November 27, 2017

West Des Moines City Council Proceedings
Monday, November 27, 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, November 27, 2017 at 5:30 PM. Council members present were: J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble. Council member R. Messerschmidt participated via telephone

Mayor Gaer introduced Boy Scout Troop 88.

The members of Boy Scout Troop 88 led the reciting of the Pledge of Allegiance.

City Clerk Ryan Jacobson stated staff is recommending a change to the Resolution language for Item 7(d) Local Option Sales and Services Tax Resolution.

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

Vote 17-658: 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:

Mayor Gaer thanked Interim Police Chief James Barrett for his service.

Police Chief Chris Scott was then sworn in by Mayor Gaer.

Brad Long, Greater Dallas County Development Alliance, gave a report on the Alliance's recent activities and thanked the City for its continuing membership and support.

Council member Sandager reported Bravo Greater Des Moines will release information tomorrow on the funding requests that will be awarded by the organization.

On Item 4. Consent Agenda.

It was moved by Sandager, second by Trevillyan to approve the consent agenda as presented.

a. Approval of Minutes of May 30, 2017 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:

1. DeJear Corporation, d/b/a Caleo Enterprises, 1701 25th Street (Events Center West) - 5-Day Class LC Liquor License for Event - December 8, 2017
2. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - December 13-14, 2017
3. Lovely Food Mart, Inc. d/b/a Indian Grocery, 6630 Mills Civic Parkway, Suite 3110 - Class BC Permit with Sunday Sales - Renewal

d. Approval of Appointment - Plan and Zoning Commission
e. Approval of 2016-17 FY Tax Increment Financing Report
f. Approval of 2018-19 FY Tax Increment Financing Indebtedness and Certification Report
g. Approval and/or Ratification of Specific Fees and Charges - 2017-18 FY
h. Accept Work:
   1. Fairmeadows Park Storm Sewer Improvements
   2. Grand Avenue Siphon Replacement
i. Approval of Professional Services Agreement - City Hall Space Planning
j. Authorize Application for Surface Transportation Block Grant Program Funding - Des Moines Area Metropolitan Planning Organization
k. Approval and Acceptance of Purchase Agreements and Property Interests:
   1. Project Osmium Public Infrastructure (Middle Creek Trunk Sewer Extension)
   2. Project Osmium Public Infrastructure (Veterans Parkway Improvements, SE Maffitt Lake Road to SE Adams Street)

Vote 17-659: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(a) 1st Street Redevelopment PUD, southwest corner of 1st Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Revise the Timing of Streetscape Installation along Grand Avenue and 1st Street for PUD Parcel 1, initiated by First Street, LP

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

Vote 17-660: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-661: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 17-662: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Veterans Parkway, east corporate limits to SE Maffitt Lake Road, initiated by the City of West Des Moines

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

Vote 17-663: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-664: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 17-665: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 12 (Truck Routes) - South 60th Street, Mills Civic Parkway to Grand Avenue, initiated by the City of West Des Moines

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

Vicki Swallow, 1505 South 60th Street, spoke in opposition to South 60th Street being designated as a truck route. She stated she doesn't believe this needs to be a truck route, since there aren't many businesses in the area that would need truck access and there are already north-south truck routes at 50th Street, I-35, and Jordan Creek Parkway. She expressed concerns about public safety if trucks would speed along this road, as it has an s-curve and a hill. She also expressed concerns about the road deteriorating more quickly if it were to become a truck route.

Bret Hodne, Public Services Director, reported South 60th Street is classified as a minor arterial street, and the precedent has been that the City designates all of its arterial and minor arterial streets as truck routes, because it is the City's responsibility to provide a transportation network for trucks to travel throughout the community. He noted South 60th Street was designed and constructed to handle trucks.

Council member Sandager stated he believes exempting South 60th Street from being a truck route would be unfair to the property owners along other streets that have been designated as truck routes.

Council member Trimble agreed that it would not be appropriate to make an exception for South 60th Street.

Vote 17-666: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-667: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Rizan Shah, 1500 South 60th Street, spoke in opposition to South 60th Street being designated as a truck route. She expressed concerns about public safety, as this is a school bus route. She inquired if there would be any restrictions on trucks using the street during school bus pick-up and drop-off times. She also stated she moved to this area to get away from pollution and traffic, which she believes could be increased by South 60th Street becoming a truck route.

Dennis Swallow, 1505 South 60th Street, spoke in opposition to South 60th Street being designated as a truck route. He expressed concerns that the residents have already had to endure two years of construction for the South 60th Street Improvements Project, and now having it designated as a truck route would further punish those residents. He suggested the City wait five years after completion of the road improvements project before considering designating it as a truck route. He expressed concerns about the status of the intersection of South 60th Street and Pheasant Ridge Drive as an emergency exit, and he inquired who will enforce that emergency exit status. He also expressed concerns about public safety if trucks would speed along this road, as it has an s-curve and a hill.

Mayor Gaer suggested the Council might prefer to continue the third reading of this ordinance to the December 11th council meeting, so staff can provide answers to the residents' questions.

It was moved by Mickelson, second by Trimble to continue the third reading for Item 5(c) to December 11, 2017.

Vote 17-668: 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 Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Chapter 10 (Performance Standards), and Chapter 15 (Off Street Parking and Loading) - Establish Regulations for Distilleries with a Tasting Room, initiated by the City of West Des Moines (Continued from November 13, 2017). He asked for the date the notice was published and the City Clerk indicated the notice was published on October 27, 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.

Jeremy Christiani, 1100 50th Street, Unit 1102, spoke in opposition to the proposed ordinance, citing concerns about the potential public safety risks associated with the flammable liquids of a distillery. He requested that the Council consider deferring on this ordinance until The Foundry has been occupied and is known to be safe.

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

Lynne Twedt, Development Services Director, reported the proposed ordinance is only intended to allow tasting rooms as part of distilleries, as distilleries are already a permitted use for certain zoning districts. She also stated The Foundry distillery is subject to the safety requirements found in the building code and fire code, and they are currently working through the process of having their facility and operations reviewed by the City as part of the permit process.

Mike Whitsell, Fire Marshal, explained the permit review process and how the international fire code is applied. He noted the code would require safety measures for a distillery, such as fire sprinklers and separation, and he is confident those safety measures are adequate for this type of building use.

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

Vote 17-669: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 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 17-670: 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 Westport, west side of Wendover Road approx. 650 feet north of 335th Street - Vacate a 75-foot Public Highway Easement, initiated by Westport Development, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 10, 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 Trevillyan to consider the first reading of the ordinance.

Vote 17-671: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 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 17-672: 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 Ashworth Road Improvements, Phase 2 - 81st Street to 88th Street, 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 November 17, 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 Trevillyan, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Technologies, Inc.

Council member Mickelson inquired if any part of the gravel segment of 88th Street, immediately south of Ashworth Road, will be improved as part of this project.

Brian Hemesath, Interim City Engineer, responded there will be a concrete apron placed at that intersection, so northbound vehicles on 88th Street can get onto the paved surface before engaging with Ashworth Road.

Vote 17-673: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Hidden Creek Plat 5, 3640 Hidden Creek Drive - Subdivide Property into Two Lots for Residential Development, initiated by Graded Acres Trust (Scott Rairdon)

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

Vote 17-674: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Schroder Industrial Park Plat 3, 1120 Railroad Avenue - Subdivide Property into Two Lots for Ownership Transfer, initiated by Schroder Construction Services, Inc.

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

Vote 17-675: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) 36th Street and Westown Place Parking - southeast corner of 36th Street and Westown Place - Approval of Off-Site Parking and Parking Lot Improvements, initiated by Knapp Properties

It was moved by Sandager, 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 17-676: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Proposed Local Option Sales and Services Tax in Polk County - Approval of a Resolution Providing Notice to the Polk County Commissioner of Elections Regarding Submission of the Question of Imposition of a Local Option Sales and Services Tax, initiated by the City of West Des Moines

Mayor Gaer explained that this Resolution would indicate the City Council believes the residents of West Des Moines should have a right to make this decision. He noted such a Resolution needs to be adopted by cities representing over 50 percent of the population of Polk County in order to call the vote, and there are other cities that plan to adopt it, so it is expected that the population requirement will be met.

City Manager Tom Hadden stated that Polk County is now one of only two counties with no local option sales and services tax. He noted this vote would be expected to take place in March 2018.

Council member Sandager expressed support for this Resolution, citing concerns that there is now a one percent sales tax in Dallas County, but not in Polk County, so he sees it as a fairness issue for businesses in our city.

Mayor Gaer noted the intent for the revenue would be fifty percent towards property tax relief and fifty percent towards public improvements, such as quality of life enhancements.

Council member Trimble expressed a desire for the City to continue seeking public-private partnerships to help fund those quality of life enhancements.

It was moved by Sandager, second by Mickelson to adopt Resolution - Approval to Provide Notice to Polk County

Vote 17-677: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Abstract of Votes - November 7, 2017 Municipal Election - Received and Filed

On Item 9 - Other Matters: none

The regular meeting was adjourned at 6:23 p.m. and a Council Workshop followed.

It was moved by Trevillyan, second by Sandager to go into Executive Session per Chapter 20.17 of the Iowa Code, to discuss contract negotiations.

Vote 17-678: Mickelson, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

Entered Executive Session at 7:12 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Mickelson, Sandager, Trevillyan and Trimble; City Manager, City Attorney, City Clerk, Human Resources Director, and Legal Counsel Jim Hanks.

Finance Director Tim Stiles entered the executive session at 7:23 p.m.

It was moved by Trevillyan, second by Trimble to adjourn from Executive Session.

Vote 17-679: Mickelson, Sandager, Trevillyan, Trimble…4 yes
Motion carried.

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Executive Session was adjourned at 7:59 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor