

January 23, 2017

West Des Moines City Council Proceedings  
Monday, January 23, 2017

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, January 23, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, J. Sandager, and K. Trevillyan.

City Clerk Ryan Jacobson stated staff is recommending continuing Public Hearing Item 6(e) Amendment to City Code - Vending Machines, Fuel Pumps and ATM's to the February 6, 2017 meeting.

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

Vote 17-014: Messerschmidt, Sandager, Trevillyan...3 yes  
Motion carried.

On Item 2. Public Forum: No one came forward.

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

Interim Police Chief James Barrett introduced Police Officers Kyle Slifka and William Perez, who were then sworn in by Mayor Gaer.

Council member Trimble arrived at 5:33 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

Council member Sandager reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on the design of proposed apartment buildings in the Village of Ponderosa development.

Council member Trimble reported the Finance and Administration is currently in the process of reviewing applications for hotel/motel tax funding.

Council member Messerschmidt reported he attended a meeting of the Metro Advisory Committee, where Sally Dix, Executive Director of Bravo Greater Des Moines, provided an update on her organization's activities. He also attended a board meeting for the Greater Des Moines Convention and Visitors Bureau, where discussion was held on future opportunities to bring attractions to the Des Moines area. He also participated in a teleconference meeting with the Sister Cities Commission and representatives from Mateh Asher, Israel, and he attended a meeting of the West Des Moines Schools Advisory Committee.

January 23, 2017

City Manager Tom Hadden reported the Fire and EMS Services Review and Assessment Study is complete and has been distributed to the Council. He noted the implementation of the study's recommendations will be led by Fire Chief Craig Leu.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of January 9, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - January 25-26, 2017
  - 2. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  - 3. Rogers Entertainment, Ltd., d/b/a Legends American Grill, 640 South 50th Street, Suite 2110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 4. F & K Hagar, L.L.C. d/b/a Manhattan Grill, 1960 Grand Avenue, Suites 29-31 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 5. Punyesh, LLC d/b/a Vine Food & Liquor, 2704 Vine Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New
- d. Approval of Cigarette/Tobacco Permit
- e. Approval of Reappointments:
  - 1. Board of Adjustment
  - 2. Civil Service Commission
  - 3. Plan and Zoning Commission
- f. Approval to Sell Surplus City Equipment
- h. Approval of Bond Disclosure Policy
- i. Order Preparation of Plans and Specifications:
  - 1. Grand Avenue Trail, Jordan Creek Crossing to Fuller Road
  - 2. South 19th Street Trail and Sidewalk Project
  - 3. Valley View Park Tennis Courts
- j. Order Construction:
  - 1. 2016 Durable Pavement Markings Program
  - 2. 2016 Sewer Rehabilitation Program
- k. Accept Work - Intersection Improvements at 50th Street and Stonebridge Road
- l. Establish Consultation Meeting and Public Hearing:
  - 1. Coachlight Drive Urban Renewal Area
  - 2. Amendment #4 to Jordan Creek Urban Renewal Area

January 23, 2017

- m. Approval of Addressing - Various Locations within City Limits
- n. Approval of Agreement for Payment of Fees Related to the Design and Construction of Stormwater Facilities in the Sugar Creek Drainage Basin

Vote 17-015: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 4(g) Approval of Professional Services Agreement - Independent Contractor for Sister Cities Commission

Council member Trevillyan expressed concerns about a potential conflict of interest for John Norwood to continue serving as a member of the Sister Cities Commission, while also providing services to the commission under this contract.

City Manager Tom Hadden stated Mr. Norwood was asked to provide these services for the Sister Cities Commission because of his background knowledge on the Sister Cities partnership with Mateh Asher, and staff does not have adequate time available to invest in making the most of that partnership.

City Attorney Dick Scieszinski noted the amount of the contract is intended to cover Mr. Norwood's expenses, and there would be no incentive provided to him whether the commission approves or disapproves any of his recommendations. He also stated as long as Mr. Norwood recuses himself from any vote related to this contract, there would be no conflict of interest.

Council member Trimble stated he would like to amend the motion so that after the initial six-month period, it would need City Council approval to renew the contract for an additional six months.

It was moved by Trimble, second by Sandager to approve Item 4(g) Approval of Professional Services Agreement - Independent Contractor for Sister Cities Commission, with amendment to bring the contract back to the City Council after the initial six-month period for consideration of renewing the contract for an additional six months.

Vote 17-016: Messerschmidt, Sandager, Trimble ... 3 yes  
Trevillyan ... 1 no  
Motion carried.

On Item 5 - Old Business: no items

Council member Mickelson began participating via telephone at 5:55 p.m.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Redevelopment of Phenix Elementary Property, 415 7th Street, initiated by the City of West Des

January 23, 2017

Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 13, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated three petitions and a number of written correspondences have been received and were included with the council communication.

Mayor Gaer asked if there were any public comments.

Sam Erickson, Chief Operating Officer with Community Housing Initiatives (CHI), presented background information on her organization and some of their past projects. She also presented information on the proposed Phenix Elementary building redevelopment project, which would convert the classrooms into 17 mixed-income apartment units with the interior spaces converted to artist studios. Four of the 17 units would be designated as low-income (limit of \$26,950 salary for a single person household), nine units would be moderate-income (limit of \$43,050 salary for a single person household), and the remaining four units would be market rate with no income limit, and all renters must undergo an extensive criminal background check. She reported the maximum renovation budget for the project is \$4,780,000, of which \$2.6 million will go to improving the structure itself and bringing it up to City Code, and the cost to convert the classrooms to apartments will be approximately \$123,000 per unit. The project will be financed with \$3 million of Community Development Block Grant (CDBG) funding, a loan of \$625,000 from the Iowa Finance Authority, \$300,000 contributed from CHI, and \$855,000 of City funds reserved for low and moderate income housing. She stated the project will intend to honor the history of Phenix Elementary School and the Historic Valley Junction community, and she reported that studies indicate similar projects have increased the value of their surrounding properties.

Dr. Brenda Hillman, Administrator for Iowa Christian Academy, reported their institution has been operating in West Des Moines since 1999 and serves 235 students, but has reached the capacity at its current location, so they would be interested in relocating their school to the Phenix Elementary property.

Karla Jones-Weber, Board Chair for Iowa Christian Academy, stated she is confident that Iowa Christian Academy could secure financing for the purchase of the Phenix Elementary property at a minimum bid of \$535,000. Since the minimum bid is higher than they had anticipated, it may require a modification in the timing of the purchase and some of the improvements they had planned. She stated school officials have toured the property and spoken with contractors about the improvements that would be needed and they are aware of the costs of those improvements. They anticipate they would need to spend \$300,000 on improvements prior to opening the building as a school, with additional future projects to be completed over time. Iowa Christian Academy intends to fund the project through a combination of a capital campaign, the sale of its current property at 2501 Vine Street, and a mortgage, although they have not yet had adequate time to secure the mortgage. She also noted if Iowa Christian Academy is able to acquire the property, they would like to relocate their school for the 2017-18 academic year.

January 23, 2017

Ms. Jones-Weber responded to questions from the Council, stating if they are not able to secure a mortgage, they anticipate they would still be able move forward with the purchase of the Phenix Elementary property, but they would rely more heavily on fundraising, which would push the timeline back. It was noted that Iowa Christian Academy has raised over \$1 million to date for a proposed gymnasium project that is estimated to cost approximately \$3.5 million, but the Phenix Elementary property would satisfy a more critical need and would therefore become a higher fundraising priority. They had also secured a mortgage of \$1.6 million for the proposed gymnasium project. She also stated the Iowa Christian Academy board has already voted in support of moving forward with the possible purchase of the Phenix Elementary property.

Luai Amro, Executive Director for New Horizons Academy, reported their institution has been operating since 2004 and has been in West Des Moines since 2012. They offer daycare and schooling up to 8<sup>th</sup> grade, primarily for low-income and immigrant populations. He stated his organization would be interested in relocating their school to the Phenix Elementary property to allow for more growth so they can serve more families. The mortgage on their current property is approximately 80 percent paid off, so they have enough equity to cover the purchase of the Phenix Elementary property; however he would prefer to see some of that money used to subsidize his organization's services to additional low-income families. He suggested negotiating a partnership arrangement between the City and New Horizons Academy regarding the shared use of the building so that it could remain open to the community as well. He noted his organization has not yet reached the capacity at its current location, but expects to reach the capacity within the next five to ten years. He also stated his organization has not yet had a chance to do the due diligence to determine what improvements are needed to the building, but he believes it seems reasonable, and the board has already voted in support of moving forward with the possible purchase of the property.

Mayor Gaer requested a show of hands from those in the audience who supported the proposed Community Housing Initiatives project. Approximately 20 to 25 individuals raised their hands.

Mayor Gaer then requested a show of hands from those in the audience who supported the building's use remaining as a school. Approximately 30 to 35 individuals raised their hands.

Anita Shekinah, 432 7<sup>th</sup> Street, spoke in support of the proposed Community Housing Initiatives project, as she has been impressed with some of their previous projects, and she expressed concerns about potential traffic and parking issues on her street if the building were to be used by one of the schools.

Kent Sovern, 1534 Germania Drive, Des Moines, stated he is Co-Chair of the Greater Des Moines Age Friendly Initiative. He spoke in favor of the proposed Community Housing Initiatives project, as he believes it will help fulfill a growing need among baby boomers that are retiring and seeking this type of housing.

January 23, 2017

Jonas Cutler, 4300 Maple Street, spoke in support of the building's use remaining as a school, as he doesn't believe there is a need for additional low-rent housing in Valley Junction, stating there is already an adequate number of multi-family units in the area, but he does believe there is a need for educational opportunities. He also stated he believes the proposed Community Housing Initiatives project would have an adverse affect on property values, and he believes the subsidized renters could crowd out market-rate renters.

Sandy Spoonholtz, a resident at Crestview Terrace Apartments in West Des Moines, spoke in support of the proposed Community Housing Initiatives project, as she currently lives at a CHI property and has had a very positive experience there.

Clyde Beveridge, 320 7<sup>th</sup> Street, spoke in support of the building's use remaining as a school, as he believes the amount of taxpayer money that would be invested in the proposed Community Housing Initiatives project is excessive, and he believes there would be better uses for those funds.

Jack Hon, 212 7<sup>th</sup> Street, spoke in support of the building's use remaining as a school, as he believes the proposed Community Housing Initiatives project is not the best use of taxpayer money.

Vicky Long-Hill, 136 10<sup>th</sup> Street, spoke in support of the proposed Community Housing Initiatives project on behalf of the Valley Junction Residential Association, which had voted to support the proposed CHI project. She stated there is a need for affordable housing in West Des Moines, which she believes would provide a greater benefit to the community than a private school.

Nate Hon, a resident in the 200 block of 7<sup>th</sup> Street, spoke in support of the building's use remaining as a school, as he believes the 17 apartment units will have a minimal impact on the community, and he believes educational opportunities would provide a much greater benefit.

Claire Celsi, 4400 EP True Parkway, Unit 52, spoke in support of the proposed Community Housing Initiatives project, stating she lives near a large low-income apartment property and her property values have increased since it was constructed. She also stated she believes the State of Iowa's cuts to funding for public schools is the reason the West Des Moines School District was forced to close Phenix Elementary School.

Mallory Robinson, a resident of Urbandale and a parent of an Iowa Christian Academy Student, spoke in support of the building's use remaining as a school, stating the ICA community is on board with the proposed relocation of their school to the Phenix Elementary property, and she is confident in the community's ability to provide the financial support needed for the project.

Barb Bailey Mead, 502 7<sup>th</sup> Street, spoke in support of the building's use remaining as a school and expressed concerns about potential traffic issues that could arise from more housing units in

January 23, 2017

the area and potential stormwater runoff issues that could arise as a result from additional development.

Duane Wittstock, City Engineer, reported staff conducted a traffic study for the two possible uses of the building, which indicated for either option, the traffic situation would not be significantly different from what has previously existed. He stated staff acknowledges the storm sewers in the Valley Junction area are lacking, but staff is systematically working to correct that issue over time.

Jim Miller, Executive Director of the Historic Valley Junction Foundation, spoke on behalf of his organization's board of directors in support of the proposed Community Housing Initiatives project. The board is impressed with the previous work done by CHI, and is confident that the proposed project for the Phenix Elementary building will be a great way to preserve the historic building and also provide a benefit to the Valley Junction area. He also stated he has spoken with 44 individuals in the community that would be interested in living in the proposed CHI apartments.

Nellie Bekker, 504 8<sup>th</sup> Street, stated her great-grandmother was Nellie Phenix. She spoke in support of the building's use remaining as a school, as she believes that use would provide a greater benefit to the community.

Scott Fitzpatrick, Midwest Housing Equity Group, spoke in support of the proposed Community Housing Initiatives project, stating his organization has worked with CHI on a number of projects, and they have been an outstanding firm to work with.

Scott Hatfield, 1001 6<sup>th</sup> Street, spoke about the significance of this decision and wished good luck upon the Council members as they make their decision.

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

It was moved by Trevillyan, second by Sandager to approve the use of the property as a school.

Council member Sandager stated he believes both options are good options, as he believes Community Housing Initiatives is a quality organization and there is a demand for affordable housing in West Des Moines, but he doesn't believe this property is the appropriate location for it, so he will vote to support the school use.

Council member Trevillyan stated he supports the school use, because the residents have spoken loud and clear in opposition to the proposed Community Housing Initiatives project because they do not want any apartments in that area.

January 23, 2017

Council member Messerschmidt stated he supports the proposed Community Housing Initiatives project because he believes there is a demand for affordable housing in West Des Moines, CHI has a proven track record of success with these types of projects, and there would be a financial risk in choosing the school use over the CHI project.

Council member Mickelson stated he supports the proposed Community Housing Initiatives project because he also believes there would be a financial risk in choosing the school use over the CHI project.

Council member Trimble stated he would have supported the school use if either of them could guarantee they had the funds to make it work; however since neither of them were able to provide that guarantee tonight, he also believes there would be a financial risk in choosing the school use, so he will vote in support of the proposed Community Housing Initiatives project.

Vote 17-017: Sandager, Trevillyan ... 2 yes  
Messerschmidt, Mickelson, Trimble ... 3 no

Motion failed.

It was moved by Messerschmidt, second by Mickelson to approve the use of the property as apartments for the proposed Community Housing Initiatives project.

Council member Sandager stated since the school use is no longer an option, he will now vote in support of the apartment use.

Vote 17-018: Messerschmidt, Mickelson, Sandager, Trimble ... 4 yes  
Trevillyan ... 1 no

Motion carried.

Council member Mickelson's participation via telephone ended at 8:49 p.m.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Osmium Annexation (approximately 350.62 acres) - Voluntary Annexation, initiated by the City of West Des Moines (Continued from December 27, 2016). He asked for the date the notice was published and the City Clerk indicated the notice was published on December 7, 2016 in the Madisonian and December 14, 2016 in the Indianola Record-Herald. 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 Voluntary Annexation.



January 23, 2017

Vote 17-019: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Etzel Properties Plat 2, southwest corner of Mills Civic Parkway and 81st Street - Amend Comprehensive Plan Land Use Map to Change approx. 12.38 acres from Office to Community Commercial and Rezone the Entire 39.2 acre Property from Unzoned to Planned Unit Development (PUD) for Commercial and Office Development, initiated by Robert F. Etzel Living Trust. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 11, 2017 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 Comprehensive Plan amendment and rezoning request.

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 Comprehensive Plan Amendment.

Vote 17-020: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

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

Vote 17-021: Messerschmidt, Sandager, 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 first reading of the ordinance.

Vote 17-022: Messerschmidt, Sandager, 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 Grand Valley, northeast corner of South 35th Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Modify Parcel Boundaries, initiated by Russell Ver Ploeg. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 6, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had

January 23, 2017

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 PUD amendment.

Mayor Gaer asked if there were any public comments.

Bob Gibson, Civil Design Advantage, noted the council communication indicates the property is owned by CRVP, LC, but it is actually owned by Engel Associates.

Mayor Gaer requested that staff ensure all documents reflect that correction.

Mayor Gaer asked if there were any additional 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 17-023: Messerschmidt, Sandager, 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 first reading of the ordinance.

Vote 17-024: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(e) Amendment to City Code - Title 9 (Zoning) - Establish Definitions, Regulations and Performance Standards for Vending Machines, Fuel Pumps and ATM's, initiated by the City of West Des Moines

It was moved by Sandager, second by Trimble to adopt Motion - Continue Public Hearing to February 6, 2017.

Vote 17-025: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Items 6(f) and 6(g), Mayor Pro tem Messerschmidt will preside over this portion of the meeting.

On Item 6(f) Mayor Pro tem Messerschmidt indicated this was the time and place for a public hearing to consider Amendment No. 2 to the Ashworth Corridor Urban Renewal Area, initiated by the City of West Des Moines. He asked for the date the notice was published and the City

January 23, 2017

Clerk indicated the notice was published on January 13, 2017 in the Des Moines Register. Mayor Pro tem Messerschmidt asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Messerschmidt asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 17-026: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(g) Mayor Pro tem Messerschmidt indicated this was the time and place for a public hearing to consider Westfield Office Building, 1080 Jordan Creek Parkway - Agreement for Private Development, initiated by Westfield Building, LLC and R&R Investors, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 13, 2017 in the Des Moines Register. Mayor Pro tem Messerschmidt asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Messerschmidt asked if there were any public comments; hearing none he declared the public hearing closed.

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

Vote 17-027: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 7(a) I2 Technologies, 2360 Grand Avenue - Approval of a Major Modification for Building and Parking Lot Additions, initiated by I2 Tech, LLC

It was moved by Trimble, 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 17-028: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(b) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 3 (Fire Code) - Adopt the International Fire Code, 2015 Edition with Local Amendments and Repeal the International Fire Code, 2009 Edition, with Local Amendments, initiated by the City of West

January 23, 2017

Des Moines

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

Vote 17-029: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-030: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

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

On Item 9 - Other Matters

Mayor Gaer reported the Des Moines Area Regional Transit Authority (DART) Board voted to establish a corporate governance committee, and he was appointed as chair of that committee. He also reported the Des Moines Area Metropolitan Planning Organization (MPO) elected him as vice chair of the board, and the terms have been reduced from three years to two years, so he will serve as vice chair during the 2017-2018 term and then as chair during the 2019-2020 term.

The meeting was adjourned at 9:14 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor