February 4, 2019

West Des Moines City Council Proceedings
Monday, February 4, 2019

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, February 4, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, K. Trevillyan, and R. Trimble.

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

Vote 19-033: 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 Trimble reported the Finance and Administration Subcommittee met and discussed a proposed financing agreement with West Des Moines Water Works regarding Project Osmium infrastructure as well as recommendations for hotel/motel tax funding. He also reported the proposed budget for the Des Moines Area Regional Transit Authority (DART) would maintain existing service levels but require a 1.35 cent levy increase. He stated the DART Commission will vote on the proposed budget at its upcoming meeting.

Council member Mickelson reported he attended the BRAVO Awards Gala on Saturday, February 2nd, and Council member Sandager served as the emcee of the event. He also reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on the garage ordinance for single-family residential.

Council member Hardman reported she represented the City of West Des Moines as a keynote speaker at several Martin Luther King Jr. Day celebrations, and she is also scheduled to speak to students at Valley Southwoods Freshman High School for black history month. She also attended a meeting of the Library Board of Trustees. She reported she recently returned from a Sister Cities trip to Mateh Asher, Israel, and a full report of that trip will be forthcoming. She also congratulated Council member Kevin Trevillyan on his retirement after working for West Des Moines Water Works for 31 years.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of January 21, 2019 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Revenge Is a Dish, LLC d/b/a Blue Moon Dueling Piano Bar and Restaurant, 5485 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    2. WRLP West Des Moines, LLC d/b/a Hampton Inn, 7060 Lake Drive - Class BW Permit with Sunday Sales and Living Quarters - New
    3. Great Plain's Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    4. Hy-Vee, Inc. d/b/a Hy-Vee #4, 555 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    5. Riley Drive Entertainment 21, LLC d/b/a Union 29, 101 Jordan Creek Parkway, Suite 12520 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
    6. W2005/Fargo Hotels (Pool C) Realty, LP d/b/a West Des Moines Residence Inn, 160 South Jordan Creek Parkway - Special Class C Liquor License - Renewal
    7. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal
d. Approval of Reappointments:
    1. Bicycle Advisory Commission
    2. Board of Adjustment
    3. Civil Service Commission
    4. Plan and Zoning Commission
    5. Public Art Advisory Commission
e. Approval of Fiber Optic Cable Facilities Agreement - West Des Moines Community School District
f. Approval of Professional Services Agreements:
    1. Legion Park Tennis Court Lighting Improvements
    2. Valley View Park Central Site Grading, Utilities, and North Roadway
g. Approval of Agreement - Park Security Services
h. Approval of Concession Agreement - Raccoon River Park Softball Complex, Valley View Aquatic Center and Holiday Park Aquatic Center
i. Approval of Grant Agreement - Iowa Department of Natural Resources Wildlife Diversity Small Management Grant
j. Approval of Amended Accounting Policy - Revenue Availability Period
k. Establish Public Hearings - Issuance of Not to Exceed $10,510,000 General Obligation Bonds, Series 2019A
l. Order Construction:
    1. EP True Parkway Widening - Jordan Creek Parkway to 81st Street
    2. 2019 PCC Reconstruction Program

3. Public Safety Station #21 Flat Roof Replacement
4. 27th and Vine Culvert

m. Accept Work - Intersection Improvements - Intersection of 1st Street and Ashworth Road and Intersection of 1st Street and Railroad Avenue
n. Approval of Proposal from MidAmerican Energy Company to Relocate Electrical Transmission Poles
o. Establish Public Hearing - 8300 Mills Civic Parkway Urban Renewal Area
p. Approval and Acceptance of Easement - Veterans Parkway Enhancements, Folded Flags
q. Approval to Allow Penta Partners, LLC to Pull Necessary Building Permits Prior to Execution of Development Agreement
r. Approval and Acceptance of Purchase Agreements and Property Interests - Booneville Road Reconstruction

Vote 19-034: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 4(a) Approval of Minutes of January 21, 2019 Meeting

It was moved by Hardman, second by Mickelson to approve Item 4(a) Approval of Minutes of January 21, 2019 Meeting, with an amendment to include the following comments under Item 5(a) Amendment to City Code - Garage Requirements.

Council member Hardman expressed a desire for the City to promote affordable housing initiatives and provide opportunities for residents of all income levels to attain home ownership, and she believes removing the garage requirement would help move the needle on this very important issue facing West Des Moines. As leaders, we need to think outside the box and consider the needs of our diverse population.

Vote 19-035: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) - Eliminate Garage Requirement for Multi-Family Condominium Regime Developments, initiated by the City of West Des Moines (Continued from December 10, 2018, December 26, 2018, and January 21, 2019)

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

Vote 19-036: 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 19-037: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(b) 5940 PUD, southeast corner of University Avenue and 60th Street - Amend Planned Unit Development (PUD) to Allow Additional Building Height on Parcel D within the PUD, initiated by Iowa Clinic West Lakes 1, LLC

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

Vote 19-038: 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 19-039: 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 19-040: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 12 (Bicycle Advisory Commission), Section 2 (Membership, Appointment, Term) - Decrease the Number of Commission Members from Nine to Seven, initiated by the City of West Des Moines

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

Council member Hardman inquired if the reason for this change is to make the Bicycle Advisory Commission consistent with the City's other boards and commissions.

Mayor Gaer responded yes, as most other boards and commissions have either five or seven members.

Council member Hardman expressed a desire for the City to provide as many opportunities as possible for citizens to serve on boards and commissions.

Sally Ortgies, Parks and Recreation Director, reported the Bicycle Advisory Commission was initially established with nine members, because at the time there had been a large committee and many of the members were interested in serving on the Commission. She also noted two of the original members have terms expiring on March 31, 2019, so this would be good timing to eliminate those two seats.

Vote 19-041: 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 19-042: 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 19-043: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - 94th Street, University Avenue to Bishop Drive (west side) and 96th Street, University Avenue to Bishop Drive (west side), initiated by the City of West Des Moines

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

Vote 19-044: 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 19-045: 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 19-046: 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 Continental Plaza, 7300 Westown Parkway - Rezone approx. 1.08 acres from Professional Commerce Park to Support Commercial, initiated by Penta Partners, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 18, 2019 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, and one correspondence was received today, copies of which have been placed on the dais.

Mayor Gaer inquired if Chris Costa, who wrote the correspondence on behalf of Knapp Properties, had raised any concerns about this rezoning request at the Plan and Zoning Commission meeting.

Linda Schemmel, Development Coordinator, responded Mr. Costa did ask a question at the meeting about this project, and staff provided documentation after the meeting in response to his question. She responded to further questions from the Council, stating that Knapp Properties had previously been made aware by staff of the requirement for a cross access connection with this property.

Council member Trevillyan suggested the Council should continue this item to allow time for staff to look into the concerns raised in the correspondence.

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to February 19, 2019.

Mayor Gaer requested that staff reach out to Penta Partners and Knapp Properties to resolve the issues prior to the February 19th meeting.

Mayor Gaer asked if there were any public comments.

Erin Ollendike, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, stated the applicant had not received any correspondence from Knapp Properties, so tonight is the first they are hearing of these concerns.

Travis Sisson, Penta Partners, 5700 University Avenue, stated a two-week delay for continuation of the first reading would be problematic to the timing of this project.

City Attorney Dick Scieszinski suggested the Council could approve the first reading tonight, with the understanding that staff will work with the two parties to address the issues prior to the second reading at the next meeting.

Mayor Gaer agreed with the City Attorney's suggestion, and he stated he will continue the public hearing at the February 19th meeting.

Council member Trevillyan rescinded his original motion, and Council member Trimble rescinded his second to the original motion.

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

Vote 19-047: 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 19-048: 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 Kivell Property, 655 South 88th Street - Consistency Zone approx. 8.37 acres from 'Unzoned' to High Density Residential, 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 January 18, 2019 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.

Marilyn Mueller, 8820 Mills Civic Parkway, requested that, as this proposed development moves forward, the City take her concerns regarding light pollution, buffering, and separation into consideration.

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

Mayor Gaer requested that staff look into the possibility of having consistency zoning done as soon as possible after a land use designation has been assigned by the comprehensive plan.

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

Vote 19-049: 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 first reading of the ordinance.

Vote 19-050: 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 Grand Valley, generally located at the northeast corner of South 35th Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Modify Miscellaneous Residential Bulk Area Standards, initiated by Russell Ver Ploeg (CRVP, LLC). He asked for the date the notice was published and the City Clerk indicated the notice was published on January 18, 2019 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 PUD 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 Hardman to consider the first reading of the ordinance.

Council member Trimble requested clarification on what is changing with this PUD amendment.

Linda Schemmel, Development Coordinator, responded the developer is requesting to adjust the setback requirements, allowing the homes to slide closer to the street and one side of the lot in order to create larger, more usable side and rear yards. In addition, the applicant is requesting to reduce the rear yard setback for those areas of Parcel D that abut the open space amenity in Parcel E.

Vote 19-051: 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 first reading of the ordinance.

Vote 19-052: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(d) Amendment to City Code - Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations), Chapter 10 (Performance Standards), and Chapter 19 (Landscaping)

- Update Regulations Pertaining to Building Setback and Separation Requirements and Bulk Density Regulations, initiated by the City of West Des Moines.

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to March 4, 2019.

Vote 19-053: Hardman, 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 #6 to Jordan Creek 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 January 25, 2019 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 Hardman to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 19-054: 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 Gilbert and Cook, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 25, 2019 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 Agreement.

Vote 19-055: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018-19 FY Operating and Capital Budget - Amendment #3, 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 January 25, 2019 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 Mickelson to adopt Resolution - Approval of Budget Amendment #3.

Vote 19-056: 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 South Grand Prairie Parkway, Stagecoach 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 January 25, 2019 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 Acquisition of Agricultural Property.

Vote 19-057: 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 Grand Avenue, South Jordan Creek Parkway to South 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 January 25, 2019 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 Acquisition of Agricultural Property.

Vote 19-058: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(a) Microsoft DSM09-10, southwest corner of the future extension of Veterans Parkway and Interstate-35 - Subdivide Property into Two Lots, Two Street Lots, and One Outlot for Construction of a Datacenter and Electrical Substation, initiated by Microsoft Corporation

It was moved by Trimble, second by Hardman 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 19-059: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(b) Iowa Clinic Phase 3, 5950 University Avenue - Approval of Three-Story Medical Clinic Addition and Four-Tier Parking Deck Addition, initiated by Iowa Clinic West Lakes 1, LLC

It was moved by Trevillyan, second by Trimble 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 19-060: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(c) Mill Ridge Plat of Survey, 1144 and 1158 Radley Street - Adjust Property Line Between Two Existing Lots by Two Feet, initiated by Mill Ridge Homes, LLC

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 19-061: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(d) Han Severance, located at SE 35th Street and North Fernwood Drive (Cumming) - Request for Voluntary Severance from Corporate Limits, initiated by Big Otter Creek, LLC

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Voluntary Severance.

Vote 19-062: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

On Item 7(e) Amendment #3 to Coachlight Drive Urban Renewal Area, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 19-063: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

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

Vote 19-064: 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 19-065: Hardman, Mickelson, Trevillyan, Trimble…4 yes
Motion carried.

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

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported on the following bills:

- HSB 3 regarding the removal of utility board members: This bill has passed out of subcommittee, and the City is registered as opposed.

- HSB38 regarding stand-up scooters: The City will register as undecided and participate in the discussion process.

- HSB 2 regarding alternative project delivery methods: The City is registered in favor.

- There are several bills regarding automated traffic enforcement: The City is closely monitoring these, as it has an interest in maintaining its current camera system, which is used for monitoring traffic flow.

- SF 49 regarding the election of County Assessors: This bill did not pass out of subcommittee, so it is dead.

Council member Trimble requested feedback from the Council on DART's proposed budget and levy increase.

Council member Mickelson expressed opposition to the proposed levy increase, while Council member Hardman expressed support.

Council member Trevillyan also expressed support, stating he does not like the proposed levy increase, but he understands it's needed to offset the Medicaid reimbursement shortfall. He also suggested that the City should make it a priority to seek legislation at the Federal level to get that issue corrected.

The meeting was adjourned at 6:20 p.m.

Respectfully submitted,

_____

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

_____

Steven K. Gaer, Mayor