November 14, 2016

West Des Moines City Council Proceedings
Monday, November 14, 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, November 14, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending Item 4(m)2 Approval of Professional Services Agreement - Right-of-Way Acquisition Services be removed from the agenda.

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

Vote 16-463: 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

David Carlson, 4900 Pommel Place, stated VFW Post 8879 is seeking to build a memorial wall to honor veterans who served during the Vietnam War. He noted Polk County has already identified a potential site at the intersection of Veterans Parkway and Iowa Highway 28. The VFW Post 8879 is seeking funding for this project from the City of West Des Moines, Polk County, and private donors.

Angela Connolly, Polk County Supervisor, spoke highly of the proposed memorial wall project and stated the proposed site is ideal because it has great visibility at the gateway to Veterans Parkway. She requested the City consider supporting this project.

Council member Sandager reported he attended a meeting of the Bravo Greater Des Moines Board of Directors, and the organization received 90 applications for grant funding, of which 23 applications were for the newly-established local arts programming grant for organizations that do not have arts, culture, or heritage as part of their stated mission. He also noted Bravo plans to add a part-time administrative position to provide support to Executive Director Sally Dix. He reported he also attended a meeting of the Development and Planning Subcommittee, where discussion was held on the pond in the Grand Lakes development and the orientation of a proposed Hobby Lobby store on Jordan Creek Parkway.

Council member Trimble expressed appreciation to Bravo Greater Des Moines for establishing the local arts programming grant, which will benefit organizations such as the West Des Moines Library Friends Foundation. He also reported West Des Moines Human Services is seeking

support and donations for a number of its programs over the holiday season.

Council member Mickelson reported he and several City staff attended a meeting with "Stop the Bleed," which is seeking to make tourniquet kits available in places where large numbers of people congregate, such as large places of employment, shopping malls, and schools.

Council member Messerschmidt reported he attended a meeting of the Public Services Subcommittee, where the 2016-17 Snow and Ice Control Manual was reviewed. He also reported the consolidation of Public Services and Parks Maintenance operations has gone smoothly and is expected to create efficiencies in a number of areas, such as snow and ice control operations.

City Manager Tom Hadden reported a news conference will be held at 1:00 p.m. tomorrow, at which Interim Police Chief James Barrett will be introduced.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of October 31, 2016 and November 3, 2016 Meetings
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Bonefish Grill, LLC, d/b/a Bonefish Grill, 650 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    2. Kiss My Grits, LLC, d/b/a Cabaret, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales and Outdoor Services - New
    3. Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New
    4. Lemon Grass, LLC, d/b/a Lemon Grass, 1221 8th Street - Class BW Permit with Sunday Sales - Renewal
    5. LVP SHS Des Moines Holding Corp. d/b/a Springhill Suites Hotel, 1236 Jordan Creek Parkway - Class BC Permit with Sunday Sales - Renewal
d. Approval of Order for Violation of Alcohol Laws
e. Approval to Purchase - Fire Department "Attack" Fire Apparatus
f. Approval to Sell Surplus City Equipment
g. Approval of Contracts - Art on the Campus
h. Approval of Contract Agreement Renewal - Park Security Services
i. Approval of Amendment No. 1 to Professional Services Agreement - 2014 Street Rehabilitation Sidewalk Ramp Program
j. Order Preparation of Plans and Specifications - Holiday Park Baseball Field Improvements - Phases 4B and 5
k. Order Construction:
    1. 9th Street Storm Sewer Rehabilitation

2. South 60th Street Improvements, Phase 2
3. Grand Avenue Siphon Replacement Project

l. Accept Work:
1. Intersection Improvements - Intersection of 92nd Street and University Avenue and Intersection of Jordan Creek Parkway and Westown Parkway
2. Veterans Parkway, Phase 4 - SE Pine Avenue Trail

m. Approval of Professional Services Agreement:
1. Public Safety Station 21 HVAC Improvements - Commissioning
2. Removed

n. Establish Public Hearing Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property - Project Osmium Public Infrastructure

o. Approval of IEDA Economic Development Assistance Contract - ePATHUSA, Inc.

p. Approval and Acceptance of Condemnation Award - Grand Avenue Siphon Replacement Project

r. Approval of Proclamations:
1. World Pancreatic Cancer Day, November 17, 2016
2. Small Business Saturday, November 26, 2016

Vote 16-464: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(q) Approval of Offer to Purchase and Agreement - Madison County Property for Future Park

Council member Trevillyan expressed concerns that the appraised value was $12,500 per acre, but the proposed purchase price is $14,000 per acre. He also noted the property is not even in West Des Moines' corporate limits, nor was it included in the Parks Master Plan several years ago.

It was moved by Messerschmidt, second by Trimble to approve Item 4(q) Approval of Offer to Purchase and Agreement - Madison County Property for Future Park.

Council member Trimble stated the City has been seeking property for a future park south of the Raccoon River for many years, and finally a parcel has been found that works. He stated with the increasing costs for land in West Des Moines, he supports the purchase of this parcel at the proposed purchase price.

Council members Mickelson, Messerschmidt, and Sandager also expressed support for the purchase of this parcel.

Vote 16-465: Messerschmidt, Mickelson, Sandager, Trimble…4 yes
Trevillyan … 1 no
Motion carried.

On Item 5(a) Browns Woods Estates, west side of Veterans Parkway and south of SE Browns Woods Drive - Rezone from Residential Estate and Residential Medium Density to Single Family Residential, initiated by Venture Homes, LLC

It was moved by Trimble, second by Messerschmidt to consider the second reading of the ordinance (RE-1A and RM-8 to R-1).

Vote 16-466: 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 (RE-1A and RM-8 to R-1).

Vote 16-467: 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 (RE-1A and RM-8 to R-1).

Vote 16-468: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to consider the second reading of the ordinance (RE-1A and RM-8 to RS-30).

Vote 16-469: 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 Sandager to approve the second reading of the ordinance (RE-1A and RM-8 to RS-30).

Vote 16-470: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to waive the third reading and adopt the ordinance in final form (RE-1A and RM-8 to RS-30).

Vote 16-471: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 14 (Accessory Structures) - Regulate Materials Used on Fuel Pump Island Canopies, initiated by the City of West Des Moines

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

Vote 16-472: 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 Sandager to approve the second reading of the ordinance.

Vote 16-473: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-474: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (Special Restricted No Parking Areas) - 34th Street Place, Brookview Drive to Meadow Lane, initiated by the City of West Des Moines

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

Vote 16-475: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the second reading of the ordinance.

Vote 16-476: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-477: 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 1st Street Redevelopment PUD, 1st Street and Grand Avenue - Revise Planned Unit Development (PUD) Sketch Plan to Accommodate Building Relocation and Associated Site Design, initiated by First Street LP. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 28, 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 PUD 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 Trevillyan to consider the first reading of the ordinance.

Vote 16-478: 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 Sandager to approve the first reading of the ordinance.

Vote 16-479: 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 Whisper Ridge Plat 3, south of Bridgewood Boulevard along South 91st Street - Vacate 30 foot Buffer Park Easement along the South Lot Lines of Lots 15-18, initiated by Hidden Creek, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 28, 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 vacation request, and two correspondences were received and included with the council communication.

Mayor Gaer asked if there were any public comments.

Marc Abels, 400 Locust Street, Suite 400, Des Moines, representing Hidden Creek, LLC, reported that since it has been determined Coachlight Drive will not extend west of South 91st Street as a public street, Lots 15-18 will no longer be considered double-frontage lots and therefore would no longer require a 30 foot buffer park easement along the south lot line. He noted Hidden Creek, LLC and the Hickory Knolls property owners have reached an agreement to

not allow any out buildings on Lots 15-18 within 30 feet of the south property line and no fences of any kind on Lots 15-18 within 10 feet of the south property line, and this will be established by a private covenant.

Richard Santi, 33681 Rockwood Lane, stated the Hickory Knolls property owners are withdrawing their objections because of the agreement that has been reached with Hidden Creek, LLC. He also expressed appreciation to Hidden Creek, LLC for working with them to reach that agreement.

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

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval of Vacation Request.

Vote 16-480: 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 Amendment #2 to Alluvion Urban Renewal Area, 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 November 4, 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 Sandager, second by Messerschmidt to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 16-481: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance (Willow Creek Plat 1, Lot 4 Parcel).

Vote 16-482: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance (Willow Creek Plat 1, Lot 4 Parcel).

Vote 16-483: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance (Tract 3 of Amendment No. 2 Parcel).

Vote 16-484: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance (Tract 3 of Amendment No. 2 Parcel).

Vote 16-485: 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 Osmium Urban Renewal Area, 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 November 4, 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 Sandager, second by Messerschmidt to adopt Resolution - Approval of Urban Renewal Plan.

Vote 16-486: 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 Project Osmium - Agreement for Private Development, initiated by Microsoft Corp. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 4, 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 Sandager, second by Messerschmidt to adopt Resolution - Approval of Agreement.

Vote 16-487: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) GeAnna Grove, west of Sedona Drive at GeAnna Drive - Subdivide Property into 20 Lots for Townhome Development and One Outlot, initiated by Jerry's Homes

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

Vote 16-488: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 7(b), Mayor Pro tem Sandager will preside over this portion of the meeting.

On Item 7(b) Country Club Office Plaza West Plat 8, 1080 Jordan Creek Parkway - Replat Lot 1 Country Club Office Plaza West Plat 3 and Outlot B, Country Club Office Plaza, initiated by Dallas County Partners

It was moved by Messerschmidt, second by Trimble 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.

Council member Sandager requested clarification on the applicant's request to grant a right-of-way easement as opposed to dedicating the right-of-way by fee title.

City Attorney Dick Scieszinski responded staff recommends the right-of-way be granted to the City as an easement in this case, since it is an in-fill project and it would be a relatively small amount of property. He noted the City will have the same rights under the right-of-way easement as they would if it was dedicated by fee title, and the applicant has expressed that dedicating the right-of-way by fee title would be detrimental to the development.

Vote 16-489: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

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

On Item 9 - Other Matters

Council member Trimble reported the Des Moines Metropolitan Planning Organization will be voting on the proposed Water Trails and Greenways Plan at an upcoming meeting and will also work on a formula to determine each community's financial obligation.

The meeting was adjourned at 6:17 p.m.

Respectfully submitted,

_____
Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor