April 18, 2016

West Des Moines City Council Proceedings
Monday, April 18, 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, April 18, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending continuing Item 6(c) Amendment to City Code - Establish Standards and Regulations Related to Indoor Self-Storage or Mini-Warehousing Facilities to the May 2, 2016 meeting.

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

Vote 16-115: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

On Item 2. Public Forum

Claire Celsi, 4400 EP True Parkway, Unit 52, expressed appreciation to the City for developing the proposed solar energy systems ordinance. She also expressed concerns about Valley West Mall discontinuing the DART bus stop location on their property.

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

Fire Chief Craig Leu introduced Fire Fighters Joseph Thomas, Brent Conklin, and Grant Gaumer, who were then sworn in by Mayor Gaer.

Council member Sandager reported he has been proposed for appointment to the Bravo Executive Committee and Bravo Board Development Committee.

Council member Trevillyan reported he attended a meeting of the Community Compliance Subcommittee, which was formerly known as the Code Enforcement Subcommittee. He also reported that Community Compliance has been moved from the Police Department to the Public Works Department.

Council member Messerschmidt reported the Public Works Subcommittee met and initiated the process for a sanitary sewer project along South 60th Street and also discussed many of the projects currently in progress. He also attended the WDM Human Services volunteer luncheon, and he expressed appreciation to all those volunteers. He also reported he attended a meeting of the Greater Des Moines Convention and Visitors Bureau, where discussion was held on the formula used to calculate the financial obligations of the member communities. He also

expressed concerns about Valley West Mall discontinuing the DART bus stop location on their property.

Mayor Gaer reported a majority of the Dallas County Mayors signed a letter to the Dallas County Supervisors requesting that a proposal be placed on the ballot to increase the number of Supervisors from three to five, with three of them representing districts and two serving at large. He stated the Dallas County Mayors have a meeting with Supervisor Hanson on Wednesday to discuss the matter.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of April 4, 2016 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. BW's Inc. d/b/a BW's, 3701 EP True Parkway, Suite 400 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    2. Fareway Stores, Inc. d/b/a Fareway Store #153, 329 Grand Avenue - Class LE Liquor License with Carryout Wine and Carryout Beer - Renewal
    3. Kinseth Hotel Corporation d/b/a Hampton Inn, 6160 Mills Civic Parkway - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
    4. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - May 11-12, 2016
    6. V Lounge, LLC d/b/a MiniBar (f/k/a V Lounge), 3535 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
    7. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
    8. Rusty Spoke, Inc. d/b/a Rusty Spokes, 4221 South Orilla Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    9. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal
    10. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class LB Liquor License with Sunday Sales - Renewal
    11. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    12. T-Bowl Investments Inc. d/b/a Val Lanes Recreation Center, 100 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal

13. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal
14. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New

d. Approval of Orders for Violations of Alcohol Laws
e. Approval to Sell Surplus City Equipment
f. Approval of Forestry Program Requests to Change Procedures and Purchase Aerial Lift Truck
g. Approval of Change Orders:
   1. Grand Avenue Phase 5, #2
   2. SE Soteria Avenue - County Line Road to White Crane Road, #5
   3. Community Center Interior Renovations, #4
h. Order Construction - Fox Creek Trunk Sewer Phase 2
i. Accept Work:
   1. 2015 Sewer Cleaning and Televising Program
   2. Ashworth Road Trail Extension
j. Approval and Acceptance of Sanitary Sewer Easement Agreement - Renewal by Anderson, 515 Railroad Avenue
k. Approval and Acceptance of Irrevocable Offer of Dedication and Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement - Imani Family Church, 815 8th Street
l. Approval of Purchase Agreement and Deed - Walnut Creek Outfall Storm Sewer Improvements Project

Vote 16-116: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
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 Fox Valley, generally the area south of SE Adams Street and west of Orilla Road - Rezone Property to Locations and Acreages of Single Family and Medium Density Residential, initiated by Charles I. and Ruth Colby National Development Trust (Continued from April 4, 2016). He asked for the date the notice was published and the City Clerk indicated the notice was published on April 1, 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 comprehensive plan amendment and rezoning request.

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

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 16-117: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

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

Vote 16-118: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
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 16-119: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 4 (Health and Safety Regulations) and Title 9 (Zoning) - Establish Regulations Pertaining to Solar Energy Systems, initiated by the City of West Des Moines (Continued from December 14, 2015, January 11, 2016, February 8, 2016, and March 7, 2016). 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 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment, and a number of correspondences have been received throughout the process which are included with the Council communication.

Linda Schemmel, Development Coordinator, reported that the Plan and Zoning Commission considered this proposed ordinance over three meetings and developed what she believes to be a good balance in regulating these systems. She explained the proposed ordinance requires screening of the undesirable features such as the mechanical and structural systems of a ground-mounted system, but not the gathering part of the solar array, and the priority will be to locate the system where it won't be visible from neighboring properties or the street, because then no screening would be required. For roof-mounted systems on sloped roofs, no screening would be required, but for flat roofs, the materials of the system will need to match the roof material. She also explained that ground-mounted systems on residential properties will need to be setback behind the primary structure, but that requirement would not apply to commercial properties. The proposed ordinance requires ground-mounted systems to be no taller than ten feet and roof-mounted systems on sloped roofs to be no taller than 18 inches above the roof surface. Ground-mounted systems would be required to be no larger than the accessory structure availability for the property. She noted the proposed ordinance also addresses existing solar energy systems,

stating if they do not meet the requirements of the ordinance, the system will be non-conforming and subject to the non-conforming structures section of City Code requirements if it is ever expanded or modified.

Mayor Gaer asked if there were any public comments.

Channing Dutton, 2525 Hickory Ridge Drive, spoke in support of the proposed ordinance amendment, and he suggested that the City aggressively promote solar energy in the future.

Austin Lewis, 225 South Prairie View Drive, Apt. 5209, spoke in support of the proposed ordinance amendment, as he believes solar energy will become more popular in the future as the costs have been decreasing dramatically. He noted he is looking to buy a house in the near future, and he intends to install a solar energy system for his house, so that will be a significant factor in his decision of where to buy.

Jonas Cutler, 4300 Maple Street, stated he believes this proposed ordinance is redundant and unnecessary because the City already has a nuisance ordinance and zoning ordinances that address many of the potential issues with solar energy systems. He also speculated that solar energy systems would likely increase property values of surrounding homes, as opposed to decrease them.

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 Messerschmidt to consider the first reading of the ordinance.

The Council members held discussion and expressed unanimous support for the proposed ordinance, which they believe is a good balance between both sides of the issue, and they expressed an intent to remain open to changes to the ordinance in the future if needed. They also commended staff for their efforts in developing the ordinance.

Vote 16-120: Messerschmidt, Mickelson, Sandager, Trevillyan…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.

Vote 16-121: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

On Item 6(c) 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 (Continued from January 26, 2016, February 8, 2016, March 7, 2016, March 21, 2016, and April 4, 2016)

It was moved by Trevillyan, second by Sandager to adopt Motion - Continue Public Hearing to May 2, 2016

Vote 16-122: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Modify the Bulk Regulations Requirements for Office Zoning Districts, 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 April 1, 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 ordinance amendment.

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

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

Vote 16-123: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
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 16-124: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2016 Concrete Trail Renovation, 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 April 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 Trevillyan, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to MNM Concrete Specialist, Inc.

Vote 16-125: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

On Item 7(a) West Green Industrial, 175 South 9th Street and 250 South 11th Street - Approval of a Phased Site Plan to Allow Installation of Private Utilities and Footings and Foundations, initiated by Next Phase Development

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of a Phased Site Plan, 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; and,

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. That City-approved construction drawings for the public sanitary sewer be obtained prior to any work on the sanitary sewer.

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

7. The applicant agrees to obtain a NPDES permit prior to commencing grading on the site.

Vote 16-126: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

On Item 7(b) Mill Ridge, southwest corner of South 88th Street and Stagecoach Drive - Approval of a Phased Site Plan to Allow Grading of the Site and Installation of Underground Private Utilities, initiated by Hubbell Realty Company

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

1. The applicant install and maintain all necessary soil erosion measures;

2. The applicant agrees that any infrastructure work 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, or utilities, that the applicant will need to make the necessary changes at their own cost with no compensation from the City; and,

3. The applicant acknowledges that approval of this site plan does not allow for any above foundation work or 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.

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

Vote 16-127: Messerschmidt, Mickelson, Sandager, Trevillyan…4 yes
Motion carried.

On Item 8(a) Majestic Oaks, generally located at the northwest corner of Stagecoach Drive and South 95th Street - Rezone Property from Single Family Residential to Majestic Oaks PUD - John Wick - Referred to Plan and Zoning

April 18, 2016

On Item 8(b) 988 78th Place - Consistency Zone the Property from Unzoned to Single Family Residential - City Initiated - Referred to Plan and Zoning

On Item 8(c) Mill Ridge, southwest corner of South 88th Street and Stagecoach Drive - Vacate Right-of-Way for approx. 1,200 feet of Harper Lane west of the Harper Land and the South 88th Street Intersection and South 91st Street between Harper Lane and Sugar Creek Drive and Vacate Various Easements within the Proposed Mill Ridge Plat - Hubbell Realty Company - Referred to Plan and Zoning

On Item 9 - Other Matters: none

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor