

December 14, 2015

West Des Moines City Council Proceedings
Monday, December 14, 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, December 14, 2015 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, and K. Trevillyan. Council member R. Trimble participated via telephone.

City Clerk Ryan Jacobson stated staff is recommending amendments to Item 4(h) Approval of Variance to Comprehensive Plan - Major Collector Right-of-Way Widths - South 95th Street, Stagecoach Drive to Cascade Avenue and Item 7(a) Grand Valley Plat 1, as noted by the memos placed on the dais.

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

Vote 15-543: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer swore in At-Large Council Member Jim Sandager and Second Ward Council Member John Mickelson for four year terms beginning January 1, 2016.

On Item 2. Public Forum

Ed Ames, 308 6th Street, noted the City Code prohibits vehicles from being parked on a public street within 20 feet of a mailbox. He inquired if he were to place a mailbox at the curb in front of his home, would it be a violation for vehicles to park within 20 feet of it.

City Attorney Dick Scieszinski responded a vehicle parked within 20 feet of a mailbox would be in violation of the City Code, so if the Police Department is made aware of the violation, they would enforce that ordinance and issue a citation.

Council member Trevillyan noted the Valley Junction neighborhood receives its mail by walking routes and the mailboxes are on the front of the houses.

Mr. Ames acknowledged he would need approval from the Post Office to relocate his mailbox to the curb.

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

Council member Trimble reported he participated in the exit interview for the Fire Department's CALEA reaccreditation, and the panel will recommend that the Fire Department be reaccredited.

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He commended the Fire Department staff for all their hard work and impressing the reaccreditation panel.

Council member Mickelson stated he also participated in the exit interview for the Fire Department's CALEA reaccreditation, and he commended the Fire Department staff for their impressive job during the reaccreditation process.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where discussion was held regarding the proposed repaving of the 100 block of 7th Street and the location of handicap stalls in Valley Junction. He reported the Public Arts Advisory Commission met and discussed a public art project along the Jordan Creek Trail, scheduled the 2016 Art on the Campus for April 28, and discussed how public art could be used to raise awareness and appreciation for watersheds and water quality. He also noted the Public Arts Advisory Commission intends to participate in "Art Route," a metro-wide program intended to place public art in selected areas throughout the metro. He also reported the West Des Moines Historical Society held their holiday open houses with tours of Jordan House and Bennett School, which were very well attended.

Bret Hodne, Public Works Director, recognized Public Works employees Scott Thomas and Gary Rank, who served on the committee that coordinated the 2015 Snow Plow Roadeo, the Snow Plow Operator Training Program, and the Excavator Training Program. He then recognized the following 2015 Snow Plow Roadeo winners: Kevin Hershberger (who placed 3rd in the loader division and was also one of the team members that placed 2nd in the truck division), Nathan Headley and Laramie Sandbulte (the team that placed 1st in the truck division). He noted the City had a number of other winners that could not be here tonight. He also reported the Public Works Department collaborated with the Fire Department to allow them to conduct trench rescue training in conjunction with this event at a reduced cost to the City.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of November 30, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Class BW Permit with Sunday Sales - Renewal
 2. Lakes Venture, LLC d/b/a Fresh Thyme Farmers Market, 2900 University Avenue, Suite E - Class BC Permit with Carryout Wine and Sunday Sales - New
 3. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal

4. Hy-Vee, Inc., d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway, 2nd Floor Meeting Room - Class BW Permit with Sunday Sales - Renewal
 5. Lovely Food Mart, Inc. d/b/a Indian Grocery, 6630 Mills Civic Parkway, Suite 3110 - Class BC Permit with Sunday Sales - New
 6. J.P. Parking Inc. d/b/a J.P. Parking Inc., 6220 Raccoon River Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
 7. Sheroc, LLC d/b/a NYC Pizza Cafe, 6305 Mills Civic Parkway, Suite 3111 - Class BW Permit with Sunday Sales - Renewal
 8. I-35 Catering Company, Inc. d/b/a Sheraton West Des Moines, 1800 50th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 9. The Tangerine Food Company d/b/a The Tangerine Food Company, 1960 Grand Avenue, Suite #21 - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
 10. 205 Corporation d/b/a The Tavern, 205 5th Street - Class LC Liquor License with Sunday Sales - Renewal
 11. 205 Corporation d/b/a The Tavern Pizza Pasta Grill, 1755 50th Street - Class LC Liquor License with Sunday Sales - Renewal
- d. Approval of Lane Closure for Special Event - Lutheran Church of Hope Christmas Eve Services
- e. Approval of 2016-2017 Committee/Liaison Assignments
- f. Approval of Change Orders:
1. 318 5th Street Asbestos Abatement, #1
 2. 2015 PCC Patching Program, Phase 1, #2
- i. Approval of 2016 City Council Meeting Schedule
- j. Approval to Renew Lease Agreement - 1100 Hoak Drive
- k. Approval of Deer Management Zone - 1471 Army Post Road
- l. Order Preparation of Plans and Specifications - Holiday Park Baseball Common Area
- m. Approval of Amendment to 28E Agreement with City of Waukee - Joint Maintenance of Roads
- n. Approval of 28E Agreement - University Avenue Improvement Project, I-35 to 22nd Street
- o. Approval of Amendment to High Quality Jobs Program Contract - Contract with Outcomes, Inc.
- p. Approval of High Quality Jobs Program Application - Project Madison
- q. Approval to Add Sienna Ridge to the City's Solid Waste Collection Program and Approval and Acceptance of Hold Harmless Agreement
- r. Acceptance of Temporary Construction Easements:
1. Community Center Interior Renovation Project
 2. Dollar Tree, 800 1st Street
- s. Acceptance of Public Improvements - Aspen Valley Plat 1
- t. Establish Just Compensation and Approve Acquisition of Property
1. Grand Avenue Siphon Conversion

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2. Northeast Basin Storm Sewer Improvements - Connection to 4th Street
 3. Overhead Electric to Underground Conversion - South Side of Mills Civic Parkway from I-35 to South 60th Street
- u. Establish Public Hearings Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property:
1. South Grand Prairie Parkway - Raccoon River Drive to Madison Avenue
 2. Grand Avenue West Segment 6F Sewer Extension
 3. South Service Area Segment II - Brown's Woods Sewer
 4. Maple Grove Lift Station
 5. South Area Trunk Sewer Western Extension
- v. Approval of Purchase Agreement and Easements - South 60th Street Improvement Project

Vote 15-544: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(g) Approval of Bicycle Advisory Commission and Staff Recommendations - Complete Streets - Ashworth Road, west of Jordan Creek Parkway

Council member Messerschmidt stated he has been impressed with the process established by the Complete Streets Policy.

Council member Mickelson noted there had been concerns the Complete Streets Policy and Bicycle Master Plan might force the City to construct bike lanes on new streets, but that was not the recommendation for this project. He feels the new policy is working well, and he commended staff for developing the policy and the process.

It was moved by Messerschmidt, second by Sandager to approve Item 4(g) Approval of Bicycle Advisory Commission and Staff Recommendations - Complete Streets - Ashworth Road, west of Jordan Creek Parkway.

Vote 15-545: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(h) Approval of Variance to Comprehensive Plan - Major Collector Right-of-Way Widths - South 95th Street, Stagecoach Drive to Cascade Avenue

Council member Trimble explained the City has been working with these two property owners to facilitate the development of these two properties to allow for the construction of South 95th Street at the same time. In order to keep the development moving along, the City is recommending this variance, which reduce the right-of-way required for South 95th Street from 100 feet to 70 feet but allow for a 30 foot wide permanent right-of-way and utility easement on the west side of South 95th Street.

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It was moved by Trimble, second by Sandager to approve Item 4(h) Approval of Variance to Comprehensive Plan - Major Collector Right-of-Way Widths - South 95th Street, Stagecoach Drive to Cascade Avenue, as amended by the memo placed on the dais.

Vote 15-546: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Tallyn's Reach, northwest corner of South 88th Street and Sugar Creek Drive - Amend the Tallyn's Reach Planned Unit Development (PUD) to Modify Regulations to Accommodate Development of 250 Townhomes and Rowhouses and 60 Single Family Homes, initiated by Miller Land Partnership

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

Vote 15-547: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-548: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 15-549: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - Coachlight Drive (south side), from South 84th Street to South 88th Street, initiated by the City of West Des Moines

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

Vote 15-550: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-551: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 15-552: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Grand Avenue, from 1,268 feet south of Park Drive to South 50th Street, 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 15-553: 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 second reading of the ordinance.

Vote 15-554: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 15-555: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) - Rename Portion of Army Post Road east of Veterans Parkway to Willow Creek Drive and Rename Willow Creek Street to Double Eagle 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 December 4, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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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 consider the first reading of the ordinance.

Vote 15-556: 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 Sandager to approve the first reading of the ordinance.

Vote 15-557: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Amendment to City Code - Title 9 (Zoning), Various Chapters - Define and Establish Regulations Pertaining to Short-Term Rentals, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to adopt Motion - Continue Public Hearing to December 28, 2015.

Vote 15-558: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Amendment to City Code - Title 9 (Zoning), Chapter 10 (Performance Standards) and Chapter 14 (Accessory Structures) - Establish Regulations Pertaining to Solar Energy Systems, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Sandager to adopt Motion - Continue Public Hearing to January 11, 2015.

Vote 15-559: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Grand Valley Plat 1, northeast corner of South 35th Street and Grand Avenue - Plat Property into 20 Single Family Lots, 17 Outlots, and One Street Lot, initiated by Engel Associates, Inc.

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

1. Prior to recordation of the plat the applicant shall add the following notes to the face of the plat:
 - A FEMA LOMR-F will be submitted to remove lots 1, 2, 3, 4, 5, 17, 18, 19, 20 from the 100-year floodplain.
 - Outlots L, M, N, O, P, Q, R, S, T, U and V are for drainage/floodplain and are no build areas. No structure is allowed to be erected which could impede water flow/drainage, including but not limited to, sheds, gazebos, solid fences, and play structures.
 - Maintenance of each outlot is the responsibility of the lot in which it is conveyed.
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 will need to submit signed originals of the letter of certification and cost declaration from Sternquist Construction prior to issuance of any building permits
4. The applicant will need to submit a signed original of the letter of certification from Civil Design Advantage prior to issuance of any building permits
5. Surety was provided for the construction remaining construction punch list items. Remaining items are as follows:
 - a. End of Road Markers on Redtail Avenue need to be installed.
 - b. Seeding is not complete on the south end of the project, around detention basin and around the handicap ramps. Seeding and/or stabilization still need to be completed in these areas.
 - c. The depressed sidewalk at the overland drainage swale needs to be installed.
 - d. Traffic control devices at South 35th Street need to be removed and sand bags need to be cleaned up.
 - e. Streets need to be swept to remove dirt and straw from seeding operations.
 - f. PW inspector will need to re-inspect the manholes now that seeding around them is complete. Some manholes may have been disturbed by the seeding operations.
6. The following documents have been provided and minor corrections were required. These corrections shall be made before any building permit can be issued.
 - a. Storm Water Management Plan
 - b. Storm Water Detention Facility As-Built and certification

Vote 15-560: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 7(b) Friends of the Library Tale Trail, Ashawa Park Trail - Install Series of Permanent Stations with Sections of Children's Books in Cement and Placed Along the Trail, initiated by West Des Moines Library Friends Foundation

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

Vote 15-561: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 6 (Parking Regulations), Section 1 (Parking Prohibited) - Parking on City Right-of-Way and Driveway Approach, initiated by the City of West Des Moines

Jason Wittgraf, Assistant City Attorney, explained this proposed ordinance came up due to a complaint received regarding a vehicle parked in a driveway approach on 5th Street, where the driveway approaches are long enough for a vehicle to fit without spilling over onto the sidewalk or the roadway. The City Code does not clearly address such an issue, except for in the Zoning Code, but the City would likely not issue a citation based on a Zoning Code violation.

Mike King, 512 5th Street, stated he was the subject of the complaint, and he has parked vehicles in his driveway approach for many years. He noted a majority of his neighbors also park vehicles in their driveway approaches, including the individual that made the complaint. He does not believe having a vehicle parked in his driveway approach obstructs the vision for his neighbors as they back out of their driveway. He also stated he paid to expand his driveway to a double-wide driveway, and now he is being told he can't use part of it. He noted there is no overnight parking on his street, so if he can't park vehicles on his driveway approach, he will not have sufficient parking for his vehicles at his home.

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

Council member Trevillyan expressed concern that an ordinance has existed for many years without being enforced is suddenly being enforced, and he expressed doubt that it addresses a safety issue, because he doesn't believe it is any more of a vision obstruction than a vehicle parked on the street. He suggested an ordinance should be adopted that allows parking in the driveway approach as long as it is deep enough.

The Mayor and Council held discussion on how to address this issue and reached a consensus in favor of deferring this item to allow for further staff review and research.

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

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It was moved by Messerschmidt, second by Mickelson to defer Item 7(c) Amendment to City Code - Parking on City Right-of-Way and Driveway Approach indefinitely to allow for staff to conduct further review and research to develop options to bring back to the Council.

Vote 15-562: 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) - Grand Prairie Parkway and I-80 Ramps, initiated by the City of West Des Moines

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

Vote 15-563: 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 15-564: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) 1st Street Redevelopment, southwest corner of 1st Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Add an Additional Property and Amend Setback Requirements - City Initiated - Referred to Plan and Zoning

On Item 8(b) Amendment to City Code - Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures), Section 8 (Entitlements) - Minor Modifications to Entitlements - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters: none

The meeting was adjourned at 6:31 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

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ATTEST:

Steven K. Gaer, Mayor