November 2, 2015

West Des Moines City Council Proceedings
Monday, November 2, 2015

Under Rule 12 of the Council Procedures, City Clerk Ryan Jacobson 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 Monday, November 2, 2015 at 5:30 P.M. Council members present were: R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Jacobson introduced Boy Scout Troop 888.

The members of Boy Scout Troop 888 led the reciting of the Pledge of Allegiance.

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

Vote 15-476: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

Mayor Gaer arrived at 5:33 p.m. and began presiding over the meeting.

On Item 2. Public Forum

Wendy Lacina, 537 2nd Street, stated a friend of hers from another city lost a child from an accident while riding a bicycle in a street, and she requested that the City proceed responsibly when planning on-street bicycle facilities.

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

Polk County Supervisor Angela Connolly provided an update on Polk County activities, including a record-breaking year for the Iowa Events Center, construction projects downtown, an initiative to provide better access to food pantries.

Mayor Gaer read Proclamation - Recognition of Polk County Supervisor Angela Connolly.

Council member Trimble reported the Finance and Administration Subcommittee met and reviewed the revised budget for the Sister Cities Commission, the two proposed federally-funded police officer positions on tonight's agenda, a proposed budget amendment, the City's tree trimming policy. He stated the Homeless Coordinating Council met today and approved the new Rapid Rehousing program at WDM Human Services. He also reported a public information meeting was held regarding an upcoming townhome development project near EP True Parkway and 26th Street.

Council member Messerschmidt reported he attended a meeting of the Greater Des Moines Convention & Visitors Bureau, where an update was given on the "Catch Des Moines Active" website and the June 30, 2015 financial audit was approved.

Mayor Gaer reported he met with Governor Branstad to discuss the City's legislative priorities prior to tonight's Council meeting.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Sandager to approve the consent agenda as presented.

a. Approval of Minutes of October 19, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Aldi, Inc. d/b/a Aldi, Inc. #40, 6050 Mills Civic Parkway - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
    2. Finding Iowa, LLC d/b/a Finding Iowa, 201 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
    3. Great Caterers of Iowa, Inc. d/b/a Great Caterers of Iowa, 1805 90th Street - Five-Day Class LC Liquor License - Effective November 14-18, 2015
    4. Hy-Vee, Inc., d/b/a Hy-Vee Gas, 7280 University Avenue - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    5. Jethro's and Jaspers, Inc. d/b/a Jethro's Jambalaya, 9350 University Avenue - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    6. Prime Restaurant Corporation d/b/a Prime Restaurant, 1261 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - New
    7. Tres Amigos Bar & Grill, LLC d/b/a Tres Amigos Mexican Restaurant, 304 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Services - Renewal
d. Approval to Sell Surplus City Equipment
e. Approval of Change in Employee Complement - Police
f. Approval of Change Order #2 - 2015 HMA Resurfacing Program
g. Approval of Proposal - 318 5th Street Asbestos Removal
h. Allow of Use of White Crane Road Right-of-Way - Microsoft Corporation
i. Order Construction - Public Safety Station 17 HVAC Improvements
j. Accept Work - Ashworth Road Low Pressure Sewer
k. Approval of Economic Development Assistance Contract - Iowa Economic Development Authority - GAR-MRO Services, Inc.
l. Approval and Acceptance of Irrevocable Offer of Dedication - 1st Street Redevelopment
m. Proclamation - Recognition of Polk County Supervisor Angela Connolly

Vote 15-477: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(a) 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

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

Vote 15-478: 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 15-479: 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 15-480: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(b) 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

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

Vote 15-481: 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 15-482: 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 15-483: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(c) 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

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

Vote 15-484: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-485: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

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

Vote 15-486: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(d) Westown V Urban Renewal Area TIF Ordinance, 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 15-487: 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 second reading of the ordinance.

Vote 15-488: Messerschmidt, Sandager, 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 15-489: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(a) 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 (Continued from October 19, 2015)

It was moved by Messerschmidt, second by Sandager to adopt Motion - Continue Public Hearing to November 16, 2015.

Vote 15-490: 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 Development Agreement, Mills Parkway Urban Renewal Area - Development of a New Building at 7760 Cascade Avenue, initiated by Shojaat Properties, Inc. and GAR-MRO Services, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 23, 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 Agreement.

Vote 15-491: Messerschmidt, Sandager, 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 Ashworth Road Improvements - 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 October 23, 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 Acquisition of Agricultural Property.

Vote 15-492: 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 Street Lot J, Street Lot K, and Outlot JJ in Corrected Michael's Landing Plat 1 - Sale and Conveyance of Property, initiated by KH Development, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 24, 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 Sale and Conveyance Property.

Vote 15-493: 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 Grand Prairie Parkway - Mills Civic Parkway to Wendover 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 October 23, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to McAninch Corporation.

Vote 15-494: 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 South 88th Street Grading - Booneville Road to Sugar Creek 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 October 23, 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 McAninch Corporation.

Vote 15-495: 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 318 5th Street Building Renovation, 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 20, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated one correspondence was received and has been placed on the dais with a staff memo.

City Manager Tom Hadden reported the memo on the dais explains that staff is now recommending approval of the base bid and alternates #1 and #3.

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 including Alternates #1 and #3 to Ball Team, LLC.

Vote 15-496: 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 Greenway Erosion Repair 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 October 23, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Reilly Construction Co.

Vote 15-497: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(a) Adoption of Bicycle Master Plan, initiated by the City of West Des Moines

Steve Gatton, Bicycle Advisory Commission member, stated the commission supports the adoption of the Bicycle Master Plan and Complete Streets Policy, which he believes would benefit the City, as seven of the eight healthiest cities and 13 of the 20 wealthiest cities in the United States have been designated as "Bicycle Friendly" communities.

The Mayor and Council expressed support for the Bicycle Master Plan and Complete Streets Policy and thanked the Bicycle Advisory Commission, Bicycle Task Force, and Parks and Recreation Advisory Board for their efforts in developing these proposed policies. The Council also requested that public education on the policies be carried out.

It was moved by Messerschmidt, second by Sandager to adopt Motion - Approval of Bicycle Master Plan.

Vote 15-498: Messerschmidt, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

Council member Mickelson began participating via telephone at 6:24 p.m.

On Item 7(b) Adoption of Complete Streets Policy, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trimble to adopt Resolution - Approval of Complete Streets Policy.

Council member Trevillyan noted the proposed policy would serve as a guideline when developing new areas in the city, but the City will not be obligated to construct on-street bicycle facilities in areas where it would not be appropriate.

Vote 15-499: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) November 16, 2015 Regular City Council Meeting - Approval to Reschedule Due to Expected Lack of Quorum, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to adopt Motion - Approval to Reschedule.

Vote 15-500: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Sandager stated there will be a city election tomorrow and encouraged everyone to vote.

The meeting was adjourned at 6:26 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor