May 31, 2016

West Des Moines City Council Proceedings
Tuesday, May 31, 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, May 31, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 16-181: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum:

Ed Ames, 308 6th Street, expressed concerns about noise disturbance during events in Valley Junction, and he requested that the City review how to mitigate the impact from those events.

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

Council member Sandager reported he attended a meeting of the Library Board of Trustees, where discussion was held on the library's strategic planning study. He stated he also attended a Bravo Board meeting, at which 56 grants were approved.

Council member Trimble reported the Finance and Administration Subcommittee met, where discussion was held on proposed changes to the City's development application fees, usage policies for City Hall conference rooms, Innovative Injection Technology's application for IEDA financial assistance, and the possibility of hiring a contractor to facilitate the disposition of city-owned real estate. He also attended a meeting of representatives from Westcom cities, where discussion was held on the possibility of partnering with the State of Iowa on the statewide interoperability network.

Council member Mickelson reported Police Officer Jake Forrester responded to a situation in his neighborhood, and he commended Officer Forrester for his professionalism.

Council member Messerschmidt reported the Public Works Subcommittee met and discussed the possibility of converting overhead utility lines along South 88th Street to underground utility lines, and the subcommittee also discussed a resident's concerns related to a proposed sanitary sewer line in the Brown's Woods area.

City Manager Tom Hadden reported the Mayor, Council, and staff will meet during a workshop after tonight's meeting for the first of three sessions to discuss the City's strategic plan.

Mayor Gaer reported he received a letter informing him that the City has again been awarded the Certificate of Achievement for Excellence in Financial Reporting.

On Item 4. Consent Agenda.

Council members pulled Items 4(e)2 and 4(o) for discussion. It was moved by Messerschmidt, second by Mickelson to approve the consent agenda as amended.

a. Approval of Minutes of May 16, 2016 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Wesley Retirement Services, Inc. d/b/a Edgewater, A Wesley Active Life Community, 9225 Cascade Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Services - Renewal
    2. El Tapatio, LLC d/b/a El Tapatio, 3751 EP True Parkway - Class LC Liquor License with Sunday Sales - Renewal
    3. Hy-Vee, Inc. d/b/a WDM #1 (Viterbo University Alumni Event), 4949 Westown Parkway, Suite 195 - 5-Day Class BW Permit (Effective June 9-13, 2016) - New
    4. OTB Acquisition, LLC d/b/a On The Border, 140 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    5. Pragathi International, LLC d/b/a Persis Indian Grill, 6925 Mills Civic Parkway, Suite 142 - Class BW Permit with Native Wine and Sunday Sales - Renewal
    6. Pool IV TRS, LLC d/b/a Sheraton West Des Moines, 1800 50th Street - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service and Catering Privileges - New
    7. Conrado Corporation d/b/a Taco Andreas 3, 1250 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
d. Approval of Orders for Violations of Alcohol Laws
e. Approval of Appointments:
    1. Library Board of Trustees
f. Approval of Change Order #13 – Westcom P25 Radio Upgrade
g. Approval of Memorandum of Agreement - Iowa State Interoperable Communication System (ISICS) Board
h. Order Construction - Law Enforcement Center Lower Level Remodel, Phase 2
i. Accepting Work:
    1. 2014 Sewer Lining Program
    2. Holiday Park Baseball Improvements Phase 3
j. Acceptance of Public Improvements - Roto Rooter Plat 1, Lot 1 & McCurnin Place, Lot 9 Fareway
k. Approval of IEDA Economic Development Assistance Contract - BusinesSolver
l. Approval of Extension of Entitlements:
    1. Alameda Office Building, 6770 Vista Drive
    2. Waterbury Building, 7765 Office Plaza Drive North

m. Approval of Extension of Sewer Service Outside Corporate Limits and Approval of Agreement for Sewer Service - Barry and Linda Paterson
n. Approval and Acceptance of Purchase Agreements, Deeds, and Easements:
   1. South 60th Street Improvements Project
   2. South 88th Street Improvements Project
   3. Grand Avenue Siphon Replacement Project
p. Approval of State Economic Development Financial Incentives Assistance - Innovative Injection Technology
q. Approval and Acceptance of Easements and Agreements - Newport Office Building, 1075 Jordan Creek Parkway
r. Approval of Public Highway At-Grade Crossing Agreement - Union Pacific Railroad, 98th St.
s. Approval of Professional Services Agreement - Quail Park Channel Repair
t. Approval of Partial Assignment of Easement - Grand Avenue Siphon Replacement Project

Vote 16-182: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(e)2 Approval of Appointment - West Des Moines Water Works Board of Trustees

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

It was moved by Trimble, second by Messerschmidt to approve Item 4(e)2 Approval of Appointment - West Des Moines Water Works Board of Trustees.

Vote 16-183: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Trevillyan… 1 abstain due to potential conflict of interest
Motion carried.

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

Council member Trimble expressed concerns that the new Elements Hotel property, which was originally assigned an address of 585 South Crescent Way, is being recommended for readdressing to 575 South Prairie View Drive at the request of the hotel developer. Since the property does not have an access drive connecting directly to South Prairie View Drive, he feels this is not consistent with public safety guidelines.

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

Lynne Twedt, Development Services Director, stated the hotel fronts to South Prairie View Drive and there is visibility and connectivity from South Prairie View Drive, therefore staff supports the proposed readdressing as requested. She also noted the three public safety departments have reviewed the proposed readdressing and are comfortable with it.

Vote 16-184: Messerschmidt, Mickelson, Sandager…3 yes
Trevillyan, Trimble… 2 no
Motion carried.

On Item 5(a) 988 78th Place - Consistency Zone the Property from Unzoned to Single Family Residential, initiated by the City of West Des Moines

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

Vote 16-185: 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 second reading of the ordinance.

Vote 16-186: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-187: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Jordan Creek Business Park, southwest corner of Village View Drive and South 60th Street - Vacate a 40 ft. Roadway Easement, initiated by Todd Rueter

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

Council member Trevillyan inquired if the issues raised by Mr. Coxe, the adjacent property owner, at the previous Council meeting have been resolved.

City Attorney Dick Scieszinski responded staff is working with Mr. Coxe on an arrangement where the City would initiate the process to vacate the roadway easement on his property and Mr. Coxe would provide an easement to the City for the existing utilities.

Vote 16-188: 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 16-189: 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 16-190: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) South 60th Street Sanitary Sewer Connection Fee District, initiated by City of West Des Moines

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

Vote 16-191: 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 16-192: 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 16-193: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 12 (Library Regulations), Section 2 (Rules and Regulations) - Behavior of Library Patrons, initiated by Library Board of Trustees

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

Vote 16-194: 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 second reading of the ordinance.

Vote 16-195: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-196: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(e) Issuance of $9,225,000 General Obligation Bonds, Series 2016A, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Resolution - Appoint Registrar and Paying Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 16-197: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(f) Issuance of $13,855,000 General Obligation Urban Renewal Bonds, Series 2016B, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Appoint Registrar and Paying Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 16-198: 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 West Glen Town Center, south of Wild Rose Lane and east of South Prairie View Drive - Amend Specific Plan to Add 48 Dwelling Units to Building J-2 (a planned parking structure) and Add an I-2 Building with 60 Dwelling Units and Structured Parking, initiated by MRES West Glen Holding, LP. He asked for the date the notice was published and the City Clerk indicated

the notice was published on May 13, 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 City Council approval of the specific plan amendment.

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 consider the first reading of the ordinance.

Vote 16-199: 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 first reading of the ordinance.

Vote 16-200: 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 South 50th Street Widening (Mills Civic Parkway to EP True 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 May 13, 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 Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Absolute Concrete Construction, Inc. subject to concurrence by the Iowa Department of Transportation.

Vote 16-201: 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 Veterans Parkway Phase 4 - SE Pine Avenue Trail (Veterans Parkway to SE Soteria 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 May 13, 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 Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Elder Corporation subject to concurrence by the Iowa Department of Transportation.

Vote 16-202: 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 98th Street Improvements - Water Tower to Railroad Tracks, 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 May 20, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group, LLC.

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

Vote 16-203: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Trevillyan… 1 abstain due to potential conflict of interest
Motion carried.

On Item 7(a) Delavan Plat 3, southeast corner of EP True Parkway and South 26th Street - Subdivide Property and Merge Three Lots into Two Lots, initiated by Capital Homes of Iowa

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

Vote 16-204: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Creekside Glynn, south of Ashworth Road and east and west sides of future 81st Street - Subdivide Property into 39 Lots, Eight Street Lots, and Two Outlots for Construction of a Single Family Residential Development, initiated by Creekside Glynn, LLC

It was moved by Messerschmidt, second by Trevillyan 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 conditions of approval listed in the Resolution.

Vote 16-205: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Fox Valley Plat 3, generally south of SE Adams Street and west of SE Orilla Road - Subdivide Property into 53 Lots and 4 Street Lots for Construction of a Single Family Residential Development, initiated by Charles I. and Ruth Colby National Development Trust

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 16-206: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) GeAnna Grove, southwest corner of Westown Parkway and Sedona Drive - Approval of Preliminary Plat and Site Plan, initiated by Jerry's Homes

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

Vote 16-207: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Costco, 7205 Mills Civic Parkway - Freezer and Cooler Addition, initiated by Costco Wholesale Corporation

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

Vote 16-208: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Casey's, 102 8th Street - Freezer and Cooler Addition, initiated by Casey's Marketing Company

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

Vote 16-209: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(g) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) - 81st Street, Ashworth Road to EP True Parkway, 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 16-210: 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 16-211: 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 reported the Parks and Recreation Advisory Board met and discussed potential quality of life improvements and a proposed cell tower that could be located near the intersection of South 41st Street and EP True Parkway or on the city-owned property at the northeast corner of 39th Street and EP True Parkway, which would require the removal of a restriction on the deed prohibiting commercial activity. He stated he feels it would be best to get the restriction removed from the deed so the tower can be located on the City-owned property and further away from the homes near South 41st Street.

Gary Scott, Director of Parks and Recreation, stated staff has been asked to look into the possibility of removing the restriction from the deed. He noted the property had been donated to

the City by Mid-American Energy, so staff is working with them to seek that revision to the deed.

Council member Trevillyan stated he received an email from a resident expressing concerns that Jaycee Park is the only park in West Des Moines with a tennis court marked for pickleball. He inquired about the possibility of marking all tennis courts for pickleball.

Gary Scott, Director of Parks and Recreation, stated the pickleball markings at Jaycee Park were put in at the request of a resident. He stated staff would probably not recommend marking all tennis courts in the City at this time, but staff does plan to look at marking the proposed tennis courts at Valley View Park when they are constructed and at several existing parks strategically located around the City. If the demand for pickleball continues to rise, then staff would consider marking additional tennis courts for it.

The meeting was adjourned at 6:22 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor