September 19, 2016

West Des Moines City Council Proceedings
Monday, September 19, 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, September 19, 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 16-361: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 2. Public Forum

Ed Ames, 308 6th Street, expressed concerns about the possibility of Polk County increasing the minimum wage, and he stated he believes no level of government should become involved with wages between an employer and employee.

Council member Sandager arrived at 5:35 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Council member Sandager presented gifts to the City, given by its sister city - Mateh Asher, Israel. He also stated a detailed report on the recent sister city trip to Mateh Asher has been distributed to the Mayor and Council.

Council member Trimble reported he attended a meeting of the Des Moines Area Metropolitan Planning Organization (MPO) Water Trails and Greenways Steering Committee, at which the water trails and greenways master plan was approved and discussion was held on the next steps and associated costs.

City Manager Tom Hadden introduced Cindi McDonald, Associate Superintendent with the Waukee Community School District, who has been appointed as the next Superintendent effective February 1, 2017, upon the retirement of current Superintendent David Wilkerson.

Ms. McDonald stated she looks forward to working with the City on potential collaborations between the City and the Waukee Community School District.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of September 6, 2016 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Apple Corps, L.P., d/b/a Applebee's Neighborhood Grill & Bar, 6190 Mills Civic Parkway - Class LC Liquor License with Sunday Sales - Renewal
    2. Two Tees, LLC, d/b/a Blu Toro, 5585 Mills Civic Parkway, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
    3. Casey's Marketing Company d/b/a Casey's General Store #2297, 108 8th Street - Class BC Permit with Sunday Sales - Renewal
    4. Envision Homes, LLC d/b/a Heart of Iowa Marketplace, 211 5th Street - Class B Native Wine Permit with 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) - September 28, 2016
    6. Rogers Entertainment, d/b/a Jeremiah Bullfrogs, 1907 EP True Parkway - Class LC Liquor License with Sunday Sales - Renewal
    7. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    8. Riley Drive Entertainment XII, Inc., d/b/a Saints Pub Jordan Creek, 165 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    9. Taste! To Go and Catering, LC, d/b/a Taste! To Go and Catering, 5901 Mills Civic Parkway, #4500 (The Container Store) - 5-Day Class BW Permit - November 17, 2016
    10. Riley Drive Entertainment I, Inc., d/b/a Tonic Bar, 5535 Mills Civic Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    11. InterMountain Management, LLC d/b/a TownePlace Suites, 125 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
d. Approval of Order for Violation of Alcohol Laws
e. Approval of Cigarette/Tobacco Permit
f. Approval of FY 2015-16 Iowa Department of Transportation City Street Financial Report
g. Accept Work - 2014 Sidewalk Improvement Project, Phase 1
h. Approval of Professional Services Agreements:
    1. 2016 Channel Repair
    2. 2016 Durable Pavement Markings
    3. Middle Creek Trunk Sewer Extension
    4. Osmium Environmental Services

5. Veterans Parkway - SE Adams Street to SE 50th Street
6. Veterans Parkway - SE 50th Street to SW 60th Street
7. Veterans Parkway - SW 60th Street to SW Wild Rose Lane
8. Veterans Parkway - SW Wild Rose Lane to SW Grand Prairie Parkway
9. SW Grand Prairie Parkway - Veterans Parkway to SW Madison Avenue
10. SW 60th Street - Veterans Parkway South
11. SE 50th Street and SE Adams Street

i. Acceptance of Public Improvements - West Park Plat 1 - SE Waco Place/98th Street Public Improvements
j. Approval of Extension of Entitlement for Preliminary Plat - Lincoln Street Park Plat 4
k. Approval and Acceptance of a Storm Water Management Facility Maintenance Agreement - Jordan Creek Business Park
l. Approval of IEDA Economic Development Assistance Contract - I2 Tech, LLC
m. Approval of an Extension of Temporary Modification to PUD Restrictions - Hallett Materials Trial Rock Crushing

Vote 16-362: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) Alluvion Urban Renewal Area TIF Ordinance, 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 16-363: 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 16-364: 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 16-365: 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 Development Agreement, Fuller Road Urban Renewal Area - Development of Site Improvements Including an 18,000 sq. ft. Office Renovation and Expansion and Addition of a 7,735 sq. ft. Storage Area, initiated by I2 Tech, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 9, 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 Agreement.

Vote 16-366: 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 2015-2016 FY Community Development Block Grant Program - Consolidated Annual Performance Evaluation Report (CAPER), 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 September 9, 2016 in the Des Moines Register, September 14, 2016 in the Indianola Record Herald, September 15, 2016 in the Dallas County News, and September 7, 2016 in the Madisonian. 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 CAPER.

Council member Trimble inquired why the goal for internet service was not reached in FY 2015-16, and he inquired if staff expects it to be reached in FY 2016-17.

Christine Gordon, Housing Planner, responded the internet service program has been on hold until the outstanding matters related to Phenix Elementary School are resolved, because that building was the intended location for the antenna. Staff does anticipate the goal will be reached in FY 2016-17.

Vote 16-367: 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 Raccoon River Drive over Sugar Creek 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 September 9, 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 Iowa Bridge & Culvert.

Vote 16-368: 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 Stagecoach Drive Improvements, South 88th Street West, 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 September 9, 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 McAninch Corporation.

Vote 16-369: 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 Public Safety Station 18 HVAC 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 September 9, 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 Bali Team, LLC.

Vote 16-370: 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 Fairmeadows Park Storm Sewer 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 September 9, 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&K Contracting.

Vote 16-371: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Walnut Woods Drive Culvert Replacement and 27th Street Culvert Repair, 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 September 9, 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 Corell Contractor.

Vote 16-372: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Roger's Farm West Apartment Homes, southeast corner of Stagecoach Drive and South Jordan Creek Parkway - Approval of a Site Plan to Construct a 522 Unit Apartment Development, initiated by Edward Rose Millennial Development, LLC

It was moved by Messerschmidt, second by Trimble 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.

Dave Cooper, 601 Hillside Avenue, spoke in opposition to the proposed development, stating he believes there are already too many apartments in West Des Moines and not enough single-family homes.

Council member Trevillyan noted this property is already zoned for apartments.

Council member Trimble stated the Council has plans to update the comprehensive plan in the near future, and Mr. Cooper's concerns will be taken into consideration.

Vote 16-373: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Historic West Des Moines Plan, initiated by the City of West Des Moines

Mike Hoffman, Teska Associates, and Diane Williams, Business Districts, Inc., presented information on the proposed Historic West Des Moines Plan.

Suzan Kelsey Brooks, 600 34th Street, expressed concerns that the proposed Historic West Des Moines Plan will not benefit the residents of the area, and she believes it could transform the neighborhood from a low-income residential area into a retail and entertainment destination with high-density rental housing, which could generate parking and traffic issues throughout the area. She stated she believes West Des Moines already has an abundance of retail, and the Historic West Des Moines area doesn't have sufficient spaces available for retail development.

Dave Cooper, 601 Hillside Avenue, stated he does not want to see the Phenix Elementary School property rezoned for apartments.

Barb Bailey-Mead, 502 7th Street, expressed concerns that the proposed Historic West Des Moines Plan will result in higher density of housing in the area, which could generate parking and traffic issues and add students for Hillside Elementary School, which she believes is already crowded. She suggested the City consider other uses for the Phenix Elementary School property, such as studios or offices for artists, non-profits, and businesses. She also expressed a desire that the playground on the Phenix Elementary School property remain open to the public.

Raul Pantoga, 690 South 35th Street, expressed doubt with the Historic West Des Moines Plan's assumption that Valley Junction properties could rent for $12 to $15 per square foot, as he doesn't believe the neighborhood has the income to support that, and he recently sold a property in that area at a rate of $8 per square foot. He stated there is a need for affordable spaces in Valley Junction, and there should also be more areas zoned for light manufacturing. He also expressed a desire that the proposed plan benefit the residents of the area, and he believes the area should remain primarily small single-family homes with no new apartments added to the

area. He also suggested there should be an overpass or traffic signals on Railroad Avenue, somewhere between 1st Street and 8th Street, to provide better access between the Valley Junction area and the properties south of Railroad Avenue.

Cris Krull, 205 South 29th Street, stated she would like to see the Phenix Elementary School property be available to the community, possibly as a concert venue, as opposed to being converted to low-income housing. She also expressed concerns about how the proposed Historic West Des Moines Plan could affect the existing businesses in Valley Junction, and she stated the consultant can't possibly know the Historic West Des Moines community and its needs as well as the residents of that area.

Angela Burgitt, 1710 Frazier Avenue, Des Moines, stated she owns a business in Valley Junction, and she supports the proposed Historic West Des Moines plan. She stated she loves the old buildings of that area, but she also doesn't want to see them in disrepair. She would like to see any business in Valley Junction that could offer employment opportunities for the residents of the area. She also stated she believes the proposed improvements of the Historic West Des Moines Plan would increase property values throughout the area.

Kay Bartolo, 640 6th Street, expressed concerns about potential parking issues and increased traffic if there is more high-density housing in the Valley Junction area. She agreed with Mr. Pantoga's suggestion that there should be an overpass or traffic signals on Railroad Avenue, somewhere between 1st Street and 8th Street, to provide better access between the Valley Junction area and the properties south of Railroad Avenue.

Becky Smith, 2109 Center Street, inquired if the City intends to use eminent domain to convert existing residential properties to expand the Valley Junction business district.

Mayor Gaer responded that the City has no intentions of using eminent domain or purchasing any properties.

Doug Lenhart, 912 17th Street, expressed concerns that he was not informed of the opportunities for public input throughout the process for the Historic West Des Moines Plan. He also expressed concerns that Ashworth Road is too narrow, and he believes the City should widen it before moving forward with any public improvement projects associated with the Historic West Des Moines plan.

Kathy Crook, 216 Prospect Avenue, expressed concerns that the Valley Junction business district is not as viable and sustainable as in the past. She stated she believes Valley Junction doesn't need anything other than single-family homes, and she expressed concerns that more development could generate parking and traffic issues throughout the area. She suggested that the City focus on improving the existing development, as opposed to encouraging new development.

Dino Rodish, 7207 Sunrise Boulevard, Windsor Heights, commended the City for conducting the Historic West Des Moines study. He stated he believes West Des Moines has a shortage of affordable single-family homes and senior housing communities, and he believes the Historic West Des Moines area would be an ideal location for those types of housing. He also noted he believes there is significant demand for affordable single-family homes in the Historic West Des Moines area.

Jim Miller, 423 34th Street, Executive Director of the Historic Valley Junction Foundation, expressed support for Community Housing Initiatives' proposed project on the Phenix Elementary School property, as they have done similar development projects for many years which have successfully improved neighborhoods. He stated West Des Moines needs quality affordable housing, and he noted that housing labelled as "low income" should not imply anything negative about the people living there. He noted the process for the Historic West Des Moines Plan has been very transparent and included many opportunities for public input, and the proposed plan is simply a suggestion for the City to consider and none of the specific projects mentioned in the plan are being considered by the Council tonight.

Debbie Westphal Swander, 1132 15th Street, stated the Historic West Des Moines Plan Steering Committee brainstormed a lot of options for improvements to the area and gave opinions, but did not have any decision-making authority. She expressed appreciation to all those that provided input throughout the process, and she noted the proposed plan is intended to help improve the area.

Vicki Long, 136 10th Street, commended the City for conducting the Historic West Des Moines Plan, because she believes there is a need for improvement. She expressed a desire that any improvements associated with the plan will benefit the residents of the area. She agreed with others' comments that there is a need for more affordable housing in West Des Moines, and she believes the Valley Junction area would be an appropriate location. She stated she doesn't want the Historic West Des Moines Plan to make the area too expensive for the people and businesses that are already there. She also expressed concerns that the City's publications do not reflect a diverse population representative of the City's population.

Nick Valdez, 136 8th Street, stated he supports the City's efforts to improve the Historic West Des Moines area, and he appreciates the opportunities he had to provide input throughout the process. He stated he supports the proposed project for the Phenix Elementary School property, but he would like the property to be more than just housing and remain an asset to the community that promotes arts and music.

Jannae Lutter, 115 4th Street, expressed concerns that the alley behind her home floods during heavy rain, and she believes the alley improvements should be completed before any public improvement projects associated with the Historic West Des Moines plan.

Ed Ames, 308 6th Street, stated he believes the Historic West Des Moines Plan needs to differentiate between the needs of the businesses and the residents. He expressed a desire for the Phenix Elementary School property to be developed exclusively as single-family homes. He also agreed with Mr. Lenhart's comments that Ashworth Road needs to be widened.

Council member Messerschmidt stated he believes the Historic West Des Moines Plan Steering Committee needs to continue meeting to discuss the plan and evaluate its suggestions to determine which projects will benefit the area.

Council member Trevillyan explained that if the Council accepts the Historic West Des Moines Plan, it does not dictate that any of the specific projects will be done, as any that are brought forward will be considered individually. He agreed with Council member Messerschmidt's comments that an implementation committee needs to be established to discuss how to move forward with the plan.

Mayor Gaer stated all meetings of the proposed implementation committee to discuss the Historic West Des Moines Plan will be open to the public, and he asked those interested in receiving notification of those meetings to provide their name and contact information to staff.

Council member Trimble suggested that the proposed implementation committee for the Historic West Des Moines Plan have one-third of the seats represented by residents of the area.

Council member Trevillyan stated he would prefer to make the motion to "accept the recommendations" of the plan, as opposed to "approve" the plan, as it was worded on the agenda.

It was moved by Trevillyan, second by Messerschmidt to accept the recommendations of the Historic West Des Moines Plan.

Vote 16-374: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Della Vita, northwest corner of EP True Parkway and 88th Street - Establish a Planned Unit Development (PUD) for a Residential Development - Interchange Partners, LLC - Referred to Plan and Zoning

On Item 9 - Other Matters: none

The meeting was adjourned at 7:53 p.m.

September 19, 2016

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor