November 28, 2016

West Des Moines City Council Proceedings
Monday, November 28, 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 28, 2016 at 5:30 PM. Council members present were: J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble. Council member R. Messerschmidt participated via telephone.

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

Vote 16-490: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Jeremy Christiani, 1100 50th Street, Unit 1102, expressed concerns about outdoor service drinking areas which he believes to be in violation of City Code, and he requested that the City revoke the outdoor services privileges of all establishments found to be in violation. He also expressed concerns about the appeal process for zoning violations, which he believes to be unclear, and he inquired about the status of a zoning violation appeal he had submitted.

Mayor Gaer requested that staff look into Mr. Christiani's concerns regarding the outdoor service drinking areas.

Jason Wittgraf, Assistant City Attorney, confirmed that Mr. Christiani's zoning violation appeal has been received and he will have the right to due process.

Liz Bredeson, 930 SE Browns Woods Drive, expressed concerns about perceived systemic problems throughout the City organization that she believes were uncovered through the City's settlement of the Police Department's gender discrimination lawsuit, and she requested that the Mayor and Council enact changes to resolve those perceived problems.

On Item 3. Council/Manager/Other Entities Reports

Linda Wunsch, Executive Director of the Greater Dallas County Development Alliance, gave a report on the Alliance's recent activities and thanked the City for its continuing membership and support.

Fire Chief Craig Leu introduced Fire Lieutenant John Carlson, who was then sworn in by Mayor Gaer.

Eric Cowles, Chair of the Iowa APWA Awards Committee, presented Eric Petersen, Transportation Engineer, with the Young Leader Award and Bret Hodne, Public Works Director, with the Al Olson Excellence in Public Works Operations Award and the Stan Ring Distinguished Service Award.

Council member Sandager reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on a number of items, including a proposed estate lot development at 4101 Grand Avenue and drainage concerns within the Grand Lakes development, and updates were given on the upcoming proposed developments of Della Vita and King's Landing Plat 2.

Council member Trimble reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on economic development incentive programs, which will be brought to the Council for discussion at an upcoming workshop. The Subcommittee also reviewed the updated schedule of rates and fees and updated list of official city depositories.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of November 11, 2016 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Bravo Brio Restaurant Group, Inc. d/b/a Bravo Cucina Italiana, 120 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    2. DeJear Corporation, d/b/a Caleo Enterprises, 1701 25th Street (Events Center West) - 5-Day Class LC Liquor License - Effective December 15-19, 2016
    3. West Des Moines Lodging Investors, LLC, d/b/a Hampton Inn, 7060 Lake Drive - Class BW Permit with Sunday Sales and Living Quarters - Renewal
    4. Kum & Go, L.C., d/b/a Kum & Go #2035, 7265 Vista Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
d. Approval of Park Use Agreement - West Des Moines Soccer Club
f. Approval of 2015-16 FY Tax Increment Financing Report
g. Approval of 2017-18 FY Tax Increment Financing Indebtedness and Certification Report
h. Approval of Official Depositories
i. Approval and/or Ratification of Specific Fees and Charges - 2016-17 FY
j. Order Construction:
    1. Grand Avenue West Segment 6F Sewer Extension
    2. Public Safety Station 21 HVAC Improvements
k. Accept Public Improvements - West Park Plat 1 (Bishop Drive Extension)

l. Authorize Applications for Surface Transportation Block Grant (STBG) Program Funding - Des Moines Area Metropolitan Planning Organization
m. Approval of Professional Services Agreements:
    1. 2017 PCC Patching and Medians Program
    2. 2017 HMA Resurfacing Program
    3. City Hall Suite 1E Improvements
    4. Right-of-Way Acquisition Services
n. Approval of IEDA Economic Development Assistance Contract - Project Osmium
o. Approval and Acceptance of Hold Harmless Agreement - GuideOne Mutual Insurance Company, 1025 Ashworth Road
p. Approval of Settlement Agreement - Tanya Zaglauer Schmell
q. Approval of Proclamations:
    1. #GivingTuesday - November 29, 2016
    2. Human Rights Day - December 10, 2016

Vote 16-491: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(a)2 Approval of Minutes of November 14, 2016 Meeting

Council member Trimble requested a clarification be made to his comments regarding Bravo Greater Des Moines during the council reports, so that it should read as follows:

"Council member Trimble expressed appreciation to Bravo Greater Des Moines for listening to concerns expressed by organizations that do not have arts, culture, or heritage as part of their stated mission but have worthwhile projects that enhance these areas, such as the West Des Moines Library Friends Foundation, and establishing the local arts programming grant, making funding opportunities available to those organizations."

It was moved by Trimble, second by Trevillyan to approve Item 4(a)2 Approval of Minutes of November 14, 2016 Meeting.

Vote 16-492: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(e) Approval of Change Order #7 - Community Center Interior Renovations

Council member Trevillyan requested an update on the status of this project and inquired if staff expects there to be any more change orders.

Linda Schemmel, Development Coordinator, responded the project has been completed, and Change Order #7 will be the last change order on the project.

It was moved by Trevillyan, second by Sandager to approve Item 4(e) Approval of Change Order #7 - Community Center Interior Renovations.

Vote 16-493: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer recognized the members of the Human Rights Commission present at the meeting: Justine Morton, Frank Harty, Ila Plasencia, and Sanjita Pradhan. He then read Proclamation - Human Rights Day.

On Item 5(a) 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

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

Vote 16-494: 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 16-495: 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 16-496: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Amendment #2 to Alluvion Urban Renewal Area, initiated by the City of West Des Moines

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

Vote 16-497: 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 Trevillyan to approve the second reading of the ordinance (Willow Creek Plat 1, Lot 4 Parcel).

Vote 16-498: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Sandager, second by Trevillyan to waive the third reading and adopt the ordinance in final form (Willow Creek Plat 1, Lot 4 Parcel).

Vote 16-499: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 16-500: 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 Trevillyan to approve the second reading of the ordinance (Tract 3 of Amendment No. 2 Parcel).

Vote 16-501: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

It was moved by Sandager, second by Trevillyan to waive the third reading and adopt the ordinance in final form (Tract 3 of Amendment No. 2 Parcel).

Vote 16-502: 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) - Regulate Indoor Self-Storage in Commercial Districts, 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 11, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members 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 Trimble to consider the first reading of the ordinance.

Council member Trimble requested additional information on the requirements of this ordinance.

Lynne Twedt, Development Services Director, explained that buildings with indoor self-storage in commercial districts will be required to include retail uses along the front. She noted that if staff finds this ordinance to be an impediment, they will review it to determine if it needs to be changed.

Vote 16-503: 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 Trimble to approve the first reading of the ordinance.

Vote 16-504: 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 2016 Sewer Cleaning and Televising Program, 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 18, 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Visu-Sewer, Inc.

Vote 16-505: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Delavan Townhomes Plat 1, 150 South 26th Street - Plat Property into 16 Townhome Lots and 7 Outlots, initiated by Jerry's Homes, Inc.

It was moved by Trimble, second by Sandager 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 16-506: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Jordan West Plat 3 Lot 7, 350 Jordan Creek Parkway - Approval of a Plat of Survey, initiated by Ryan Companies US

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

Vote 16-507: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - Jordan Creek Parkway and 850 ft. south of EP True Parkway, initiated by the City of West Des Moines

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

Vote 16-508: 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 16-509: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) 2480, 2580, 2640, and 2720 SE 11th Street - Change the Land Use and Zoning Designation of Part of the Properties from Medium Density Residential to Single Family and Residential Estate - Margaret Munro - Referred to Plan and Zoning

On Item 8(b) Etzel Properties Plat 2, southwest corner of Mills Civic Parkway and South 81st Street - Rezone 32.9 acres from Office to Etzel Properties Plat 2 PUD - Fareway Stores, Inc. - Referred to Plan and Zoning

On Item 8(c) Phenix, northeast corner of 7th Street and Walnut Street - Rezone Property from Single-Family Valley Junction Residential (SFVJ) to Phenix Planned Unit Development (PUD) - City Initiated - Referred to Plan and Zoning

On Item 8(d) Mills Crossing, 5901 Mills Civic Parkway - Amend Specific Plan to Include Site Amenities - Hurd Mills, LLC - Referred to Plan and Zoning

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On Item 9 - Other Matters: none

The meeting was adjourned at 6:19 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor