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West Des Moines City Council Proceedings
Monday, August 7, 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, August 7, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 17-436: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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

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

Council member Messerschmidt reported he attended a meeting of the Public Services Subcommittee, and he noted the Iowa Department of Transportation is conducting an online survey regarding I-80, so all are encouraged to participate. He also attended a meeting of the West Des Moines Chamber of Commerce Board, where discussion was held on uses for the \$50,000 previously donated by the City to the West Des Moines Development Connection, which no longer exists. He also attended a meeting of the Polk County Housing Trust Fund Board, where discussion was held on the Healthy Homes program.

City Manager Tom Hadden reported the City, as host for the Solheim Cup, was given a 30-second commercial spot during the event's television broadcast, so staff has worked with Bing Bang to produce a commercial for that purpose.

Clyde Evans, Community and Economic Development Director, reported when staff learned of this opportunity, there was a short timeframe to produce the commercial. Staff contracted with Bing Bang, a fairly new company located in West Des Moines, and they did an excellent job producing a commercial that highlights West Des Moines.

Brandon Bingham, Bing Bang, reported Bing Bang started in 2014 and now employs 11 people. He stated this commercial opportunity was a great opportunity for them to showcase their city. He then played the commercial for the Mayor and Council.

Mr. Evans expressed appreciation to all the businesses that participated in the filming of this commercial.

On Item 4. Consent Agenda.

Council members pulled Items 4(c)3, 4(f), 4(i), and 4(j)11 for discussion. It was moved by Messerschmidt, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of July 24, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Casey's Marketing Company, d/b/a Casey's General Store #2150, 2125 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
 - 2. Chipotle Mexican Grill of Colorado d/b/a Chipotle Mexican Grill, 490 South 68th Street, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 4. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - August 23-24, 2017
 - 5. Taste of the Junction, Inc., d/b/a Taste of the Junction - Five-Day Class B Beer Permit with Outdoor Service for Street Party Event in the 400 Block of Railroad Place, September 2, 2017
 - 6. Moreno's Corporation d/b/a Tequila Limon y Sal Mexican Restaurant, 5014 EP True Parkway - Class LC Liquor License with Sunday Sales - Renewal
 - 7. Trader Joe's East, Inc. d/b/a Trader Joe's #721, 6305 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
 - 8. Stu's Petroleum, d/b/a Valley West Corner Store, 1400 Valley West Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
- d. Approval of Special Event Lane Closure - 58th Street Block Party, August 12, 2017
- e. Approval of Contract - Aggregate for Unimproved Roads
- g. Approval of 28E Agreement - Public Works Mutual Assistance
- h. Order Construction - Coachlight Drive (South Jordan Creek Parkway to South 81st Street) and South 77th Street (Coachlight Drive to Mills Civic Parkway)
- j. Approval of Professional Services Agreements:
 - 1. Jordan Creek Pedestrian Underpasses Review
 - 2. EP True Parkway Widening - Jordan Creek Parkway to 81st Street
 - 3. Intersection Improvements - Intersection of Mills Civic Parkway and South Jordan Creek Parkway and Intersection of Coachlight Drive and South Jordan Creek Parkway
 - 4. Intersection Improvements - Intersection of South 51st Street and Mills Civic Parkway and Intersection of the Jordan Creek Town Center south entrance and Mills Civic Parkway
 - 5. South Grand Prairie Parkway - Stagecoach Drive to Mills Civic Parkway
 - 6. Valley West Drive and Westown Parkway Sewer Improvements
 - 7. EP True Parkway Culvert along Fairmeadows Creek
 - 8. Nature Lodge - Lakeview Room Lighting

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9. Badger Creek Watershed Study
 10. Ashworth Road Reconstruction - I-80 Bridge to 98th Street
- k. Approval and Acceptance of Purchase Agreement and Conveyance of Property Interests - Walnut Creek Outfall Storm Sewer Improvements

Vote 17-437: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(c)3 Approval of Liquor License - Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - Renewal

Council member Trimble stated he will abstain on this item due to a potential conflict of interest, as he has an investment with Fox Brewing, LLC.

It was moved by Sandager, second by Trevillyan to approve Item 4(c)3 Approval of Liquor License - Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - Renewal.

Vote 17-438: Messerschmidt, Sandager, Trevillyan...3 yes
Trimble... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(f) Approval of Contract Amendment - Custodial Services at City Hall

Council member Trimble inquired how this arrangement will save money for the City.

Bret Hodne, Public Services Director, reported the City has eliminated two building maintenance positions and is now contracting out all custodial services. This arrangement created a void with nobody available to change room setups at City Hall, therefore it was necessary to have that service added to the custodial services contract. The savings will be realized from the cost differential between those two eliminated positions and this contract.

It was moved by Trimble, second by Sandager to approve Item 4(f) Approval of Contract Amendment - Custodial Services at City Hall.

Vote 17-439: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(i) Approval of Agreement with the Department of the Army - Walnut Creek Outfall Storm Sewer

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Council member Trimble inquired why this work needs to be done at this time at the City's expense.

Brian Hemesath, Interim City Engineer, stated the Federal Government funding for reviewing Section 408 permits ran out when they were within a week of completing the review and getting the permit approved. Timing of this is important because there is a Des Moines Water Works water main in conflict with the project that needs to be worked on in a certain timeframe. If the review does not get completed in a timely fashion, the project will have to be pushed out an entire year. He noted the \$12,750 is a conservative estimate, and the actual cost to the City should not exceed that amount. Staff is recommending the City cover the cost for the remainder of the Corps' review.

It was moved by Trimble, second by Trevillyan to approve Item 4(i) Approval of Agreement with the Department of the Army - Walnut Creek Outfall Storm Sewer.

Vote 17-440: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(j)11 Approval of Professional Services Agreement - South 33rd Street and Fuller Road Retaining Wall Improvements

Council member Trimble requested that staff look into ways to improve the sight-triangle at this intersection and to relocate the sidewalk further away from Fuller Road.

Brian Hemesath, Interim City Engineer, stated staff already has plans to seek those types of improvements.

It was moved by Trimble, second by Sandager to approve Item 4(j)11 Approval of Professional Services Agreement - South 33rd Street and Fuller Road Retaining Wall Improvements

Vote 17-441: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(a) Jordan Creek Business Park, Village View Drive between South 60th Street and South 64th Street - Specific Plan Amendment to Allow SIC 4225 "Self-Service Storage Facility - Interior Unit Access with no Outside Storage Yard" as a Permitted Use, Rueter & Zenor Company and Rueter Corporation (Continued from July 10, 2017)

It was moved by Sandager, second by Trevillyan to continue Item 5(a) Jordan Creek Business Park Specific Plan Amendment to August 21, 2017.

Vote 17-442: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 5(b) Microsoft DSM09 (Osmium), generally located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren County - Amend Zoning Map for Light Industrial for Construction of a Data Center, initiated by the City of West Des Moines

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

Vote 17-443: Messerschmidt, Sandager, 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 second reading of the ordinance.

Vote 17-444: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 17-445: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(c) Cedar Ridge Lots 3-8, north side of intersection of Mills Civic Parkway and South 91st Street - Consistency Zone approx. 9 acres from 'Unzoned' to Residential Estate, 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 17-446: 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 second reading of the ordinance.

Vote 17-447: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 17-448: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(d) Boston Property, 9975 Booneville Road - Designate Residential Medium Density Zoning on approx. 11.68 acres, initiated by Chayse Holding, LLC

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

Vote 17-449: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-450: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 17-451: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(e) Phenix, northeast corner of 7th Street between Walnut Street and Locust Street - Amend the Planned Unit Development (PUD) to Remove Allowances for Development of Single Family Homes, initiated by the City of West Des Moines

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

Council member Sandager inquired about the plans for the fence around the playground.

Sally Ortgies, Parks and Recreation Director, responded staff intends to seek input from the neighbors. She noted the City's other park playgrounds do not have fences around them, however none of the other playgrounds are this close to the street, so staff may consider retaining at least some of the fence for safety reasons.

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Vote 17-452: Messerschmidt, Sandager, 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 second reading of the ordinance.

Vote 17-453: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 17-454: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(f) Villas on Ashworth, generally located at 8585 Ashworth Road - Amend Comprehensive Plan Land Use Map from Office to High Density Residential and Community Commercial and Designate Residential High Density Zoning and Community Commercial Zoning on approx. 36 acres, initiated by Fink Enterprises, LC (Continued from July 24, 2017)

It was moved by Sandager, second by Trevillyan to continue Item 5(f) Villas on Ashworth Comprehensive Plan Amendment and Rezoning to August 21, 2017.

Vote 17-455: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(g) Issuance of \$7,650,000 General Obligation Bonds, Series 2017A, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Appoint Paying Agent, Registrar, and Transfer Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 17-456: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(h) Issuance of \$4,665,000 General Obligation Urban Renewal Bonds, Series 2017B, initiated by the City of West Des Moines

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It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Appoint Paying Agent, Registrar, and Transfer Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 17-457: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(i) Issuance of \$9,130,000 General Obligation Urban Renewal Bonds, Series 2017C, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Appoint Paying Agent, Registrar, and Transfer Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 17-458: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(j) Issuance of \$25,555,000 General Obligation Urban Renewal Bonds, Series 2017D, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Appoint Paying Agent, Registrar, and Transfer Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 17-459: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(k) Issuance of \$3,470,000 General Obligation Refunding Bonds, Series 2017E, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Appoint Paying Agent, Registrar, and Transfer Agent and Resolution - Authorizing the Issuance and Approval of Tax Exemption Certificate, Continuing Disclosure Certificate, and Refunding Trust Agreement.

Vote 17-460: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Amend City Code - Title 9 (Zoning), Chapter 3 (General Zoning Provisions) and Chapter 6 (Commercial, Office and Industrial Zoning District) - Amend Regulations Pertaining to Single Family Residential Uses in Non-Single Family Residential Designated Areas, 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 July 21, 2017 in the Des Moines Register. Mayor Gaer

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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 ordinance 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 Messerschmidt to consider the first reading of the ordinance.

Council member Trimble inquired if this ordinance amendment is in response to a specific request.

Linda Schemmel, Development Coordinator, responded there is one specific request currently, and there have been several other requests in the past that were dropped. She responded to further questions, stating the current ordinance, in cases where an existing home is damaged or destroyed, allows for a new home to be constructed within six months. This proposed ordinance would address cases where that six month timeframe has passed. She stated such a home would be considered legal non-conforming.

The Council held discussion on the statute of limitations in the proposed ordinance, which is 15 years from the time the home ceased to exist on the property. Council members Sandager, Trevillyan, and Trimble expressed support for shortening that statute of limitations before the ordinance comes back for 2nd reading in two weeks.

Vote 17-461: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-462: Messerschmidt, Sandager, 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 Agreement for Private Development, initiated by IMT Insurance (Continued from July 24, 2017). He asked for the date the notice was published and the City Clerk indicated the notice was published on July 14, 2017 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.

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

Council member Trimble reported he attended the groundbreaking ceremony for IMT Insurance. He expressed appreciation to IMT Insurance and Hurd Real Estate for their investment in West Des Moines, which will add 33 new jobs to our community.

Vote 17-463: 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 39th Street Parking Lot, 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 July 28, 2017 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 Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Caliber Concrete, LLC.

Vote 17-464: 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 Raccoon River Park Portable Toilet Enclosures, 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 July 28, 2017 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 Minturn, Inc.

Council member Trevillyan inquired if these enclosures will resemble the existing enclosures in Railroad Park.

Sally Ortgies, Parks and Recreation Director, responded they will be similar but have some different elements to mimic the signage in Raccoon River Park.

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Council member Trevillyan inquired about the possibility of constructing permanent bathroom structures in Railroad Park and other neighborhood parks around the city that have water service.

Ms. Ortgies stated staff has not received many complaints about the parks without permanent bathroom structures, so it has never risen to the top of the list of priority projects. She noted each one would cost between \$100,000 and \$150,000.

Vote 17-465: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Fareway Plat 1, southwest corner of 81st Street and Mills Civic Parkway - Subdivide Property into One Lot for Commercial Development, initiated by Fareway Stores, Inc.

It was moved by Trevillyan, second by Sandager 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.

Vote 17-466: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(b) 3900 Westown Teller Canopy Removal, 3900 Westown Parkway - Approval of Demolition of an Existing Bank Canopy, initiated by Jerry's Homes, Inc.

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

Vote 17-467: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) Trailside, 5003 EP True Parkway - Establish a Planned Unit Development (PUD) to Define Uses and Development Standards for Reuse of the Previous Dahl's Building - Ridgway Properties, LLC - Referred to Plan and Zoning

On Item 8(b) Jordan Creek Crossing I, north side of Coachlight Drive between South 64th Street and South 68th Street - Amend Specific Plan Ordinance to Allow SIC 7999 (Court Games) as a Permitted Use, Update the Specific Plan Map and Architectural Precedent Images - 68th Street Properties, LLC - Referred to Plan and Zoning

On Item 8(c) Amend City Code - Title 9 (Zoning) - Update Definitions and Regulations Pertaining to Accessory Structures - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters: none

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The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor