

May 2, 2016

West Des Moines City Council Proceedings  
Monday, May 2, 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, May 2, 2016 at 5:32 PM. Council members present were: R. Messerschmidt, J. Mickelson, K. Trevillyan, and R. Trimble. Council member J. Sandager participated by phone.

Mayor Gaer welcomed the sixth grade students from Fairmeadows Elementary School participating in Student Government Day. The following students were introduced and the role they were playing: Caden Altemeir, Mayor; Annie Judge, Council member First Ward; Lehana Sonoiki, Council member Second Ward; Hailey Saltzman; Council member Third Ward; Maddie Phillips, Council member at Large; Sully Waldrop, City Manager; Trever Lamb, City Attorney; Caleb Clements, City Clerk; and Melania Lozovich, Deputy City Clerk.

City Clerk Ryan Jacobson stated staff recommends the removal of Item 4(f) Appointment - Plan and Zoning Commission, as it was included on the agenda in error, and staff also recommends deferring Item 4(i) Approval of Insurance Brokerage Service Agreement to the May 16, 2016 meeting.

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

Vote 16-128: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

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

Council member Sandager reported he attended a meeting of the Greater Des Moines Convention and Visitors Bureau Board, where a new cash reserve policy was approved.

Council member Mickelson reported the Mayor's Bike Ride will be held on Saturday, May 14<sup>th</sup>. He also reported he attended the inauguration of West Des Moines resident Rebecca Ebinger as U.S. District Court Judge for the Southern District of Iowa.

Council member Messerschmidt reported he attended the "Art on the Campus" open house last week.

City Manager Tom Hadden reported a public workshop on the Historic West Des Moines Master Plan will be held on May 10<sup>th</sup>.

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On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of April 18, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  1. Biaggi's Ristorante Italiano, LLC d/b/a Biaggi's Ristorante Italiano, 5990 University Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales and Catering Privileges - Renewal
  2. Turkey Brothers, Inc. d/b/a Fire Creek Grill, 800 South 50th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  3. Migliero Real Estate d/b/a G. Mig's 5th Street Pub, 128 5th Street - Class LC Liquor License with Sunday Sales - Renewal
  4. Kineth Hotel Corporation d/b/a Homewood Suites, 6220 Stagecoach Drive - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
  5. Big Winds WDM, Inc. d/b/a Hurricane Grill and Wings, 3340 Westown Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  6. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe, 1700 Valley West Drive (Cafe Area) - Class LC Liquor License with Sunday Sales - Renewal
  7. Eat Thai, LLC d/b/a King and I Thai Cuisine, 1821 22nd Street, #103 - Class BW Permit with Sunday Sales - Renewal
  8. MM, LLC d/b/a Ladder #13, 1316 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  9. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, 6255 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  10. Pike VII Management Inc. d/b/a Smashburger, 1821 22nd Street, Suite #106 - Class B Beer Permit with Sunday Sales - New
  11. Team United Roller Derby d/b/a Team United Roller Derby, 2019 Grand Avenue (Skate West) - 5-Day Class BB Permit with Sunday Sales for Event on May 14-15, 2016 - New
  12. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
  13. Willow Creek Golf Course, Inc. d/b/a Willow Creek Golf Course, 140 Army Post Road - Class LC Liquor License with Sunday Sales, Living Quarters, and Outdoor Service Privileges - Renewal
- d. Approval of Orders for Violations of Alcohol Laws
- e. Approval of Cigarette/Tobacco Permit
- g. Approval to Sell Surplus City Equipment
- h. Approval of Contract - Advertising Services, WDM Magazine

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- j. Approval of Contract Amendment - Landscape Maintenance
- k. Approval of Change Order #10 - 318 5th Street Building Renovation
- l. Approval of Amendments to Professional Services Agreements:
  - 1. Fox Creek Trunk Sewer Extension, #2
  - 2. Public Safety Station 18 HVAC Improvements, #1
  - 3. Public Safety Station 21 HVAC Improvements, #1
- m. Approval of Special Assessment - Nuisance Abatement
- n. Approval of Revised Petty Cash Levels
- o. Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement:
  - 1. Issuance of \$9,225,000 General Obligation Bonds
  - 2. Issuance of \$15,815,000 General Obligation Urban Renewal Bonds
- p. Approval of Agreement - Renewal of Main Street Iowa Program Agreement
- q. Order Construction:
  - 1. South 50th Street Widening, Mills Civic Parkway to EP True Parkway
  - 2. South 60th Street Improvements Phase 1, Grand Avenue to Mills Civic Parkway
  - 3. Veterans Parkway Phase 4 - SE Pine Avenue Trail
- r. Completion of Work - University Avenue Traffic Adaptive Signal System
- s. Approval of Professional Services Agreement - Jordan Creek Parkway and University Avenue Intersection
- t. Approval of Extension of Entitlement - Office at the Galleria, 645 South 60th Street
- u. Approval and Acceptance of Purchase Agreements, Deeds and Easements:
  - 1. South 50th Street Improvements Project
  - 2. South 60th Street Improvements Project
  - 3. Ashworth Road Improvements Project - Phase 1
  - 4. Walnut Creek Outfall Storm Sewer Project
- v. Approval of Proclamations:
  - 1. Bike Month, May 2016
  - 2. Mental Health Month, May 2016
  - 3. Police Officers Week, May 15-21, 2016
  - 4. National Public Works Week, May 15-21, 2016

Vote 16-129: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(a) Fox Valley, generally the area south of SE Adams Street and west of Orilla Road - Rezone Property to Adjust Locations and Acreages of Single Family and Medium Density Residential, initiated by Charles I. and Ruth Colby National Development Trust

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

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Vote 16-130: 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 Mickelson to approve the second reading of the ordinance.

Vote 16-131: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 16-132: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) 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

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

Vote 16-133: 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 16-134: 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 16-135: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Modify the Bulk Regulations Requirements for Office Zoning Districts, initiated

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by the City of West Des Moines

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

Council member Trimble requested additional information on this ordinance.

Lynne Twedt, Development Services Director, explained this ordinance would allow more flexibility for redevelopment of office buildings in Professional Commerce Park (PCP) zoning districts.

Vote 16-136: 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 16-137: 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 16-138: 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), 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, April 4, 2016, and April 18, 2016). 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 on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended denial of the ordinance amendment.

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

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City Attorney Dick Scieszinski stated he believes the Plan and Zoning Commission voted to deny the ordinance amendment because they supported establishing a Planned Unit Development (PUD) to change the zoning for a specific property, but his opinion is that such an action would be an improper use of a PUD.

Lynne Twedt, Development Services Director, explained that this ordinance amendment was driven by some developers and residents inquiring about indoor storage being allowed closer to residential zoning districts, as it is currently only allowed in general industrial or warehouse zoning districts. She noted there is currently a trend in other communities nationwide of indoor storage buildings that look like office buildings. Staff does not foresee any issue of allowing such a use in office zoning districts.

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

Vote 16-139: 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 Trevillyan to approve the first reading of the ordinance.

Vote 16-140: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Majestic Oaks, generally located at the northwest corner of Stagecoach Drive and South 95th Street - Rezone approx. 17 acres from Residential Single Family to Planned Unit Development (PUD) to Allow for the Construction of a 16 Lot Single Family Development, initiated by John (Alex) Wick. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 15, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-1, with two members absent, the Plan and Zoning Commission recommended approval of the PUD ordinance.

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 16-141: 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 Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 16-142: 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 Mill Ridge, generally located at the southwest corner of South 88th Street and Stagecoach Drive - Vacate Right-of-Way for approx. 1,200 ft. of Harper Lane and South 91st Street between Harper Lane and Sugar Creek Drive, and Vacate Various Easements within Proposed Mill Ridge Development, initiated by Hubbell Realty Company. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 15, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended approval of the vacation request.

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

It was moved by Trimble, second by Mickelson to adopt Resolution - Approval of Vacation of Easements.

Vote 16-143: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 16-144: 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 Mickelson to approve the first reading of the ordinance.

Vote 16-145: 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 Issuance of Not to Exceed \$16,800,000 General Obligation Urban Renewal Bonds, 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 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.

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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 Messerschmidt to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 16-146: 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 35th Street Bridge Replacement, 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 22, 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.

Vote 16-147: 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 Fox Creek Trunk Sewer Extension Phase 2, 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 22, 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 Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Raccoon Valley Contractors.

Vote 16-148: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) Majestic Oaks, generally located at the northwest corner of Stagecoach Drive and South 95th Street - Plat Property into 16 Single Family Lots, 17 Outlots, and 3 Street Lots, initiated by John (Alex) Wick



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It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 16-149: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(b) West Green Industrial, 175 South 9th Street and 250 South 11th Street - Approval of a Site Plan to Construct 91,560 sq. ft. of General Industrial Buildings, initiated by Reid and Sara Tamisiea

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 16-150: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(c) American Federation of State, County and Municipal Employees (AFSCME) Union Local #3861 and City of West Des Moines - July 1, 2016 to June 30, 2019 Contract Period, initiated by AFSCME and the City of West Des Moines

It was moved by Messerschmidt, second by Mickelson to adopt Resolution - Approval of Contract.

Council member Trevillyan requested additional information on the health insurance section of the proposed agreement.

Jane Pauba Dodge, Human Resources Director, stated that, at the recommendation of the City's broker, the inclusion of a separate \$100 single/\$200 family deductible for prescription drugs would be more valuable to the City than increasing the contribution rates for the single plan.

Vote 16-151: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters

Council member Trimble stated the 2016 Citizen of the Year celebration will be held on May 5<sup>th</sup>, and Dr. Larry Swanger will be recognized as the 2016 Citizen of the Year.

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Council member Trevillyan stated the Valley Junction Farmers Market will start on Thursday, May 5<sup>th</sup> and the Cinco de Mayo Festival will be held on Saturday, May 7<sup>th</sup>.

The meeting was adjourned at 6:11 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor