vote 15-446: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(a) Westport, 33346 V Court - Amend the Comprehensive Plan Land Use Map from Office and Medium Density Residential to Single Family Residential and Designate Single Family Residential on approximately 63 Acres, initiated by Westport Development, LLC

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

Vote 15-447: Messerschmidt, Sandager, Trevillyan, Trimble…4 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 15-448: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

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

Vote 15-449: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(b) Neff Property, north of Stagecoach Drive, south of Mills Civic Parkway, west of 93rd Street - Amend the Comprehensive Plan Land Use Map from Office and Medium Density Residential to Single Family Residential and Designate Single Family Residential on approximately 76 Acres, initiated by Dr. Scott and Pamela Neff

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

Vote 15-450: Messerschmidt, Sandager, Trevillyan, Trimble…4 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 15-451: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

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

Vote 15-452: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 5 (Police Regulations), Chapter 3A (Dogs and Cats), Section 3 (License Fee) - Remove License Fee Microchip Reduction, 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 15-453: Messerschmidt, Sandager, 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 15-454: Messerschmidt, Sandager, 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 15-455: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 5 (Rules of the Road) - Revise General Traffic Regulations, 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 15-456: Messerschmidt, Sandager, 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 15-457: Messerschmidt, Sandager, 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 15-458: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

Carolyn Santi, 33681 Rockwood Lane, addressed the Council regarding Item 4(o) Dedication of Rockwood Lane, expressing appreciation to the City, Mr. Abels, and Mr. Lowry for their cooperation regarding the Rockwood Lane issue.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Development Agreement, Westown V Urban Renewal Area - Development of an Office and Conference Center, initiated by Hy-Vee, Inc. (Continued from August 10, 2015, August 24, 2015, September 8, 2015, and September 21, 2015). He asked for the date the notice

was published and the City Clerk indicated the notice was published on October 9, 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 Agreement.

Vote 15-459: Messerschmidt, Sandager, 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 1st Street and Grand Avenue Redevelopment, southwest corner of 1st Street and Grand Avenue - Establish New Planned Unit Development (PUD) for Commercial/Redevelopment of Property, initiated by First Street, LP. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 2, 2015 in the Des Moines Register. Mayor Gaer 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 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 Trimble to consider the first reading of the ordinance.

Vote 15-460: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-461: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(c) Delavan Townhomes, 2101 Delavan Drive - Amend Comprehensive Plan Land Use Map from Office and Medium Density and Amend Beh II Planned Unit Development (PUD) to Allow Development of 21 Attached Townhome Units within Four Buildings, initiated by Capital Homes of Iowa

It was moved by Trimble, second by Messerschmidt to adopt Motion - Continue Public Hearing to November 2, 2015.

Vote 15-462: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 2 (Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), and Chapter 10 (Performance Standards) - Establish Definitions, Amend Parking Standards, Amend Use Matrix, and Modify Regulations as Related to Event Venues and Assembly Uses, 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 October 2, 2015 in the Des Moines Register. Mayor Gaer 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 City Code amendment.

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.

Vote 15-463: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-464: Messerschmidt, Sandager, 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 Amendment to City Code - Title 9 (Zoning), Chapter 10 (Performance Standards) - Establish Regulations Regarding the Implementation of Roll-Up Doors and Windows in Restaurants and Bars, 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 October 2, 2015 in the Des Moines Register. Mayor Gaer 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 City Code amendment.

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

Council member inquired if there are currently any restaurants or bars with roll-up doors or windows within 300 feet of residential property.

Lynne Twedt, Director of Development Services, responded there are none that staff is aware of.

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

Vote 15-465: Messerschmidt, Sandager, Trevillyan, Trimble…4 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 15-466: Messerschmidt, Sandager, 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 2014-2015 FY Community Development Block Grant Program - Consolidated Annual Performance Evaluation Report (CAPER), 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 October 2, 2015 in the Des Moines Register, October 7, 2015 in the Indianola Record Herald, October 8, 2015 in the Dallas County News, and October 7, 2015 in the Madisonian News. 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 CAPER.

Vote 15-467: Messerschmidt, Sandager, 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 2015 Intake Repair Program, 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 October 9, 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 The Underground Company.

Vote 15-468: Messerschmidt, Sandager, 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 98th Street Improvements - Water Tower to Railroad Tracks, 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 October 9, 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 - Reject All Bids.

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

Vote 15-469: Messerschmidt, Sandager, Trimble…3 yes
Trevillyan… 1 abstain due to potential conflict of interest
Motion carried.

On Item 7(a) Greenway Crossing Plat 3, 1845 90th Street and 1860 88th Street - Replat Lots 2 and 3 and Outlots A and B of Greenway Crossing Plat 2 into Two Lots for Office Development, initiated by Hubbell Realty Company

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 15-470: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(b) Lincoln Street Park Plat 4, northwest corner of Lincoln Street and 1st Street - Subdivide Property into Two Lots for Commercial Development, initiated by Knapp Properties

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

Vote 15-471: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(c) Wirtz Commercial Park Plat 5, south of Mills Civic Parkway and west of South 51st Street - Replat Lots 1 and 2 Wirtz Commercial Park Plat 3 into Three Lots for Commercial Development, initiated by Woodside Business Park, LLC

It was moved by Trevillyan, 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. That remaining staff comments regarding labeling and notes be addressed and final Preliminary Plat drawings be provided to staff prior to an associated final plat proceeding to the City Council for consideration.

Vote 15-472: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(d) Dollar Tree, 800 1st Street - Approval of a 9,500 sq. ft. Retail Building, initiated by First Street, LP

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

1. The City Council granting a deferral for the installation of the trees and shrubs required of a 30' buffer park along the south side of the Dollar Tree site until such time that the south driveway of the 1st Street Redevelopment PUD is moved further to the south; and,

2. The City Council granting a deferral for the installation of the 2 overstory trees, 8 shrubs, and 3 ornamental stones within the streetscape along 1st Street adjacent to the Dollar Tree site until such time that the south driveway of the 1st Street Redevelopment PUD is moved further to the south. Upon relocation of the driveway, the trees and shrubs shall be planted and the stones set evenly throughout the streetscape to provide a consistent design along the entire Dollar Tree frontage; and,

3. Site plan approval is contingent on approval of the 1st Street Redevelopment PUD. Upon approval of the first reading of the PUD Ordinance by the City Council, the applicant may proceed with a building permit application for footing and foundations only for the store prior to the 2nd and 3rd Readings of the PUD Ordinance; and,

4. Prior to the issuance of a Final Occupancy Permit, the applicant providing adequate visual mitigation to staff's satisfaction of views from Public streets of parking and other negative site elements within the site; and,

5. The applicant submitting a copy of a temporary construction easement for the residential property to the southwest of the Dollar Tree site prior to grading operations occurring on that property.

6. The applicant executing a temporary construction easement with the City of West Des Moines prior to grading operations occurring on the City property to the south of the Dollar Tree store.

7. The applicant executing and recording an ingress/egress cross access easement for the entire 1st Street Redevelopment PUD prior to temporary occupancy of the Dollar Tree store.

8. (Added by Plan and Zoning Commission) The applicant continue to work with staff to enhance the building design, specifically the EIFS sign band to reduce the plainness of the band and add more design aspects in keeping with the intended Val-Gate guidelines.

Vote 15-473: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(e) Westown V Urban Renewal Area TIF Ordinance, 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 15-474: Messerschmidt, Sandager, 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 15-475: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

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On Item 9 - Other Matters

Council member Trimble welcomed the boy scouts and high school students in attendance at tonight's meeting.

The meeting was adjourned at 6:02 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor