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West Des Moines City Council Proceedings
Monday, February 8, 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, February 8, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, K. Trevillyan, and R. Trimble.

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

Vote 16-031: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum:

Dennis and Vicki Swallow, 1505 South 60th Street, expressed concerns about the condemnation process regarding a portion of their property which is proposed for condemnation for the South 60th Street Improvements project.

City Attorney Dick Scieszinski stated once he has reviewed the file, he would be willing to meet with Mr. and Mrs. Swallow to discuss these matters.

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

Council member Trevillyan reported he will hold a Ward 1 quarterly town hall meeting on Saturday, February 20th.

Council member Messerschmidt reported the Public Works Subcommittee met and he gave an update on the Valley Junction Alley Improvements project.

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 26, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Big City Burgers & Greens, LLC, d/b/a Catering DSM, 7700 Mills Civic Parkway - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 2. Great Plain's Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service,

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- and Catering Privileges - Renewal
- 3. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class LC Liquor License Extension of Outdoor Service - February 28-29, 2016
- 4. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal
- d. Approval of Cigarette Permits
- e. Approval of Extended Sound Permit - Sully's Irish Pub St. Patrick's Day Celebration - March 17, 2016
- f. Approval of Change Orders:
 - 1. 2015 Sump Pump Sewer Program, #1
 - 2. Greenway Erosion Repair, #1
 - 3. Alluvion Yellow Fiber Route, #2
 - 4. Community Center Interior Renovations, #3
- g. Approval of Agreement for Professional Consulting Services - Woodland Hills Park Water Quality Management Services
- h. Approval of Grant Application to the West Des Moines Community Enrichment Foundation - Mayor's Bike Ride
- i. Approval of Pay Plan for Seasonal/Temporary Employees
- j. Establish Public Hearing - 2016-17 FY Operating and Capital Budget
- k. Establish Public Hearings - Issuance of \$9,800,000 Essential Corporate Purpose and General Corporate Purpose General Obligation Bonds
- l. Order Construction:
 - 1. 2016 City Parking Lot Repair Program
 - 2. 2015 Channel Repair Program
 - 3. SE Soteria Avenue - SE Pine Avenue to SE Willow Creek Drive
- m. Accept Work - 2014 PCC Reconstruction Program
- n. Approval and Acceptance of Purchase Agreements, Deeds and Easements:
 - 1. South Grand Prairie Parkway Improvement Project
 - 2. South 60th Street Improvement Project
- o. Approval and Acceptance of Stormwater Management Facility Maintenance Covenant and Permanent Easement Agreement - Michael's Landing Plat 3

Vote 16-032: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5 - Old Business: no items

On Item 6(a) 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 and January 11, 2016)

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It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to March 7, 2016.

Vote 16-033: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) 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 Trevillyan, second by Messerschmidt to adopt Motion - Continue Public Hearing to March 7, 2016.

Vote 16-034: Messerschmidt, Mickelson, 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 Village of Ponderosa, east of South 60th Street at Village View Drive - Amend Specific Plan Ordinance to Modify Commercial Wall Signage Regulations, initiated by W West Investments, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 22, 2016 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 specific plan amendment.

Mayor Gaer asked if there were any public comments.

Jim Wenman, 5845 Fairway Court, inquired why the proposed ordinance amendment can be considered by the Council without first being approved by the Village of Ponderosa association's design review board.

City Attorney Dick Scieszinski explained that since the proposed ordinance amendment relates to zoning, it gets approved by the City, but the association's covenants would still be in effect and the restrictions in those covenants would not be changed by this proposed ordinance.

Mayor Gaer inquired if the City notified the association about this proposed ordinance amendment.

Lynne Twedt, Development Services Director, responded the association received notice as part of the public hearing noticing and conversation was had with Dennis Reynolds of the design

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review board regarding the proposed ordinance amendment. She also noted that the applicant is aware they will need approval from the association's design review board.

Council member Trevillyan stated he believes it would make more sense to have the association give approval for ordinance amendments such as these prior to them coming to the Council for consideration.

Ms. Twedt stated the representatives for the design review board have stated they do not have a problem with the proposed ordinance amendment.

Council member Trimble suggested the Council could approve the first reading contingent upon approval from the association.

Ms. Twedt stated the City typically doesn't get involved with covenants for private associations. For properties in an association, development requests have two steps: approval by the City and then approval by the association.

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

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

Vote 16-035: Messerschmidt, Mickelson, 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 first reading of the ordinance, subject to the City receiving written evidence from the Village of Ponderosa association that they are comfortable with the proposed ordinance amendment.

Vote 16-036: Messerschmidt, Mickelson, 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 2016 HMA Resurfacing Program, 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 29, 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.

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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 Des Moines Asphalt & Paving.

Vote 16-037: Messerschmidt, Mickelson, 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 South Grand Prairie Parkway Tree Cutting, 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 29, 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 J. Petticord, Inc.

Vote 16-038: Messerschmidt, Mickelson, 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 2016 Street and Pavement Repair Supplemental Retainer Contract, 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 29, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Primary Contract to Q3 Contracting, Inc. and Secondary Contract to The Concrete Company.

Vote 16-039: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 7(a) and the absence of Mayor Pro tem Sandager, he is requesting a presiding officer be appointed.

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It was moved by Trevillyan, second by Messerschmidt to appoint Council member Mickelson as Presiding Officer for Item 7(a).

Vote 16-040: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Newport Office Building, 1075 Jordan Creek Parkway - Construction of a Three-Story, 75,000 sq. ft. Office Building, initiated by R&R Realty Group

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

1. That the applicant acknowledge that prior to any occupancy permit for the building, the landscaping for open space, parking lot, and screening be installed, inspected, and approved or in the event the landscaping is not complete, surety in an amount equal to 1 ½ times the landscape contract be submitted to the City in order to receive a temporary occupancy permit. The applicant further acknowledges that all site improvements, including landscaping will need to be completed, inspected by staff, and deficiencies remedied prior to the issuance of a Final Occupancy Permit for the building.
2. That the applicant acknowledge that final site plan drawings which address all staff comments must be submitted prior to any work that may require City inspections.
3. That the City Council accept right-of-way and utility easements for an additional 2.5 feet of right-of-way along Jordan Creek Parkway adjacent to this site and for an additional 5 feet of right-of-way along 72nd Street adjacent to this site, prior to any occupancy of the building.
4. That the City Council allow ingress/egress easement, the street light agreement (if needed), and the storm water facility management agreement and certifications to be submitted prior to any occupancy of the building.

Council member Messerschmidt inquired if the proposed major modification is related to grading on the property.

Jeremy Shepherd, Olsson Associates, 7157 Vista Drive, responded the major modification is intended to resolve some additional fill that was placed on the site and to accommodate those new grades and elevations.

Vote 16-041: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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Mayor Gaer resumed presiding over the meeting.

On Item 7(b) Stevenson Plat of Survey, 201 South 30th Street, 205 South 30th Street, and 2923 Country Side Drive - Approval of Plat of Survey to Create Two Parcels for Transfer of Ownership, initiated by Chad Stevenson

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

1. Documents to permanently lot tie Parcel A to Lot 5 Country Side Plat 1 and Parcel B to Lot 6 Country Side Plat 1 shall be executed prior to recording this Plat of Survey.

Vote 16-042: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - Grand Avenue and I-35 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 16-043: Messerschmidt, Mickelson, 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 first reading of the ordinance.

Mayor Gaer inquired about the status of the I-35 and Grand Avenue Interchange project, as there are still traffic cones in that area.

Duane Wittstock, City Engineer, responded the last he had heard was the IDOT still had the contract open on that project.

Vote 16-044: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning Districts) and Chapter 10 (Performance Standards) - Allow SIC 0289-9901: Apiary (Bee and Honey Farm/Beekeeping) as a Permitted Use in All Single Family

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Residential and Manufactured Housing Zoning Districts and Add Language Identifying Specific Regulations and Requirements for Beekeeping Operating Under SIC 0279-9901 - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters: none

The regular meeting was adjourned at 6:05 p.m. and a Council Workshop followed.

It was moved by Mickelson, second by Messerschmidt to go into Executive Session per Chapters 20 and 21 of the Iowa Code, to discuss Contract Negotiations and Pending/Threatened Litigation.

Vote 16-045: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Entered Executive Session at 7:06 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Messerschmidt, Mickelson, Trevillyan and Trimble; City Manager, City Clerk, and Human Resources Director. Attorney Jim Hanks was present via telephone.

Human Resources Director left the Teamwork Room at 7:19 p.m. and Attorney Jim Hanks ended his participation via telephone. City Attorney and Attorney Jim Wainwright then entered the Teamwork Room for the remainder of the Executive Session.

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

Vote 16-046: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Executive Session was adjourned at 7:49 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor