

August 21, 2017

West Des Moines City Council Proceedings  
Monday, August 21, 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 21, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, K. Trevillyan, and R. Trimble. Council member J. Sandager participated via telephone.

City Clerk Ryan Jacobson stated staff is recommending a revision be made to Item 5(c) Amendment to City Code - Single Family Residential Uses in Non-Single Family Residential Designated Areas to clarify how the prior existence of a structure shall be verified.

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

Vote 17-468: 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:

Council member Trevillyan reported the West Des Moines Library hosted a solar eclipse viewing event earlier today, which was very well-attended.

Council member Mickelson commended the City's public safety departments for their efforts in making the Solheim Cup a success.

Mayor Gaer commended the Public Services Department as well for their efforts in managing the increased traffic during the Solheim Cup, and he noted he heard a lot of positive comments about the city as a host for the event.

Council member Messerschmidt reported he attended a meeting of the West Des Moines Water Works Board, where a contract was awarded for a water main project along Mills Civic Parkway and discussion was held on how to address long-term water capacity needs for the area.

City Manager Tom Hadden commended city staff for working well together to ensure the Solheim Cup event went smoothly.

Council member Sandager noted he saw signage at the Solheim Cup that listed the host cities for the event, and for 2017 it listed "Des Moines" and he believes it should have said "West Des Moines."

On Item 4. Consent Agenda.

Council members pulled Items 4(m)12, 4(n), 4(o)1, and 4(r) for discussion. It was moved by Messerschmidt, second by Trimble to approve the consent agenda as amended.

- a. Approval of Minutes of August 7, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Bradley's Pub, Inc., d/b/a Bradley's Pub, 1300 50th Street, Suite 203 - Class LC Liquor License with Sunday Sales - Renewal
  - 2. KRC Partners, LLP, d/b/a Cooper's on 5th, 227 5th Street - Class LC Liquor License with Sunday Sales - Renewal
  - 3. Embassy Club West, LLC, d/b/a Embassy West - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  - 4. Fall Foods, Inc., d/b/a Godfathers Pizza, 5919 Ashworth Road - Class B Beer Permit with Sunday Sales - Renewal
  - 5. Hana Ramen Sushi, Inc. d/b/a Hana Ramen Sushi, 7450 Bridgewood Boulevard, #205 - Class LC Liquor License with Sunday Sales - New
  - 6. Jethro's Bacon Bacon, Inc., d/b/a Jethro's BBQ n'Bacon Bacon, 1480 22nd Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  - 7. Lodge of Ashworth, Inc., d/b/a The Lodge of Ashworth Club, 909 Ashworth Road - Class LC Liquor License with Sunday Sales, Living Quarters, Outdoor Service, and Catering Privileges - Renewal
  - 8. Ohana Inc. d/b/a Ohana Steakhouse, 2900 University Avenue, Suite A - Class LC Liquor License with Sunday Sales - Renewal
  - 9. Sakura Sushi, Inc., d/b/a Sakura Sushi, 1960 Grand Avenue, Suite 11 - Class LC Liquor License with Sunday Sales - Renewal
- d. Approval of Orders and Affirmative Defenses for Violations of Alcohol Laws
- e. Approval of Special Event Lane Closure - Giles Street Block Party, August 26, 2017
- f. Approval of Parking on School Property Grass - 2017 Valley Stadium Football Games
- g. Approval of Appointment - Bicycle Advisory Commission
- h. Acceptance of Byrne-JAG Law Enforcement Grant
- i. Approval of Professional Services Agreement - Aquatic Centers Hiring and Maintenance Process Mapping
- j. Approval of Change Order #1 - Valley Junction Alley Improvements, Phase 4
- k. Approval of Compensation - City Manager
- l. Order Construction - 2017 Asphalt Trail Renovation Project
- m. Approval of Professional Services Agreements:
  - 1. 2017 Sewer Cleaning and Televising Program
  - 2. 2017 Sewer Rehabilitation Program
  - 3. 2017 ADA Sidewalks Program

4. 2017 Durable Pavement Markings
  5. 2017 Guardrails Program
  6. 2018 PCC Reconstruction Program
  7. Intersection Improvements - Intersection of 1st Street and Ashworth Road and Intersection of 1st Street and Railroad Avenue
  8. Fairmeadows Creek Drainage Study
  9. 2017 Stormwater Intake Repair Program
  10. 2018 PCC Patching and Medians Program
  11. 2018 HMA Resurfacing Program
  13. Johnson Creek Conveyance Improvements - Phases 1A and 1B
- o. Establish Just Compensation and Approve Acquisition of Property:
2. EP True Parkway Extension
- p. Approval and Acceptance of Purchase Agreements and Property Interests:
1. Ashworth Road Improvements, Phase 1
  2. Ashworth Road Improvements, Phase 2
- q. Approval of Tenant Purchase-Agreement - Project Osmium Public Infrastructure

Vote 17-469: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(m)12 Approval of Professional Services Agreement - City Entrance Enhancements Study

Council member Sandager inquired how the new signage might compare with existing signage.

Brian Hemesath, Interim City Engineer, responded the intention will be for any new signage to have a similar style that complements the existing signage.

Mayor Gaer requested that staff provide the Public Art Advisory Commission's public art study to the consultant.

It was moved by Sandager, second by Trevillyan to approve Item 4(m)12 Approval of Professional Services Agreement - City Entrance Enhancements Study.

Vote 17-470: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(n) Approval of 28E Agreement with the City of Norwalk and West Des Moines Water Works - Veterans Parkway Improvements

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

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It was moved by Trimble, second by Messerschmidt to approve Item 4(n) Approval of 28E Agreement with the City of Norwalk and West Des Moines Water Works - Veterans Parkway Improvements.

Vote 17-471: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 abstain due to potential conflict of interest

Motion carried.

On Item 4(o)1 Establish Just Compensation and Approve Acquisition of Property - Alluvion Water Booster Station

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

It was moved by Trimble, second by Messerschmidt to approve Item 4(o)1 Establish Just Compensation and Approve Acquisition of Property - Alluvion Water Booster Station.

Vote 17-472: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 abstain due to potential conflict of interest

Motion carried.

On Item 4(r) Approval of Language for Local Option Sales and Services Tax Referendum in Dallas County

Council member Sandager stated he would prefer that the proposed language “50% of revenue will be applied to legal uses authorized by the state of Iowa, including construction of public parks, recreational facilities and trails; public infrastructure construction; and public safety expenditures” be revised to limit the uses.

Discussion was held on an appropriate revision to that language, and the Council agreed that the language should be revised to “50% of revenue will be applied directly to the construction of public parks, recreational facilities and trails; public infrastructure construction; and public safety expenditures.”

Council member Mickelson suggested that the language “Shall the City of West Des Moines impose a local sales and services tax...” should be revised to say “Shall the citizens of the City of West Des Moines approve a local sales and services tax...”

The other Council members agreed with Council member Mickelson’s suggestion.

It was moved by Sandager, second by Trevillyan to approve Item 4(r) Approval of Language for Local Option Sales and Services Tax Referendum in Dallas County, with an amendment to revise the language as previously described.

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Vote 17-473: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 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, initiated by Rueter & Zenor Company and Rueter Corporation (Continued from July 10, 2017 and August 7, 2017)

It was moved by Trimble, second by Messerschmidt to continue Item 5(a) Jordan Creek Business Park Specific Plan Amendment to September 5, 2017.

Vote 17-474: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) 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 and August 7, 2017)

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 17-475: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 no  
Motion carried.

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

Vote 17-476: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 no  
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 17-477: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 no  
Motion carried.

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On Item 5(c) Amendment to 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

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

Council member Trevillyan inquired if the proposed ordinance still has the 15 year provision for how recent a single-family home had to be on the property in order to rebuild a single-family home.

Council member Trimble responded staff did take another look at that timeline and concluded there were so few properties that would qualify under that 15 year provision, so staff felt comfortable that there would not be many unintended consequences.

Lynne Twedt, Development Services Director, showed a map of the properties that could qualify under that 15 year provision, and she noted some are outside city limits, and some are owned by the City or developers, so there are very few cases where staff could foresee a property owner requesting to rebuild a single-family home. She also stated if there are unintended consequences, the ordinance could then be revised to reduce the timeline from 15 years.

Vote 17-478: 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 Messerschmidt to approve the second reading of the ordinance.

Vote 17-479: 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 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, initiated by Ridgway Titleholder, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 4, 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 rezoning request.

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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 17-480: 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 first reading of the ordinance.

Vote 17-481: 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 Jordan Creek Crossing I, north side of Coachlight Drive between South 64th Street and South 68th Street - Amend the Specific Plan Ordinance to Allow SIC 7999 (Court Games) as a Permitted Use and Update the Specific Plan Map and Architectural Precedent Images, initiated by 68th Street Properties, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 4, 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 specific plan amendment.

Mayor Gaer asked if there were any public comments.

Doug Wells, Wells and Associates, 520 42<sup>nd</sup> Street, Des Moines, representing the applicant, provided an overview of the concept that is proposed for the property.

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.

Mr. Wells responded to questions from the Council about the specifics of the business' operations, stating the business intends to partner with the neighboring hotel to make its facilities available to hotel guests. He also stated the facilities will be open to the public for a rental fee, except when they are reserved for league play.

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Vote 17-482: 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 first reading of the ordinance.

Vote 17-483: 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 Midtown 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 August 11, 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 Trimble, second by Messerschmidt to adopt Resolution - Approval of Urban Renewal Plan.

Vote 17-484: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 17-485: 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 first reading of the ordinance.

Vote 17-486: 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 Holiday and Valley View Aquatic Center Water Slide Structure Refurbishment, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk



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indicated the notice was published on August 11, 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 Trimble, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Elevation Coating, LLC.

Vote 17-487: 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 Holiday Aquatic Center Play Structure Refurbishment, 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 August 11, 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 Trimble, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Fischer Bros. LLC.

Vote 17-488: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) All State Industrial Plat 3, 480 South 18th Street - Plat Property into Two Lots, One Outlot and One Street Lot, initiated by All State Investments, LC

It was moved by Trimble, second by Messerschmidt 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 17-489: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(b) Mills Crossing Plat 1, 5901 Mills Civic Parkway - Subdivide the Property into Seven Lots for Commercial Development, initiated by Hurd Mills, LLC

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

Vote 17-490: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(c) The Parkways, northwest corner of South Jordan Creek Parkway and Mills Civic Parkway - Subdivide Property into Five Lots for Commercial and Office Development, Two Outlots, and Four Street Lots, initiated by Hurd Parkways, LLC

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

Vote 17-491: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8(a) Ashworth Road I-80 Corridor, generally located along Ashworth Road beginning west of I-80 east to Jordan Creek Parkway - Amend Comprehensive Plan Land Use Map and Zoning Map to Designate and Rezone Property to High Density Residential, Medium Density Residential, Office, Community Commercial, and Light Industrial - City Initiated - Referred to Plan and Zoning

On Item 8(b) Cobb Property, 9450 Booneville Road - Consistency Zone approx. 12.7 acres from 'Unzoned' to Residential Single Family - City Initiated - Referred to Plan and Zoning

On Item 8(c) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Definitions) - Amend Definitions of Family to Comply with Code of Iowa - City Initiated - Referred to Plan and Zoning

On Item 8(d) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts) - Allow SIC 3843 (Dental Equipment and Supplies) as a Permitted Use in the Office District - Char Properties, LLC - Referred to Plan and Zoning

On Item 8(e) West Des Moines Chamber of Commerce Memorandum Regarding Use of Economic Development Funds - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 6:09 p.m.

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Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor