February 6, 2017

West Des Moines City Council Proceedings
Monday, February 6, 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, February 6, 2017 at 5:30 PM. Council members present were: J. Mickelson, K. Trevillyan, and R. Trimble. Council member R. Messerschmidt participated via telephone.

City Clerk Ryan Jacobson stated staff is recommending the removal of Consent Agenda Item 4(j) Approval of Specific Fees and Charges, because the proposed addition should not actually be included as a part of that list.

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

Vote 17-031: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 2. Public Forum

A group of 7th grade students from the New Tech program at Stillwell Junior High School presented information on homelessness in the Des Moines metro as part of a project on empathy, understanding, and compassion.

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

Council member Mickelson reported the annual budget workshop was held on Saturday, January 28, and he commended staff for effectively presenting the budget information to allow for an efficient workshop.

On Item 4. Consent Agenda.

Council members pulled Items 4(k)1 and 4(k)2 for discussion. It was moved by Messerschmidt, second by Trimble to approve the consent agenda as amended.

a. Approval of Minutes of January 23, 2017 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Master of None, LLC d/b/a Barn Town Brewing, 9500 University Avenue, Suite 1110 - Class LC Liquor License with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - New
    2. Hy-Vee, Inc., d/b/a Hy-Vee Food & Drugstore #3, 1725 Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales -

Renewal

3. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class LC Liquor License Extension of Outdoor Service - February 25-27, 2017
4. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Class BW Permit with Sunday Sales - Renewal
5. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - 5-Day Class LC Liquor License with Outdoor Service - Effective March 16, 2016 - March 20, 2017
6. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal

d. Approval of Reappointments - Sister Cities Commission
e. Approval of Appointments - Due Diligence Committee
f. Approval of Amendment to Medical Benefits upon the Death of an Employee
g. Establish Public Hearing - 2017-18 FY Operating and Capital Budget
h. Establish Public Hearings - Issuance of $7,900,000 Essential Corporate Purpose and General Corporate Purpose General Obligation Bonds
i. Approval of Amendment to Indenture of Trust - Industrial Revenue Bonds - Woodgrain Millworks, Inc. d/b/a Windsor Windows
j. Removed
l. Approval of Economic Development Assistance Contract - DelVoda
m. Order Preparation of Plans and Specifications - Raccoon River Park Portable Toilet Enclosures
n. Accept Work:
   1. 2012 Sidewalk Repair Program, Phase 2
   2. Grand Avenue Improvements, Phase 6
   3. South Grand Prairie Parkway Tree Cutting
   4. 318 5th Street Building Renovation
o. Approval of Professional Services Agreement - West Public Services Facility
p. Acceptance of Streetlight Installation Agreement - Maple Grove Plat 2, Lot 1
q. Approval of 28E Agreements:
   1. Animal Control Sheltering Services
   2. Mutual Law Enforcement Assistance
r. Approval of Settlement Agreement - William Post
s. Approval and Acceptance of Purchase Agreement, Deed and Temporary Construction Easement - Ashworth Road Improvements Project, Phase 1

Vote 17-032: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 4(k) Approval of Redevelopment Incentive Policies:
1. Property Improvement Fund
2. Regulatory Compliance Fund

Council member Trevillyan stated he supports these proposed policies, but he expressed concerns about approving them before the funding source has been identified.

Council member Trimble stated on Wednesday, February 8, the Finance and Administration Subcommittee will review the funding options identified by staff, and he is confident that at least one of the options will be acceptable to the subcommittee.

Council member Trevillyan also expressed concerns that the proposed Regulatory Compliance Fund is a grant program, which he does not believe will be sustainable. He suggested it should be a low-interest or no-interest loan program.

Council member Trimble stated the intent of the Regulatory Compliance Fund program is to assist prospective business owners in overcoming regulatory obstacles (such as ADA-compliance, grease interceptors, and fire sprinklers) that would otherwise prohibit them from starting their business. The program also requires a one-to-one funding match from the applicant. He also noted this is a pilot project for now, and after the initial two years it will be reviewed to determine how well it's working.

It was moved by Trimble, second by Messerschmidt to approve Item 4(k)1 Approval of Redevelopment Incentive Policy - Property Improvement Fund and Item 4(k)2 Approval of Redevelopment Incentive Policy - Regulatory Compliance Fund.

Vote 17-033: Messerschmidt, Mickelson, Trimble … 3 yes
Trevillyan … 1 no
Motion carried.

On Item 5(a) Etzel Properties Plat 2, southwest corner of Mills Civic Parkway and 81st Street - Rezone the Entire 39.2 acre Property from Unzoned to Planned Unit Drvelopment (PUD) for Commercial and Office Development, initiated by Robert F. Etzel Living Trust

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

Vote 17-034: 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 17-035: 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 17-036: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(b) 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

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

Vote 17-037: 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 17-038: 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 17-039: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(c) 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 Des Moines

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

Vote 17-040: 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 17-041: 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 17-042: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(a) 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 (Continued from January 23, 2017).

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to February 21, 2017.

Vote 17-043: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Quail Park Woods, 4101 Grand Avenue - Establish a Planned Unit Development (PUD) to Reduce Side Yard Setbacks and Enhance Architecture Standards, initiated by Neighborhood Builders. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 20, 2017 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 proposed PUD ordinance. He also stated one correspondence was received and included with the council communication.

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 consider the first reading of the ordinance.

Vote 17-044: 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 first reading of the ordinance.

Vote 17-045: Messerschmidt, Mickelson, 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 Hurd Wellmark, northwest corner of South Jordan Creek Parkway and Mills Civic Parkway - Amend the Bridgewood Planned Unit Development (PUD) to Remove Parcel L and Amend the Comprehensive Plan Land Use Map to Change approx. 15.9 acres of Office and 12.3 acres of Support Office to Community Commercial and Change approx. 1.75 acres of Office and 0.71 acres of Medium Density Residential to Open Space to Allow for an Office and Commercial Development, initiated by Hurd Real Estate Services. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 20, 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 one member abstaining and one member absent, the Plan and Zoning Commission recommended City Council approval of the Comprehensive Plan amendment and PUD amendment. He also stated several correspondences were received and included with the council communication.

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 adopt Resolution - Approval of Comprehensive Plan Amendment.

Lynne Twedt, Development Services Director, responded to questions from the Council, stating the buffer requirements for this site will be addressed with the specific plan ordinance, and the Community Commercial designation would have no restrictions on building size, but that could also be addressed with the specific plan ordinance.

Vote 17-046: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

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

Vote 17-047: 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 17-048: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(a) Etzel Plat of Survey, southwest corner of South 81st Street and Mills Civic Parkway - Approval of a Plat of Survey, initiated by Robert F. Etzel Living Trust

It was moved by Trimble, 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 17-049: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(b) Amendment to City Code - Title 5 (Police Regulations), Chapter 3 (Animal Control) - Change Quarantine Period from 14 to 10 Days, initiated by the City of West Des Moines

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

Vote 17-050: 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 17-051: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - Hawthorne Drive (160 ft. east of South 50th Street to South 50th Street), Waterford Drive (60 ft. east of South 50th Street to South 50th Street), and Bentley Drive (South 50th Street to South 51st Street), initiated by the City of West Des Moines

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

Council member Trimble inquired if the residents on these streets have been notified of this no parking ordinance.

Bret Hodne, Public Services Director, stated since it was a given that these widened sections would become no parking zones, the residents were not notified.

Council member Trimble requested that staff begin notifying the residents for any future no parking ordinances.

Mr. Hodne agreed, and he stated staff will notify the residents for this one before it comes back to Council for its second/third reading.

Vote 17-052: 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 17-053: Messerschmidt, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 8(a) The Foundry, 111 South 11th Street - Establish Planned Unit Development (PUD) - City Initiated - Referred to Plan and Zoning

On Item 8(b) Village of Ponderosa, east of South 60th Street at Village View Drive - Amend the Specific Plan Ordinance to Modify Development Regulations and Proposed Architectural Concepts - LENL, LLC - Referred to Plan and Zoning

On Item 9 - Other Matters: none

The meeting was adjourned at 6:08 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

February 6, 2017

ATTEST:

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Steven K. Gaer, Mayor