West Des Moines City Council Proceedings Monday, June 11, 2018

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, June 11, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson noted staff recommends an amendment to the agenda, as Item 3(a) Jordan Scholars Presentation will be postponed to a later date.

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

Vote 18-344: Hardman, Mickelson, 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 Hardman reported she attended a meeting of the Public Safety Subcommittee, where discussion was held on safety concerns regarding special event lane closures. She also attended a Development and Planning Subcommittee meeting, where discussion was held on how to distinguish between signage and public art. She also reported she and Mayor Gaer spoke with the participants of the WDM101 staff leadership program. She also attended the grand opening of Raising Cane's Chicken Fingers. She also reported she attended a meeting of the Polk County Housing Trust Fund, where approval was granted for additional funding to the metro home improvement program.

City Manager Tom Hadden reported one of the bicycles for Item 4(g) Des Moines Bicycle Collective "BCycle" Bike Share is on display in the Council chambers.

Council member Trimble inquired if bicycles rented through this program could be returned to any of their sites across the Des Moines metropolitan area.

Jeremy Lewis, 1620 Northwest Drive, Des Moines, representing the Des Moines Bicycle Collective, responded bicycles rented through this program could be returned to any of the program's sites.

Mayor Gaer reported he will attend a meeting with the Iowa Department of Transportation commissioners to discuss transportation priorities of the Des Moines Area Metropolitan Planning Organization. He also reported he, along with other officials from West Des Moines and

Waukee, will meet with the Dallas County Board of Supervisors to discuss the potential transfer of a Dallas County owned water source to the City of West Des Moines.

On Item 4. Consent Agenda.

It was moved by Trimble, second by Hardman to approve the consent agenda as presented.

- a. Approval of Minutes of May 29, 2018 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Fordad, Inc., d/b/a Cattoor's on Grand, 1306 Grand Avenue Class LC Liquor License with Sunday Sales and Outdoor Service Renewal
 - 2. Decades, LLC d/b/a Decades, 1208 Grand Avenue Class LC Liquor License with Sunday Sales and Catering Privileges Renewal
 - 3. OSI/Fleming's, LLC, d/b/a Fleming's Prime Steakhouse & Wine Bar, 150 South Jordan Creek Parkway Class LC Liquor License with Sunday Sales and Outdoor Service Renewal
 - 4. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway Class LC Liquor License Extension of Outdoor Service June 23-24, 2018
 - 5. Pragathi International, LLC d/b/a Persis Indian Grill, 6925 Mills Civic Parkway, Suite 142 Class BW Permit with Native Wine and Sunday Sales Renewal
 - 6. Red Lobster Restaurants, LLC d/b/a Red Lobster #0796, 3838 Westown Parkway Class LC Liquor License with Sunday Sales Renewal
 - 7. Target Corporation d/b/a Target Store T-1901, 5405 Mills Civic Parkway Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales Renewal
- d. Approval of Cigarette/Tobacco Permits
- e. Approval of Order for Violation of Alcohol Laws
- f. Approval of Extended Sound Permits:
 - 1. The Keg Stand, 3530 Westown Parkway June 23, 2018
 - 2. Historic Valley Junction All Iowa Bash July 3, 2018
- g. Approval of License Agreement Des Moines Bicycle Collective "BCycle" Bike Share
- h. Approval of Amendment #1 to Professional Services Agreement SE Waco Place / 98th Street and University Avenue Traffic Signal
- i. Accept Work:
 - 1. Veterans Parkway Project A & B Tree Cutting
 - 2. Holiday Aquatic Center Play Structure Refurbishment
 - 3. Holiday and Valley View Aquatic Center Slide Structure Refurbishment
 - 4. Valley View and Holiday Aquatic Centers VFD Replacements
 - 5. Raccoon River Park Portable Toilet Enclosures
- j. Accept Public Improvements Grand Avenue Estates
- k. Approval and Acceptance of Sanitary Sewer Easement and Hold Harmless Agreement Bike Shop Building Addition, 232 6th Street

1. Approval and Acceptance of Ingress/Egress Turnaround Easement - West Terminus of Thorne Drive, west of 100th Street

Vote 18-345: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 5(a) Hellickson Property, 7280 Eldorado Point - Rezone Property from Residential Single Family to Residential Estate Zoning, initiated by Jeremy R. Hellickson Living Trust

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

Vote 18-346: Hardman, 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 18-347: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

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

Vote 18-348: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) - Allow within the General Industrial Zoning District Uses Related to Used Car Dealers, initiated by Reid Tamisiea

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

Vote 18-349: Hardman, 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 18-350: Hardman, 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 18-351: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Update Setback Regulations Pertaining to Side Yard Setbacks for Principal Buildings in Single Family-Commerce and Single Family-Valley Junction Zoning Districts, initiated by the City of West Des Moines

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

Vote 18-352: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-353: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

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

Vote 18-354: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 5(d) Amendment to City Code - Title 9 (Zoning), Chapter 14 (Accessory Structures) - Amend the Maximum Number of Fuel Pumps Permitted in the Community Commercial District, initiated by Hy-Vee, Inc.

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

Vote 18-355: Hardman, 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 18-356: Hardman, 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 18-357: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 5(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - South 82nd Street and Wistful Vista Drive; Park Circle and South 50th Place, initiated by the City of West Des Moines

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

Vote 18-358: Hardman, 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 18-359: Hardman, 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 18-360: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 5(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Four-Way Stop Intersections) - 6th Street and Maple Street, initiated by the City of West Des Moines

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

Vote 18-361: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-362: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

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

Vote 18-363: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 5(g) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - South Hidden Point Court, Stagecoach Drive to Terminus; South 100th Street, Stagecoach Drive to Centerline of South Wildfire Avenue, initiated by the City of West Des Moines

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

Vote 18-364: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-365: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

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

Vote 18-366: Hardman, Mickelson, 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 Cedar Ridge, northwest corner of Mills Civic Parkway and South 88th Street - Amend the Comprehensive Plan Land Use Map to Change Land Use Designations and Rezone 34.73 acres from 'Unzoned' to Planned Unit Development (PUD), initiated by Chayse Holdings, LLC (continued from May 14, 2018). He asked for the date the notice was published and the City Clerk indicated the notice was published on May 30, 2018 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 comprehensive plan amendment and rezoning request.

Mayor Gaer asked if there were any public comments.

Ann Bierbaum, 5009 Tamara Lane, stated she and her husband own two parcels adjacent to this proposed development, and they were purchased with the understanding that the surrounding development would be executive-size residential lots. She expressed concerns about the possibility of the proposed detached townhome development transitioning to an attached townhome development at some point in the future, and inquired what assurance there is that such a change will not occur. She stated she previously had concerns about the possibility of the proposed development prohibiting street access to their parcels, but those concerns have been addressed.

Mayor Gaer stated the City Council cannot bind a future council in perpetuity, but establishing the proposed development as a Planned Unit Development (PUD) ordinance would require a public hearing to change the type of residential units allowed, so they would receive notification if such a change is ever considered.

Richard Santi, 33681 Rockwood Lane, stated he owns a parcel adjacent to this proposed development as well. He stated he also previously had concerns about the possibility of the proposed development prohibiting street access to his parcel, but those concerns have been addressed.

Marilyn Mueller, 8820 Mills Civic Parkway, expressed concerns about proposed multi-family development projects in this area and the potential for them to cause light pollution. She also expressed concerns about a potential special assessment for the expansion of the Mills Civic Parkway and South 88th Street intersection.

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 Hardman to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 18-367: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

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

Vote 18-368: Hardman, 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 18-369: Hardman, 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 Vacation of Ingress/Egress Turnaround Easement, 10223 Thorne Drive - Vacate Turnaround Easement in Favor of Relocated Turnaround Easement, initiated by Kings Landing, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 1, 2018 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 Trimble to adopt Resolution - Approval of Vacation.

Vote 18-370: Hardman, 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 #3 to the Ashworth Corridor 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 June 1, 2018 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 Hardman to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 18-371: Hardman, Mickelson, Trevillyan ...3 yes Trimble ... 1 no

Motion carried.

On Item 6(d) Agreement for Private Development, initiated by JARCOR, LLC (Continued form April 16, 2018, April 30, 2018, May 14, 2018, and May 29, 2018)

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to June 25, 2018.

Vote 18-372: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 6(e) Agreement for Private Development, initiated by Clinic Investments, Inc. (Wolfe Eye Clinic).

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to June 25, 2018.

Vote 18-373: Hardman, 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 Agreement for Private Development, initiated by Ballenger Real Estate, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 1, 2018 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 Hardman, second by Mickelson to adopt Resolution - Approval of Agreement.

Vote 18-374: Hardman, Mickelson ...2 yes Trevillyan, Trimble ... 2 no

Motion failed.

On Item 6(g) Agreement for Private Development, initiated by LTR Pointe Properties, LLC.

It was moved by Trimble, second by Trevillyan to adopt Motion - Continue Public Hearing to June 25, 2018.

Vote 18-375: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider 5000 Westwood Drive - Conveyance of Property, initiated by Paine Development Group. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 7, 2018 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 and Acceptance of Purchase Agreement and Conveyance of Property Interests.

Vote 18-376: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Veterans Parkway, SW Wild Rose Lane to South Grand Prairie 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 June 1, 2018 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 McAninch Corporation.

Vote 18-377: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Valley View Park Shelter, Restroom, and Volleyball Courts, 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 June 1, 2018 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 Core Structural Services.

Vote 18-378: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 7(a) Grey Hawk Business Park Plat 1, 935 South 50th Street - Subdivide Property to Create Two Professional Commerce Park Lots and One Public Street Lot, initiated by Hy-Vee, Inc.

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 and the conditions of approval listed in the Resolution.

Vote 18-379: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 7(b) Majestic Oaks Plat 1, northwest corner of Stagecoach Drive and South 95th Street - Subdivide Property into 16 Single Family Lots, 17 Outlots, and Two Public Street Lots, initiated by Majestic Land Company

It was moved by Trimble, second by Hardman 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 18-380: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 7(c) West Des Moines Public Service Plat 1, southwest corner of Grand Avenue and South 88th Street - Subdivide Property into One Lot and One Outlot for Construction of a Public Services Facility, initiated by the City of West Des Moines

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 18-381: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 7(d) Greenway Crossing Shared Access Road, 9040, 9080, 9150 University Avenue and 9065 Bishop Drive - Approval of Site Plan to Construct a Shared Private Road, initiated by Hubbell Metropolitan Development Fund, LLC

It was moved by Trimble, second by Trevillyan 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 18-382: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 7(e) Hidden Point Park, 1250 South Hidden Point Court - Approval of Site Plan to Construct Park Improvements, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan 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 18-383: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 7(f) Jaspers Plat of Survey, north of 105th Street and east of SW Timber Ridge Lane - Approval of Extraterritorial Review of Plat of Survey to Create Two Lots for Transfer of Ownership, initiated by Jesse Jaspers

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

Vote 18-384: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 7(g) Grand Avenue Trail - Jordan Creek to Fuller Road, initiated by the City of West Des Moines

Mark McCoy, 2285 Grand Avenue, expressed opposition to the proposed trail route along the west side of Grand Avenue, as it would require a significant portion of his property to be acquired by the City. He also noted there are a number encumbrances along the west side of Grand Avenue, so he believes the east side of Grand Avenue would be the better location for a trail.

Ruth McCoy, 2285 Grand Avenue, expressed opposition to the proposed trail route along the west side of Grand Avenue, citing concerns that such a trail could pose potential hazards due to multiple curves and an existing underpass that has poor visibility and becomes slick when it collects silt. She also noted a majority of pedestrians that would use the proposed trail would be travelling to and from Raccoon River Park, so she believes it would be better to have the trail on the east side of Grand Avenue so they don't have to cross from the west side of Grand Avenue.

Council member Trevillyan suggested staff should look into a third option for the trail route that would run from the existing trail at the intersection of the Jordan Creek and Fuller Road, diagonally along Fuller Road, to the intersection of Fuller Road and Grand Avenue.

Sally Ortgies, Parks and Recreation Director, reported the City has been considering different options for this proposed trail connection for several years, with the recommended option being the trail along the west side of Grand Avenue. She noted staff could look further into the option suggested by Council member Trevillyan.

Council member Trimble stated the intent for the proposed trail route along the west side of Grand Avenue was to maintain consistency with the trail to the southwest of Raccoon River Park, which runs along the northwest side of Grand Avenue, and to avoid creating double-frontage lots with responsibility for sidewalk maintenance in both the front yard and back yard. He suggested this item be continued for two weeks to allow time for staff and the impacted

property owners to meet and review all available information.

It was moved by Trimble, second by Hardman to continue Item 7(g) Grand Avenue Trail - Jordan Creek to Fuller Road to June 25, 2018.

Vote 18-385: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

On Item 7(h) City Manager Compensation, initiated by the City of West Des Moines

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Compensation.

The Mayor and Council commended City Manager Tom Hadden for his excellent performance.

Vote 18-386: Hardman, Mickelson, Trevillyan, Trimble...4 yes Motion carried.

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

On Item 9 - Other Matters

Council member Trevillyan reported he was informed The Hall at The Foundry has been holding outdoor events with amplified sound, which is disturbing some of the nearby residents. He noted he checked with the City Clerk's Office, and The Hall has not obtained sound permits for any of these events. He requested that staff look into this matter.

The meeting was adjourned at 6:39 p.m.

Ryan T. Jacobson, CMC
City Clerk
ATTEST:

Steven K. Gaer, Mayor