

August 22, 2016

West Des Moines City Council Proceedings  
Monday, August 22, 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, August 22, 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 Messerschmidt approve the agenda as presented.

Vote 16-326: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 2. Public Forum

Eva Pratt, 4108 Timberwood Drive, spoke in favor of Consent Agenda Item 4(j) Approval of Deer Management Zone - 4105 and 4109 Quail Park Drive. She stated a 2016 report from the Polk County Deer Task Force indicated the Quail Park neighborhood has 98 deer per square mile, while the acceptable number in an urban setting is 30 deer per square mile. She noted the excessive deer population contributes to deer-vehicle accidents, ecological damage, declining deer health, and negative impacts to private property.

Council member Trimble stated he conducted an email survey of the Quail Park residents, and the responses were overwhelmingly in favor of the proposed deer management zone, so he supports the request.

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

Fire Chief Craig Leu introduced Fire Lieutenants Derrick Bingham and Eric Brenneman, who were then sworn in by Mayor Gaer.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed the proposed Raccoon River Park Softball Irrigation Modifications project, a proposal for year-round use of Valley View Aquatic Center, a proposed Community Housing Initiatives project, and the proposed redevelopment incentive policies. He also reported the City is working with other metro communities on a proposed "fair play" agreement.

Mayor Gaer stated he is a co-chair of the Greater Des Moines Partnership Development Council, and the existing "fair play" agreement is being discussed, and these discussions are being led by the Greater Des Moines Partnership economic development staff.

Council member Messerschmidt reported he attended a meeting of the Metro Advisory Council,

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at which the proposed “fair play” agreement was discussed. He also reported the Public Works Subcommittee met and discussed ongoing construction projects and sidewalk issues near Jordan Creek Elementary School. He also attended a meeting of the Human Rights Commission and a meeting with the Greater Des Moines Convention and Visitors Bureau and the Iowa State Fair Board. He also reported he participated in a canoe tour of the Raccoon River that highlighted the potential for recreational opportunities along the waterway.

Council member Trimble stated this is the last Council meeting for Parks and Recreation Director Gary Scott, as he is retiring on August 31, 2016. The Mayor and Council expressed appreciation to Mr. Scott for his years of service and commended him for his many contributions to the community.

On Item 4. Consent Agenda.

Council members pulled Item 4(h) for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of August 8, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Bradley’s Pub, Inc., d/b/a Bradley’s Pub, 1300 50th Street, Suite 203 - Class LC Liquor License with Sunday Sales - Renewal
  - 2. Chocolate Storybook Too, d/b/a Chocolate Storybook, 1000 Grand Avenue - Class WB Wine Permit with Sunday Sales - Renewal
  - 3. KRC Partners, LLP, d/b/a Cooper’s on 5th, 227 5th Street - Class LC Liquor License with Sunday Sales - Renewal
  - 4. Embassy Club West, LLC, d/b/a Embassy West - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  - 5. Fall Foods, Inc., d/b/a Godfathers Pizza, 5919 Ashworth Road - Class B Beer Permit with Sunday Sales - Renewal
  - 6. Richman Enterprises, LLC, d/b/a Krueger BP, 1272 8th Street - Class BC Beer Permit - Renewal
  - 7. CY Heritage Inn of West Des Moines, LLC, d/b/a West Des Moines Courtyard Inn, 410 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
- d. Approval of Order for Violation of Alcohol Laws
- e. Approval of Extended Sound Permits
  - 1. Raccoon River Nature Lodge Wedding - September 3, 2016
  - 2. Hurd Wedding, 8670 Mills Civic Parkway - September 17, 2016
- f. Approval of Parking on School Property Grass - 2016 Valley Stadium Football Games
- g. Approval of Amendment No. 1 to Professional Services Agreement - Pedestrian Access Curb Ramps

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- i. Approval of Purchase and Financing of Mobile Data Computers
- j. Approval of Deer Management Zone - 4105 and 4109 Quail Park Drive
- k. Order Construction:
  - 1. Fairmeadows Park Storm Sewer Improvements
  - 2. Public Safety Station 18 HVAC Improvements
  - 3. Raccoon River Drive over Sugar Creek Bridge Replacement
  - 4. Stagecoach Drive Improvements, South 88th Street West
  - 5. Walnut Woods Drive Culvert Replacement and 27th Street Culvert Repair
- l. Approval for Lease of City Property -108 Grand Avenue
- m. Approval of Professional Services Agreement:
  - 1. 2017 Street Reconstruction
  - 2. Law Enforcement Center Metal Roof Repair
  - 3. Library Atrium Window Improvements
  - 4. Public Safety Station 18 Building Exterior Improvements
  - 5. Public Safety Station 18 Exterior Lighting Improvements
  - 6. Public Safety Station 18 Flat Roof Replacement
- n. Accept Public Improvements - Grand Valley Plat 1
- o. Approval of Extension of Entitlement - Mills Crossing Plat 1
- p. Approval and Acceptance of Temporary Easement - Walnut Creek Outfall Storm Sewer Improvements

Vote 16-327: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 4(h) Approval of Redevelopment Incentive Policy

Mayor Gaer stated this item will be continued to the September 6, 2016 meeting, as Council member Trevillyan still has a few questions on it and Council member Sandager wanted to be present when it is considered.

It was moved by Trevillyan, second by Trimble to continue Item 4(h) Approval of Redevelopment Incentive Policy to September 6, 2016.

Vote 16-328: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 5(a) Amendment to City Code - Title 3 (Business and Licensing), Chapter 7 (Solicitors and Transient Merchants) and Title 9 (Zoning), Chapter 16 (Temporary Use Permits) - Amend City Code to Establish Regulations for Mobile Vendors, initiated by the City of West Des Moines

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

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Council member Trevillyan inquired when an ordinance will be brought forward regarding mobile vendors on public property.

Linda Schemmel, Development Coordinator, responded the intent was to finalize the ordinance for mobile vendors on private property, and then on Council direction move forward with discussing a proposed ordinance for mobile vendors on public property.

Mayor Gaer requested that staff place the matter on the agenda of an upcoming Development and Planning Subcommittee meeting.

Vote 16-329: 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 third reading of the ordinance and adopt the ordinance in final form.

Vote 16-330: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Specific Fees and Charges - 2016-17 FY.

Vote 16-331: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 5(b) Galleria Specific Plan Amendment, generally the north and south sides of Mills Civic Parkway between South 60th Street and South 68th Street - Amend the Specific Plan Ordinance to Allow a Taller Ground Monument Sign on the Red Robin Parcel, initiated by S-J-Jordan, LC

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

Vote 16-332: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 16-333: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

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

Vote 16-334: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - 50th Street and Stonebridge Road, 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 16-335: 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 second reading of the ordinance.

Vote 16-336: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

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

Vote 16-337: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 5(d) 2014 Sidewalk Improvement Program - Phase I, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Corrected Final Plat and Schedule of Assessments.

Vote 16-338: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 14 (Accessory Structures), and Chapter 18 (Signs) - Add a Definition of "Flagpole" and Establish Regulations and Performance Standards Pertaining to Flagpoles, initiated by the City

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of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 5, 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 Trevillyan, second by Messerschmidt to consider the first reading of the ordinance.

Vote 16-339: 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.

Vote 16-340: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Public Hearing Item 6(b), and the absence of Mayor Pro tem Sandager, the Council will need to elect a Presiding Officer to preside over this portion of the meeting.

It was moved by Mickelson, second by Messerschmidt to appoint Council member Trevillyan as Presiding Officer for Public Hearing Item 6(b).

Vote 16-341: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(b) Presiding Officer Trevillyan indicated this was the time and place for a public hearing to consider Development Agreement, Ashworth Corridor Urban Renewal Area - Development of a 75,000 sq. ft. Building, initiated by Newport Building, LLC, INTL FCStone, Inc., and ePathUSA, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 12, 2016 in the Des Moines Register. Presiding Officer Trevillyan asked if any written comments had been received. The City Clerk stated none had been received.

Presiding Officer Trevillyan asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Agreement.

Vote 16-342: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 6(c) 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 August 12, 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 Contract to Gus Construction Co., Inc.

Vote 16-343: 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 South 60th Street and Mills Civic Parkway Intersection Improvements, 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 August 12, 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 Concrete Technologies, Inc.

Vote 16-344: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(a) Val-Gate, southwest corner of Grand Avenue and 1st Street - Subdivide Property into Seven Lots and One Street Lot for Construction of a Commercial Development, initiated by First Street, LP

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It was moved by Trimble, second by Messerschmidt 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 16-345: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 8(a) Amendment to City Code - Title 9 (Zoning) - Restaurants and Bars in Industrial Districts - City Initiated - Referred to Plan and Zoning

On Item 8(b) Amendment to City Code - Title 9 (Zoning), Chapter 18 (Signs) - Amend Regulations for the Valley Junction Historic Business District - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters

Mayor Gaer stated today is the first day for new President/CEO Ed Wallace at the West Des Moines Chamber of Commerce, and he noted there are several meet and greet opportunities scheduled.

The meeting was adjourned at 6:06 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor