December 11, 2017

West Des Moines City Council Proceedings
Monday, December 11, 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, December 11, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 17-680: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

City Clerk Ryan T. Jacobson swore in Mayor Steven K. Gaer for his new four-year term beginning January 2, 2018.

Mayor Gaer then swore in At-Large Council Member Renee Hardman, First Ward Council Member Kevin Trevillyan, Third Ward Council Member Russ Trimble, and Parks and Recreation Advisory Board members Rick Swalwell and Heather Schebel, all for four year terms beginning January 2, 2018.

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

On Item 3. Council/Manager/Other Entities Reports

Jim Miller, Historic Valley Junction Foundation, presented an update on the Co-Sign project, and he thanked the City for its support for that project.

Council member Sandager reported Bravo Greater Des Moines has announced its grant awards, which total $3.85 million. He also reported he attended a meeting of the West Des Moines Water Works Board of Trustees, where proposed rate increases were passed, which included a five percent rate increase for irrigation water usage and a one percent increase for all other water usage. He also attended a meeting of the Development and Planning Subcommittee, where discussion was held on a proposed restaurant on SE Orilla Road and a proposed continuing care retirement community at the intersection of South 88th Street and Mills Civic Parkway.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed several issues related to development in the western areas of the city and proposed grant applications to be submitted by the Parks and Recreation department. He also reported the Public Safety Subcommittee met and discussed a proposed ordinance regulating massage therapy businesses.

Council member Mickelson stated he supports the proposed ordinance regulating massage therapy businesses, because he believes it will help address potential issues associated some of those businesses, yet it should not add any undue burden to the existing, legitimate businesses.

Council member Messerschmidt reported the West Des Moines Chamber of Commerce has had a very successful year, and he expressed a desire to schedule one of their representatives to come in and give an update to the City Council.

Mayor Gaer reported the committee exploring the possibility of regionalizing water utilities continues to meet and discuss all options, and it is expected that their discussions will conclude in the coming weeks as the committee finalizes a recommendation for the communities.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of November 27, 2017 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Class BW Permit with Sunday Sales - Renewal
    2. Bravo Brio Restaurant Group, Inc. d/b/a Bravo Cucina Italiana, 120 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    3. Lakes Venture, LLC d/b/a Fresh Thyme Farmers Market, 2900 University Avenue, Suite E - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
    4. Frank's Divine Pie 2800, LLC d/b/a Gusto Pizza Company, 2800 University Avenue, Suite 400 - Class BW Permit with Sunday Sales and Outdoor Service Privileges - New
    5. Hy-Vee, Inc., d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway, 2nd Floor Meeting Room - Class BW Permit with Sunday Sales - Renewal
    6. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - January 10-11, 2018
    7. J.P. Parking Inc. d/b/a J.P. Parking Inc., 6220 Raccoon River Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
    8. Taste of New York, Inc. d/b/a Taste of New York, 165 South Jordan Creek Parkway, Suite 160 - Class BW Permit with Sunday Sales - Renewal
    9. 205 Corporation d/b/a The Tavern, 205 5th Street - Class LC Liquor License with Sunday Sales - Renewal

10. 205 Corporation d/b/a The Tavern Pizza Pasta Grill, 1755 50th Street - Class LC Liquor License with Sunday Sales - Renewal

d. Approval of Appointment - Library Board of Trustees
e. Acceptance of 2018 Emergency Solutions Grant - Iowa Finance Authority
f. Approval to Purchase - Fire Department Class "A" Fire Engine
g. Approval of Microsoft Enterprise Agreement
h. Approval of Consulting Services Agreement - HRIS Software Implementation
i. Approval of Professional Services Agreement - Valley View Park, Southwest Restrooms and Shelter
j. Approval of Grant Agreements with Bravo Greater Des Moines:
   1. "Art on the Campus" Temporary Art Exhibit
   2. Water Quality Community Art Event
k. Approval of Amendments to Professional Services Agreements:
   1. 2017 ADA Sidewalks Program, #1
   2. City Hall Heat Pump and Carpet Replacement, #1
   3. Law Enforcement Center and Library Mechanical Updates, #1
l. Approval of 2018 City Council Meeting Schedule
m. Approval of Special Assessments - Nuisance Abatements
n. Approval of Reimbursement - Various Capital Project Funds
o. Approval of 28E Agreement with Iowa Alcoholic Beverages Division - Iowa Pledge Tobacco Compliance Program
p. Approval of Amended 28E Agreements for Joint Maintenance of Corporate Line Roads and Rights-of-Way:
   1. Madison County
   2. Warren County
q. Authorize Application for Surface Transportation Block Grant/ Transportation Alternative Program Funding - Des Moines Area Metropolitan Planning Organization
r. Order Construction - Maple Grove Lift Station
s. Accept Work:
   1. Walnut Woods Drive Culvert Replacement and 27th Street Culvert Repair
   2. City Hall Exterior Renovations
   3. Grand Avenue West Segment 6F Sewer Extension
   4. Library Flat Roof and Gutter Replacement
   5. South 60th Street and Mills Civic Parkway Intersection Improvements
   6. 2017 Concrete Trail Renovation
   7. 39th Street Parking Lot
   8. Valley View Park Tennis Courts
t. Approval of Professional Services Agreements:
   1. 88th Street and I-80 Interchange Concept Plan
   2. Public Services Fueling Facility Modifications
u. Acceptance of Public Improvements - Aspire Plat 1
v. Approval and Acceptance of Sidewalk Installation Agreement - I2 Technologies, 2360 Grand Avenue

w. Approval and Acceptance of Condemnation Awards - Maple Grove Lift Station
x. Approval of Language for Local Option Sales and Services Tax Referendum in Polk County
y. Resolution of Appreciation to Rick Messerschmidt
z. Proclamation - Human Rights Day - December 10, 2017

Vote 17-681: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer read Resolution of Appreciation to Rick Messerschmidt.

Mayor Gaer read Proclamation - Human Rights Day.

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, August 21, 2017, September 5, 2017, September 18, 2017, October 16, 2017, October 30, 2017, and November 13, 2017)

It was moved by Trevillyan, second by Sandager to continue Item 5(a) Jordan Creek Business Park Specific Plan Amendment to January 22, 2018.

Vote 17-682: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) 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

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

Vote 17-683: 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 17-684: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 17-685: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) 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

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

Vote 17-686: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-687: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 17-688: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) 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 Messerschmidt to consider the third reading of the ordinance.

Vote 17-689: 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 Messerschmidt to approve the third reading of the ordinance and adopt the ordinance in final form.

Vote 17-690: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6 - Public Hearings: none

On Item 7(a) The Preserve on Grand Plat 1, southwest corner of Scenic Valley Drive and Grand Avenue - Subdivide Property for Single Family Residential and Medium Density Residential Development, initiated by Diligent Grand Avenue 67, LLC

It was moved by Messerschmidt, second by Sandager 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.

Council member Trimble inquired if the public trail easement in this area will remain.

Lynne Twedt, Development Services Director, confirmed the plat does identify the public trail easement, so it will remain.

Vote 17-691: 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

It was moved by Trevillyan, 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 17-692: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Continental Plaza Plat 2, 7300 Westown Parkway - Plat Property into Two Commercial Lots, One Street Lot, and One Outlot for Detention, initiated by Penta Partners, LLC

It was moved by Messerschmidt, second by Trimble 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 17-693: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) AAA Storage, 6340 Stagecoach Drive - Approval to Construct a Three-Story Indoor Storage Facility with a Basement, initiated by William J. Denton, Janet M. Denton, Brian J. and Lori J. Denton

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

Vote 17-694: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Vista Retail Center, 605 South 50th Street - Approval of a Phased Site Plan for the Construction of a 17,000 sq. ft. Retail Building, initiated by Mian, Inc

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of a phased site plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-695: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 3 (Business and Licensing), Chapter 6 (Massage Establishments and Technicians) - Establish Regulations for Massage Therapy Businesses, 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 17-696: 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 17-697: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

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On Item 9 - Other Matters

Mayor Gaer noted for "Legislative Updates", there is nothing to discuss at this time.

Council member Trimble commended Joe Cory, Deputy Public Services Director, for going above and beyond his duties by assisting a resident over the weekend.

Mayor Gaer stated he will be out of town for the December 27th Council meeting. He also noted he has been working on the Council committee assignements and plans to have that list finalized for consideration at the December 27th Council meeting

The regular meeting was adjourned at 6:21 p.m. and a Council Workshop followed.

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

Vote 17-698: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Entered Executive Session at 7:30 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Messerschmidt, Mickelson, Sandager, Trevillyan and Trimble; City Manager, City Attorney, City Clerk, and Human Resources Director.

It was moved by Sandager, second by Mickelson to adjourn from Executive Session.

Vote 17-699: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

Executive Session was adjourned at 7:52 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor