January 26, 2016

West Des Moines City Council Proceedings
Tuesday, January 26, 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 Tuesday, January 26, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending the following amendments to the agenda: remove Item 4(o) Stormwater Management Facility Maintenance Covenant - Michael's Landing Plat 3, amend the ordinance language for Item 5(b) Amendment to City Code - Minor Modification Ordinance, and defer indefinitely Item 6(b) Amendment to City Code - Breweries and Tap Rooms.

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

Vote 16-014: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

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

Council member Trimble reported the Finance and Administration Subcommittee is continuing to meet with applicants for hotel/motel discretionary funds.

Council member Messerschmidt reported the Public Works Subcommittee met and discussed railroad quiet zones. He also attended a meeting of the Greater Des Moines Convention and Visitors Bureau, where discussion was held on the upcoming NCAA men's basketball tournament games in Des Moines and possible changes to the 28E agreement.

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

Council member Sandager reported he attended a meeting of the Bravo Board, where the board approved a transition from a fiscal year starting July 1 to a fiscal year starting January 1, which will allow them to determine their funding on actual hotel/motel dollars rather than projections. He also reported the Bravo offices have recently moved to the Temple for the Performing Arts, Bravo recently hired someone for the new Community Impact Specialist position, and they recently completed an economic impact study. He reported the Development and Planning Subcommittee also met and discussed a new Hyatt Hotel at Coachlight Drive and South 64th Street and a new restaurant, Gilroy's, on 8th Street. The subcommittee also discussed community

gardens in a commercial area and a possible amendment to the indoor-mini storage ordinance.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of January 11, 2016 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Hy-Vee, Inc., d/b/a Hy-Vee Food & Drugstore #3, 1725 Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    2. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    3. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Class BW Permit with Sunday Sales - Renewal
    4. Clouse House Originals, LLC d/b/a PerKup Cafe, 2700 University Avenue, Suite 324 - 5 Day Class BW Permit - Effective February 11, 2016 - February 15, 2016
    5. Scissors & Scotch Iowa, LLC d/b/a Scissors & Scotch, 460 South 68th Street, Suite 107 - Class LC Liquor License with Sunday Sales - New
    6. Good Stuff, LLC, d/b/a Shotgun Betty's, 5535 Mills Civic Parkway, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    7. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - 5-Day Class LC Liquor License with Outdoor Service and Sunday Sales - Effective March 17, 2016 - March 21, 2016
d. Approval of Consent - Allow Ahlers & Cooney, P.C. to Represent West Des Moines Community School District
e. Approval of Application - Polk County Community Betterment Grant - Human Services
f. Approval of Amendment to Grant Agreement - HUD Transitional Housing Grant - Human Services
g. Approval to Sell Surplus City Equipment
h. Approval to Issue RFP for Class "A" Pumper - Fire Department
i. Approval of Change Order #1 - Fox Creek Trunk Sewer, Phase 1
j. Approval of Contract - Supply and Service of Portable Toilets
k. Approval of Grant Application - Iowa Department of Agriculture and Land Stewardship Water Quality Initiative - Woodland Hills Park Water Quality Improvements
l. Order Construction:
    1. Valley View Aquatic Center and Holiday Park Aquatic Center Heater Replacement Project
    2. 2016 HMA Resurfacing Program
    3. 2016 Street and Pavement Repair Supplemental Retainer Contract
    4. South Grand Prairie Parkway Tree Cutting

m. Accept Work:
   1. 2015 PCC Reconstruction Program
   2. Alluvion Blue Fiber Route

n. Approval of Modification of Condition of Approval - 1st Street Redevelopment

Vote 16-015: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) 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 Trevillyan, second by Sandager to consider the second reading of the ordinance.

Vote 16-016: 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 second reading of the ordinance.

Vote 16-017: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-018: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) 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

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

Vote 16-019: 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 Messerschmidt to approve the second reading of the ordinance.

Vote 16-020: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-021: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(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, initiated by the City of West Des Moines

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

Vote 16-022: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(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, initiated by the City of West Des Moines

It was moved by Sandager second by Trevillyan to adopt Motion - Continue Public Hearing Indefinitely.

Vote 16-023: 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 South Grand Prairie Parkway - Raccoon River Drive to Madison Avenue, 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 January 15, 2016 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 Acquisition of Agricultural Property.

Duane Wittstock, City Engineer, explained that Items 6(c) through 6(g) are public hearings for proposed acquisitions of agricultural property for several CIP projects. Staff is seeking public input from affected property owners for consideration by the Council. All impacted property owners have been notified of the hearing. The properties will only be acquired if the City actually moves forward with the associated projects.

Vote 16-024: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue West Segment 6F Sewer Extension, 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 January 15, 2016 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 Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 16-025: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider South Service Area Segment II - Brown's Woods Sewer, 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 January 15, 2016 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.

Ben Stone, 1665 SE Walnut Woods Drive, noted the proposed sewer would run behind his house and he inquired about the timing and alignment for the project.

Duane Wittstock, City Engineer, showed a vicinity map of the proposed sewer and explained the alignment will likely be very similar to what is shown on the map, as it generally follows the

topography of the drainageways. He noted staff will hold a meeting with the affected property owners to determine if there is a desire among them to have the project constructed. If the project does move forward, construction could begin Summer 2016. He stated the property owners would not be required to connect to the sewer, but if they do choose to connect at some point, they would be responsible for paying the fee at that time.

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

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 16-026: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Maple Grove Lift Station, 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 January 15, 2016 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 Acquisition of Agricultural Property.

Vote 16-027: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider South Area Trunk Sewer Western Extension, 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 January 15, 2016 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 Acquisition of Agricultural Property.

Vote 16-028: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Maffitt Lake Road Improvements - South 8th Street to Veterans Parkway, 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 January 8, 2016 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 - Award Contract to Concrete Technologies, Inc.

Vote 16-029: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Guide One Insurance, 1200 12th Street - Allow Two Temporary Trailers for Employees During Remodel of Building, initiated by Guide One Mutual Insurance

It was moved by Trevillyan, second by Messerschmidt 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. Removal of the trailers, decking, and ramps no later than May 31, 2016; and,

2. Applicant abiding by all Building and Fire Codes and West Des Moines Water Works regulations as they relate to the temporary trailers.

Vote 16-030: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Village of Ponderosa, east of South 60th Street at Village View Drive - Amend Specific Plan Ordinance to Modify Commercial Wall Signage Regulations - W West Investments, LLC - Referred to Plan and Zoning

On Item 8(b) Glen Oaks Drainage Study - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 5:57 p.m.

January 26, 2016

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor