January 11, 2016

West Des Moines City Council Proceedings
Monday, January 11, 2016

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, January 11, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

The members of Boy Scout Troop 242 led the reciting of the Pledge of Allegiance.

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

Vote 16-001: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer swore in Park Board Commissioners Joe Hrdlicka, Forrest Ridgway, and Aaron Sewell for four year terms beginning January 1, 2016.

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 West Des Moines Chamber Board of Directors, where discussion was held on upcoming projects in 2016 and the planned relocation of their offices to the West Glen development.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of December 28, 2015 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - January 28, 2016
    2. F & K Hagar, L.L.C. d/b/a Manhattan Grill, 1960 Grand Avenue, Suites 29-31 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    3. Waterfront Seafood Market, Inc. d/b/a Waterfront Seafood Market, 2900 University Avenue - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal

4. Wok in Motion Corp. d/b/a Wok in Motion, 5515 Mills Civic Parkway - Class BW Permit with Carryout Wine and Sunday Sales - Renewal

d. Approval of Orders for Violations of Alcohol Laws

e. Approval of Appointments - Revised 2016-17 Committee and Other Assignments

f. Order Construction - Maffitt Lake Road Improvements

g. Approval of Addendum to IDOT Agreement - Relocated and Reconstructed Iowa Highway 5

h. Approval of First Amendment to Declaration of Residential Covenants, Conditions and Restrictions - Whisper Ridge Plat 2 and 3

i. Acceptance of Public Improvements:
   1. Etzel Properties Plat 1
   2. West Lakes Office Park Plat 3, Lot 16

k. Acceptance of Property Interests - South 8th Street Improvements, Army Post Road to Pine Avenue

Vote 16-002: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(j) Approval of Addressing - Various Locations within City Limits

Council members Trevillyan and Sandager each stated they support a majority of the address changes listed for this item, however they are opposed to the renaming of all addresses south of the Raccoon River to add a SE or SW prefix.

It was moved by Messerschmidt, second by Trimble to approve Item 4(j) Approval of Addressing - Various Locations within City Limits.

Vote 16-003: Messerschmidt, Mickelson, Trimble…… 3 yes
Sandager, Trevillyan…… 2 no
Motion carried.

On Item 5(a) 1st Street Redevelopment, southwest corner of 1st Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Add a 10,000 sq. ft. Property and Amend Setback Requirements, initiated by the City of West Des Moines

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

Vote 16-004: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 16-005: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-006: 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 9 (Zoning), Various Chapters - Define and Establish Regulations Pertaining to Short-Term Rentals, initiated by the City of West Des Moines (Continued from December 14, 2015 and December 28, 2015). He asked for the date the notice was published and the City Clerk indicated the notice was published on November 27, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-2, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance 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 16-007: 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 16-008: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(b) Amendment to City Code - Title 4 (Health and Safety Regulations, Chapter 4 (Nuisances) and 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 (Continued from December 14, 2015)

It was moved by Messerschmidt, second by Trimble to adopt Motion - Continue Public Hearing to February 8, 2016.

Council member Sandager stated this proposed ordinance amendment has been discussed by the Development and Planning Subcommittee, and it was determined it would be best for the full Council to review it in a workshop setting before formal consideration.

Vote 16-009: 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 Amendment to City Code - Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures), Section 8 (Entitlements) - Amendment to Minor Modification Ordinance, 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 25, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance 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 Sandager to consider the first reading of the ordinance.

Vote 16-010: 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 16-011: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Michaels Landing Plat 3, 9175 Booneville Road - Subdivide Property into 49 Lots, One Outlot, and Five Street Lots, initiated by KH Development, LC

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

1. The applicant providing the following corrected legal documents prior to recordation of the Final Plat with the County:
   a. Storm Water Management Facility Maintenance Agreement
   b. Home Owner Association Covenants
   c. Agreement and Waiver for future improvements to Booneville Road

Council member Trimble inquired how confident staff is that the proposed amount of surety to be held in escrow will sufficiently cover the costs of any repairs needed to the pavement of South Arrowleaf Lane.

Duane Wittstock, City Engineer, responded staff calculated the replacement cost and believes the proposed amount will be sufficient for any potential repairs needed.

Vote 16-012: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 7(b), Mayor Pro tem Sandager will preside over this portion of the meeting.

On Item 7(b) Newport Office Building, 1075 Jordan Creek Parkway - Construction of Footings and Foundations, initiated by R&R Realty Group

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

1. The applicant acknowledges that the approval to allow the applicant to proceed with grading the site is at their own risk as the grading plan is subject to the risk of change stemming from the continued review of the Major Modification for the construction of the office building and development of the site.

2. The applicant install and maintain all necessary soil erosion measures.

3. The applicant agrees that any site infrastructure work and installation of building footings and foundations done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, utilities or footings or foundation, that the applicant will need to make the necessary changes at their own cost with no compensation from the City.

4. The applicant acknowledges that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.

5. The applicant agrees to obtain all appropriate building permits prior to initiation of any site work.

Vote 16-013: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 8(a) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) - Establish Standards and Regulations Related to Indoor Self-Storage or Mini-Warehousing Facilities in Non-Residential Zoning Districts - City Initiated - Referred to Plan and Zoning

On Item 8(b) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations) - Revise the Regulations of Breweries and Tap Rooms that are between 5,000 sq. ft. and 10,000 sq. ft. in Size and Amend the Approval Process for Breweries and Tap Rooms in the General Industrial Zoning District - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters: none

The meeting was adjourned at 5:47 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor