November 16, 2015

West Des Moines City Council Proceedings
Monday, November 16, 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, November 16, 2015 at 7:00 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson noted staff is recommending an amendment to agenda item 4(k) Approval of Purchase Agreement, Deeds and Easements - South Grand Prairie Parkway - Wendover Road to Mills Civic Parkway, as referenced by the memo on the dais.

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

Vote 15-501: 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:

Fire Chief Craig Leu introduced Matthew Lehman, who was recently promoted to Fire Lieutenant. Lieutenant Lehman was then sworn in by Mayor Gaer.

Council member Trevillyan reported the Historic West Des Moines master plan steering committee met at the Community Center and took a walking tour of the Valley Junction area. He stated in December the steering committee will take a bus tour of the other areas included in the Historic West Des Moines master plan, and the consultant will also attend Jingle in the Junction in December to start community involvement.

Council member Trimble reported the Waterways and Trails regional committee began meeting and intends to develop recommendations to improve access to waterways for recreation.

Council member Mickelson reported he attended the ribbon cutting ceremony for two new Kenseth hotels on Mills Civic Parkway, and both are very attractive properties.

Council member Messerschmidt reported the Public Work Subcommittee met and discussed the placement of temporary traffic signals at the west intersection of 88th Street and Ashworth Road

On Item 4. Consent Agenda.

Council members pulled Item 4(d)2 for discussion. It was moved by Messerschmidt, second by Trimble to approve the consent agenda as amended.

a. Approval of Minutes of November 2, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
   1. Cabo Sol Mexican Restaurant, LLC d/b/a Cabo Sol Mexican Restaurant, 5010 Mills Civic Parkway, Suite 100 - Class LC Liquor License with Sunday Sales - Renewal
   2. West Des Moines Lodging Investors, LLC, d/b/a Hampton Inn, 7060 Lake Drive - Class BW Permit with Sunday Sales and Living Quarters - Renewal
   3. Lemon Grass, LLC, d/b/a Lemon Grass, 1221 8th Street - Class BW Permit with Sunday Sales - Renewal
   4. LVP SHS Des Moines Holding Corp. d/b/a Springhill Suites Hotel, 1236 Jordan Creek Parkway - Class BC Permit with Sunday Sales - Renewal
d. Approval of Appointments:
   1. Human Rights Commission
   3. Civil Service Commission
e. Approval of Use of City Property - Alluvion Datacenter
f. Accept Work:
   1. 2015 Valley Junction Brick Paver Repair Program
   2. Thornwood Area Sanitary Sewer - Phase 3
g. Approval of 28E Agreements
   1. West Suburban Regional Traffic Signal Operations Group
   2. U.S. Geological Stream Gaging Stations - City of Des Moines and Des Moines Water Works
h. Authorizing Applications for Surface Transportation Program Funding - Des Moines Area Metropolitan Planning Organization
i. Approval of Professional Services Agreements:
   1. 2014 Street Rehab Sidewalk Ramp Program
   2. 2016 PCC Reconstruction Program
   3. South 60th Street Sanitary Collector Sewer Study
   4. South 60th Street and Mills Civic Parkway Intersection Improvements
   5. In-Fill Street Light Analysis
j. Approval of Economic Development Assistance Contract - Iowa Economic Development Authority - FunnelWise
k. Approval of Purchase Agreement, Deeds and Easements - South Grand Prairie Parkway - Wendover Road to Mills Civic Parkway
l. Termination of Ingress/Egress Roadway Easements - Christ's Church Subdivision
m. Acceptance of Easement - Intersection Improvements Project - 50th Street and Corporate Drive
n. Approval of Agreement for Assignment and Transfer of Permits - Microsoft Corporation
o. Approval of Change Order #1 - 2015 Citywide Energy Savings

p. Proclamation - Small Business Saturday - November 28, 2015

Vote 15-502: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(d)2 Approval of Appointment - Water Works Board of Trustees

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

It was moved by Trimble, second by Sandager to approve Item 4(d)2 Approval of Appointment - Water Works Board of Trustees.

Vote 15-503: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Trevillyan… 1 abstain due to potential conflict of interest
Motion carried.

On Item 5 - Old Business: no items

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Delavan Townhomes, 2101 Delavan Drive - Amend Comprehensive Plan Land Use Map to Change approx. 2.24 acres from Office to Medium Density Residential and Amend BEH II Planned Unit Development (PUD) to Allow Development of 16 Attached Townhome Units, initiated by Capital Homes of Iowa (Continued from October 19, 2015 and November 2, 2015). 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 comprehensive plan amendment and rezoning request, and one correspondence was received which was included with the Council communication.

Mayor Gaer asked if there were any public comments.

Ed Arp, Civil Engineering Consultants, representing Capital Homes of Iowa, explained the parcel is currently zoned office on the western portion and light industrial on the eastern portion. The proposed request is to rezone the western portion to multi-family for townhouses and maintain the eastern portion's zoning as light industrial.

Eloise Gardner, 2505 Countryside Place, expressed opposition to the proposed development, citing concerns about increased traffic on South 26th Street, which is the primary access from EP True Parkway into her neighborhood. She stated the curve on EP True Parkway and the bike trail already pose challenges at that intersection, so she is concerned about potential safety hazards and potential back-ups of traffic waiting to turn on EP True Parkway. She suggested widening

South 26th Street, just south of EP True Parkway to add a second northbound lane approaching EP True Parkway.

Janet Seeberger, 2509 Countryside Drive, expressed opposition to the proposed development, citing concerns about potential safety hazards and access issues for the neighborhood.

Sandy Roan, 221 South 28th Street, inquired if the traffic study for this area was conducted while school was in session, because that would have a significant impact on the results. She also expressed concerns about traffic speeding on EP True Parkway.

John Sheeley, 2504 Countryside Drive, expressed opposition to the proposed development, reiterating the concerns of the other residents that have spoken.

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

Duane Wittstock, City Engineer, explained the traffic study, which was conducted in early September after school was in session, was conducted assuming the development would be occupied by 21 residential units and mini-storage units. During the peak morning hour, the development would generate nine new trips, and during the peak evening hour, it would generate eleven new trips. The developer was also open to developing the entire parcel as mini-storage units, which would generate fewer peak hour trips, but the residents in attendance at a public meeting expressed a preference to include the multi-family residential on the western portion of the parcel. He stated South 26th Street could be widened to allow for a left turn lane, but staff doesn't believe the situation would warrant it at this point in time, based on the number of trips on it and the fact that there are four alternate accesses onto EP True Parkway. He was asked to estimate the cost for such a widening project, and he estimated it would cost approximately $150,000. He also stated the traffic for the mini-storage would only have access via Delavan Drive, while the townhome development would only have access via South 26th Street.

Council member Trimble requested staff monitor traffic patterns in this area to determine if widening South 26th Street might be warranted in the future.

Mr. Wittstock noted it will be at least a year before the issue manifests itself because of the current time of year and the length of time required to construct the project, so if warranted, the project could be considered during the following year's budget cycle.

Council member Trimble inquired about the possibility of installing yield signs or stop signs along the bike trail where it intersects a street.

Gary Scott, Parks and Recreation Director, responded the pedestrians by law have the right of way, and bicycles on the trail are considered pedestrians, which is why the City has chosen not to install such signage in the past. He stated staff can look into the issue.

Mayor Gaer asked staff to add the issue of signage on bike trails to the agenda for the next meeting of the Public Safety Subcommittee.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Comprehensive Plan Land Use Map Amendment.

Vote 15-504: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 15-505: 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 15-506: 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 Paradise Pointe, northeast corner of Mills Civic Parkway and South 68th Street - Amend the Specific Plan Ordinance to Increase the Number of Restaurant Uses and Square Footage Allowed within the Development, initiated by Jordan Creek Investments. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 30, 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 specific plan amendment.

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 consider the first reading of the ordinance.

Vote 15-507: 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 15-508: 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 2015-16 FY Operating and Capital Budget - Amendment #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 November 6, 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 Budget Amendment #1.

Vote 15-509: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Aspen Valley (f/k/a Brody Place Estates), southeast corner of Ashworth Road and future 84th Street - Subdivide Property into Sixty Lots, Four Street Lots, and Three Outlots for Construction of a Single Family Residential Development, initiated by Arrow Properties, LLC

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

1. The City Council granting the applicant a waiver from City Code to allow Public Utility Easements to be located in the front yard of lots 19-24 and lots 48-52.

2. In conjunction with development of the property, Applicant will be responsible for the installation of all standard public improvements, including sewers, streets, sidewalks/trails and street lights adjacent to all public streets. The applicant acknowledging that public improvements will need to be completed and ready for acceptance by the City prior to issuance of any temporary occupancy permits.

3. The applicant acknowledging and agreeing that development of the lots may be limited by the Fire Marshal so as to not exceed maximum dead-end lengths in City Code until such time that the road network for the area is implemented which provides multiple ways in and out of the development thus eliminating dead-ends.

Vote 15-510: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Greenway Crossing Plat 3, 1845 90th Street and 1860 88th Street - Replat Lots 2 and 3 and Outlots A and B or 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 and Release of Final Plat for Recordation, subject to the applicant complying with all applicable City Code requirements.

Vote 15-511: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Burr Oaks Manor at Glen Oaks, 1575 and 1623 Burr Oaks Drive - Replat Lots 61-64 of Glen Oaks Plat 2 from Four Lots to Two Lots for Single Family Development, initiated by Charles and Wendy Drucker

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 15-512: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - 88th Street and Ashworth Road (west intersection), initiated by the City of West Des Moines

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

Council member Mickelson stated the east intersection of 88th Street and Ashworth Road is also an issue, and he would appreciate if staff could look into addressing that as well.

Council member Messerschmidt stated both intersections were discussed at Public Works Subcommittee, and staff acknowledged both intersections have issues, but recommended addressing only the west intersection at this time because it is considered more of an issue, and staff plans to continue monitoring the east intersection to determine if traffic signals will eventually be needed there as well.

Vote 15-513: 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 15-514: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Prairie View Drive from EP True Parkway to Blue Stem Circle, initiated by the City of West Des Moines

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

Council member Trimble stated since this roadway is adjacent to a single family residential neighborhood, he believes a 25 mph speed limit is appropriate, so he will vote against this proposed ordinance which would raise the speed limit to 30 mph.

Vote 15-515: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Trimble ..... 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-516: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Trimble ..... 1 no
Motion carried.

On Item 8(a) Tallyn's Reach, northwest corner of South 88th Street and Sugar Creek Drive - Amend the Planned Unit Development (PUD) to Add 24 acres of Property and to Amend Land Uses from approx. 88th Street to 92nd Street and from Sugar Creek Drive to Stagecoach Drive - Miller Land Partnership - Referred to Plan and Zoning

On Item 8(b) Amendment to City Code - Title 9 (Zoning), Various Chapters - Define and Establish Regulations Pertaining to Short-Term Rentals - City Initiated - Referred to Plan and Zoning

On Item 8(c) Amendment to City Code - Title 9 (Zoning), Various Chapters - Allow Snow Maintenance Facilities as a Temporary Use on Commercial, Industrial, and Office Zoned Properties - City Initiated - Referred to Plan and Zoning

On Item 8(d) Alex Shaner Resignation - Civil Service Commission - Received and Filed

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On Item 8(e) Abstract of Votes - November 3, 2015 Municipal Election - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 7:52 p.m.

It was moved by Trevillyan, second by Trimble to go into Executive Session per Chapter 21 of the Iowa Code, to discuss pending/threatened litigation.

Vote 15-517: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Entered Executive Session at 8:01 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Messerschmidt, Mickelson, Sandager, Trevillyan and Trimble; City Manager, City Attorney, and City Clerk.

It was moved by Trevillyan, second by Messerschmidt to adjourn from Executive Session.

Vote 15-518: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Executive Session was adjourned at 8:31 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor