

September 5, 2017

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

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

Vote 17-492: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum

Loretta Sieman, 2414 NW 160th Court, Clive, commended City staff for its efforts in ensuring the Solheim Cup was a success.

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

Bret Hodne, Public Services Director, reported on the landscaping improvements done at Public Safety Stations 21 and 22 by DeeAnn Fredericks, Horticulturist. He then presented a slideshow of photos of the improvements, and he commended Ms. Fredericks for her work on this project.

Council member Messerschmidt requested that Sally Ortgies, Parks and Recreation Director, provide a report on his behalf

Sally Ortgies, Parks and Recreation Director, reported she and Council member Messerschmidt attended an opening event at the Purple Martin Lake Water Resource Area, which will be a great recreational opportunity for West Des Moines residents. She reported the Public Art Advisory Commission has recommended approval of two artist agreements and is starting the process of selecting artists for the 2018 "Art on the Campus" exhibit. She also noted the "Art Route" exhibit will be installed within the next month.

Mayor Gaer reported he attended the Taste of the Junction Festival and commended the organizers for putting on a successful event. He congratulated City Clerk Ryan Jacobson for participating in the Municipal Professionals Academy, and he congratulated Finance Director Tim Stiles and his staff for being awarded the Certificate of Achievement for Excellence in Financial Reporting.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of August 21, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. 515 bar&grill, LLC d/b/a 515 bar&grill, 165 South Jordan Creek Parkway, Suite 120 & 125 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 - 2. Pepe's, Inc. d/b/a Cabo Sol Mexican Food, 5010 Mills Civic Parkway, Suite 100 - Class LC Liquor License with Sunday Sales - New
 - 3. Casey's Marketing Company d/b/a Casey's General Store #2297, 108 8th Street - Class BC Permit with Sunday Sales and Carryout Wine Privileges - Renewal
 - 4. G.O.C.C. Investments, LLC, d/b/a Glen Oaks Country Club, 1401 Glen Oaks Drive - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 5. Envision Homes, LLC d/b/a Heart of Iowa Marketplace, 211 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
 - 6. Hometown Pizza, LLC d/b/a Hometown Pizza, 1960 Grand Avenue - Class BB Beer Permit with Sunday Sales - New
 - 7. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - September 20-21, 2017
 - 8. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 9. Riley Drive Entertainment I, Inc., d/b/a Tonic Bar, 5535 Mills Civic Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 10. International Event Center, Inc., d/b/a Val Air, 301 Ashworth Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 11. International Event Center, Inc., d/b/a Val Air, 301 Ashworth Road - Class LC Liquor License Extension of Outdoor Service - September 17-18, 2017
- d. Approval of Parking on Grass - ValleyFest
- e. Approval of Artist Agreements:
 - 1. Water Quality Community Service Public Art Project
 - 2. Our Main Street Public Art Project
- f. Approval of Amendment to Professional Services Agreement - Water Quality Community Service Public Art Project
- g. Approval of Professional Services Agreement - Parks Signage Upgrade Plan
- h. Approval of Contract Agreement - Emergency Sanitary and Storm Sewer Repair Services

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- j. Approval of Grant Application - Iowa Clean Air Attainment Program (ICAAP) - Traffic Adaptive Signal Controls on Ashworth Road
- k. Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Traffic Adaptive Signal Controls in the Jordan Creek Town Center Area on 60th Street, 68th Street, and EP True Parkway
- l. Order Construction - Law Enforcement Center Metal Roof Maintenance
- m. Accept Work - Woodland Hills Park Site Development
- n. Approval of Professional Services Agreements:
 - 1. Valley Junction Activity Center Fire Escape Stairs
 - 2. Public Safety Station 18 and Law Enforcement Center Generator Replacement
 - 3. Historic City Hall and Nature Lodge Water Infiltration Study
 - 4. Park Restrooms/Shelters Miscellaneous Repairs
 - 5. Law Enforcement Center Lower Level Remodel, Phase 3
 - 6. Valley View Aquatic Center Partial Roof Replacement
 - 7. Public Safety Station 22 Sewer Rehabilitation
 - 8. Public Safety Station 17 Locker Room Reconstruction Study
 - 9. Public Safety Station 19 Atrium HVAC Study
 - 10. Public Safety Station 22 Energy Recovery Unit Replacement
 - 11. Law Enforcement Center and Library Mechanical Updates
 - 12. City Hall Heat Pump and Carpet Replacement
 - 13. Historic City Hall Water Service
- o. Approval and Acceptance of Non-Interference Agreement - 1600 Jordan Creek Parkway
- p. Approval of Addressing - Various Locations within City Limits
- q. Approval of Subcommittee Recommendations - Redevelopment Incentive Programs (Property Improvement Fund and Regulatory Compliance Fund)
- r. Approval and Acceptance of Purchase Agreements and Property Interests:
 - 1. Ashworth Road Improvements, Phase 2
 - 2. Project Osmium Public Infrastructure
- s. National Drive Electric Week, September 9-17, 2017

Vote 17-493: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(i) Approval of Change Order #1 - South Grand Prairie Parkway, SW Madison Avenue to Raccoon River Drive

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

It was moved by Trimble, second by Mickelson to approve Item 4(i) Approval of Change Order #1 - South Grand Prairie Parkway, SW Madison Avenue to Raccoon River Drive.

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Vote 17-494: Messerschmidt, Mickelson, Sandager, Trimble...4 yes
Trevillyan... 1 abstain due to potential conflict of interest

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, August 7, 2017, and August 21, 2017)

It was moved by Trevillyan, second by Trimble to continue Item 5(a) Jordan Creek Business Park Specific Plan Amendment to September 18, 2017.

Vote 17-495: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(b) Villas on Ashworth, generally located at 8585 Ashworth Road - Designate Residential High Density Zoning and Community Commercial Zoning on approx. 36 acres, initiated by Folsom-WDM, LLC

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

Vote 17-496: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 17-497: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 17-498: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(c) 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

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

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Vote 17-499: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 17-500: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 17-501: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(d) 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

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

Vote 17-502: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-503: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 17-504: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(e) Midtown Urban Renewal Area, initiated by the City of West Des Moines

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

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Vote 17-505: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 17-506: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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

Vote 17-507: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(f) 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 Trevillyan to consider the third reading and.

Vote 17-508: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-509: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(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, initiated by the City of West Des Moines.

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

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Vote 17-510: 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 Cobb Property, 9450 Booneville Road - Consistency Zone approx. 12.7 acres from 'Unzoned' to Residential Single Family, 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 18, 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.

Mayor Gaer asked if there were any public comments.

Denika Almburg, 1625 Thornwood Road, stated she supports the rezoning to residential and expressed interest in the Cobb residence being converted to a bed and breakfast or a historic inn. She noted she has begun discussing that possibility with the Development Services department.

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

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

Lynne Twedt, Development Services Director, responded to questions from the Council, stating as long as the bed and breakfast would be owner-occupied, it would be permitted to do short-term rentals in a residential-zoned district.

Vote 17-511: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 17-512: 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 Amendment to City Code - Title 9 (Zoning) - Update Definitions and Regulations Pertaining to Accessory Structures, 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 18, 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 ordinance amendment.

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

Vote 17-513: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 17-514: Messerschmidt, Mickelson, 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 Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) - Amend Definitions of Family to Comply with Code of Iowa, 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 18, 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 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.

Vote 17-515: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 17-516: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 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, initiated by Char Properties, LLC. He asked for the date the notice was published

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and the City Clerk indicated the notice was published on August 18, 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 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.

Vote 17-517: 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 17-518: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Coachlight Drive (South Jordan Creek Parkway to South 81st Street) and South 77th Street (Coachlight Drive to Mills Civic Parkway), 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 25, 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Absolute Concrete Construction, Inc.

Vote 17-519: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Grand Avenue Estates, 3600 Grand Avenue - Subdivide Property into Four Lots for Residential Estate Development and Two Street Lots, initiated by Grand Avenue Estates, LLC

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

Vote 17-520: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(b) Replat Glen Oaks Plat 4 Lots 7-10, 1152, 1160, 1168, and 1176 Glen Oaks Drive - Replat Lots to Adjust Lot Lines, initiated by Karen Arhold

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

Vote 17-521: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(c) Microsoft DSM04, 8855 Grand Avenue - Approval of a Major Modification to a Site Plan to Construct an approx. 50,000 sq. ft. Data Center Building with Site Modifications, initiated by Microsoft Corporation

It was moved by Trimble, second by Trevillyan 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 17-522: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(d) Bike World, 5003 EP True Parkway - Site Modifications and Architecture Modifications and Waive Curbing Requirement, initiated by Ridgway Properties, LLC

It was moved by Trimble, second by Trevillyan 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 17-523: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 5 (Police Regulations), Chapter 2 (Criminal Code), Section 14 (Fireworks) - Regulate the Use of Consumer and Display Fireworks, initiated by the City of West Des Moines

Council member Trimble suggested this item be continued to the September 18th meeting, when the full council will be present.

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It was moved by Trimble, second by Messerschmidt to continue Item 7(e) Amendment to City - Use of Consumer and Display Fireworks to September 18, 2017.

Vote 17-524: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - University Avenue and 98th Street, 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 17-525: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 17-526: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(g) Amendment to City Code - Title 8 (Building Regulations), Chapter 2 (Building Codes), Article A (Building Codes), Section 29 (Rental Housing) - Amend Definitions of Family to Comply with Code of Iowa, initiated by the City of West Des Moines

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

Vote 17-527: Messerschmidt, Mickelson, Trevillyan, Trimble...4 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 17-528: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) Mercy Clinic, 1525 and 1535 Grand Avenue - Amend the Comprehensive Plan Land Use Map from Single Family Residential to Office and Change the Zoning Designation from Residential Single Family to Office - RB WDM Grand, LLC - Referred to Plan and Zoning

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On Item 8(b) Chateau 88, 752 88th Street - Amend the Comprehensive Plan Land Use Map from High Density Residential to Single Family and Designate Residential Single Family Zoning - Chateau 88, LLC - Referred to Plan and Zoning

On Item 9 - Other Matters

Mayor Gaer expressed concerns about the lack of streetlights on South 50th Street, between EP True Parkway and Mills Civic Parkway.

Brian Hemesath, Interim City Engineer, responded the city has a contract with MidAmerican Energy to get those streetlights installed, but he does not know their timeline. He stated he will follow up with them and report back to the Mayor and Council.

Mayor Gaer also expressed concerns that the railroad crossing on 60th Street, north of EP True Parkway, is really rough.

Bret Hodne, Public Services Director, responded staff will take a look at it to see what can be done by the City, and if work is needed in between the tracks, they will contact the railroad to discuss it with them.

The meeting was adjourned at 6:06 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor