

March 4, 2019

West Des Moines City Council Proceedings  
Monday, March 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, March 4, 2019 at 5:30 PM. Council members present were: R. Hardman, K. Trevillyan, and R. Trimble. Council member J. Sandager participated via telephone.

City Clerk Ryan Jacobson stated Item 4(c)9 Renewal of Liquor License - Wine Experience at Younkers Jordan Creek has been removed from the agenda, because the applicant has withdrawn their application.

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

Vote 19-101: Hardman, Sandager, Trevillyan, Trimble...3 yes  
Motion carried.

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

Council member Trimble arrived at 5:32 p.m. The attendance was re-taken. Council members present were: R. Hardman, K. Trevillyan, and R. Trimble, with Council member J. Sandager participating via telephone.

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

Council member Trimble reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on three development projects applying for the property tax rebate program and proposed changes to the language used in urban renewal plans going forward which would include a “not to exceed” dollar amount to avoid amending the plans for each development project.

Council member Hardman reported she attended a meeting of the Human Rights Commission, where discussion was held on the commission’s strategic plan. She also reported she represented the City of West Des Moines as a keynote speaker at a leadership conference for middle school girls from across the state.

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 February 19, 2019 Meeting
- b. Approval of Bill Lists

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- c. Approval of Liquor Licenses:
  - 1. Montelongo, Inc. d/b/a Abelardo's Mexican Food, 5525 Mills Civic Parkway, Suite 130 - Class BB Beer Permit with Sunday Sales - Renewal
  - 2. Coach's Pizza, LLC d/b/a Coach's Pizza, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  - 3. Silverwest-I WDM, LLC d/b/a Element West Des Moines, 575 South Prairie View Drive - Class LB Liquor License with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal
  - 4. Windrum Enterprises, LLC d/b/a Fuddruckers, 6378 Mills Civic Parkway - Class BB Beer Permit with Sunday Sales - Renewal
  - 5. Gilroy's, LLC d/b/a Gilroy's Kitchen + Pub + Patio, 1238 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 6. Hy-Vee, Inc. d/b/a Hy-Vee Gas #4, 665 South 51st Street - Class BC Beer Permit with Sunday Sales - Renewal
  - 7. Leaf Brothers Cigars, LLC d/b/a Leaf Brothers Cigars, 9500 University Avenue, Suite #1101 (Liquor Room) - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - New
  - 8. BarleyBay, LLC d/b/a Twisted Vine Brewery, 3320 Westown Parkway - Class BB Beer Permit with Sunday Sales and Outdoor Service - Renewal
  - 9. Removed
- d. Approval of Change Order #1 - Nature Lodge Lakeview Room Lighting
- e. Approval of Amendment No. 1 to Professional Services Agreement - Nature Lodge HVAC Replacement, Roof Repairs and Exterior Improvements
- f. Order Construction:
  - 1. 2018 Channel Repair Program
  - 2. 2019 PCC Patching and Medians Program
  - 3. South 88th Street and Mills Civic Parkway Reconstruction
- g. Accept Work - 2016 Channel Repair Program
- h. Approval to Initiate Development Agreements:
  - 1. Dalton Partners, LLC, 333 5th Street
  - 2. Hurd Realty, Inc., 4055 Westown Parkway
  - 3. Hurd Realty, Inc., 8550 Mills Civic Parkway
- i. Approval and Acceptance of Purchase Agreements and Property Interests:
  - 1. Ashworth Road Reconstruction, I-80 Bridge to 98th Street
  - 2. Booneville Road Reconstruction, South 88th Street to west of South 100th Street
- j. Acceptance of Property Interests - Project Osmium Public Infrastructure (SW 60th Street, Veterans Parkway south)

Vote 19-102: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

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On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) - Modify the Permitted Uses and Permitted Conditional Uses in the Professional Commerce Park and Office Zoning Districts, 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 19-103: Hardman, Sandager, 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 19-104: Hardman, Sandager, 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 19-105: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 15 (Off-Street Parking and Loading) - Modify Certain Parking and Loading Regulations, 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 19-106: Hardman, Sandager, 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 19-107: Hardman, Sandager, 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.

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Vote 19-108: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 5(c) West Public Services Facility - Building and Site Improvements (Phase 2), initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Resolution - Award Contract to Koester Construction.

Vote 19-109: Hardman, Sandager, 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 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 (Continued from February 4, 2019). 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 ordinance amendment.

Linda Schemmel, Development Coordinator, presented an overview of the proposed changes to the City Code, and more specifically, one which would add footprint lots as a subdivision regime in single family zoning districts. This would offer a new option for developers to cluster detached townhomes closer together, while still maintaining existing setback requirements with the surrounding properties, which could be particularly beneficial when developing new areas of the city where the terrain is more challenging.

Council member Trimble expressed concerns that single family residents might not support these footprint lots being developed adjacent to their properties.

Ms. Schemmel noted the proposed ordinance would require developers to go through the site plan and platting processes. It would also require the homes to be no less than 75 percent and no more than 150 percent of the average home size in the area. She also presented information on the architectural performance standards in the proposed ordinance.

Mayor Gaer inquired if staff has discussed these proposed City Code changes with developers.

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Ms. Schemmel responded they have not, but staff did reach out to the neighboring communities for information on their architectural standards and was able to provide an overview of each community's requirements.

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

The Mayor and Council expressed a desire that this proposed ordinance be continued to allow time for staff to share it with developers so they can review it and provide feedback.

It was moved by Trevillyan, second by Trimble to continue Item 6(a) Amendment to City Code - Update Regulations Pertaining to Building Setback and Separation Requirements and Bulk Density Regulations to April 1, 2019.

Vote 19-110: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(b) 8300 Mills Civic Parkway Urban Renewal Area, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to March 18, 2019.

Vote 19-111: Hardman, Sandager, 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 Assignment of Permanent Easement for Road Right-of-Way - Northeast Corner of Iowa Highway 28 and SW McKinley Avenue, initiated by the City of Des Moines (Continued from February 19, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on February 23, 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 Hardman to adopt Resolution - Approval of Assignment of Permanent Easement.

Council member Trimble expressed he is disappointed with the decision by the City of Des Moines to discontinue its plans for the Veterans Parkway project to extend to the east in Des Moines.

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Vote 19-112: Hardman, Sandager, 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 Recodification of West Des Moines City Code, 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 February 22, 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 consider the first reading of the ordinance.

Vote 19-113: Hardman, Sandager, 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 19-114: Hardman, Sandager, 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 EP True Parkway Widening - Jordan Creek Parkway to 81st 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 February 22, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Technologies, Inc.

Council member Trimble inquired why a HAWK beacon is being installed at this intersection, before one is installed at the intersection of 39<sup>th</sup> Street and EP True Parkway.

Brian Hemesath, City Engineer, responded as part of this project, staff conducted traffic counts for both vehicles and pedestrians at this intersection. It was determined the intersection met the warrants for a HAWK beacon, and this widening project would be the ideal time to have it

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installed. He noted staff is currently working on traffic counts for the intersection of 39<sup>th</sup> Street and EP True Parkway to determine if it will meet warrants for a HAWK beacon as well.

Vote 19-115: Hardman, Sandager, 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 2019 PCC Reconstruction Program, 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 February 22, 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group, LLC.

Council member Trevillyan inquired if staff has established an alternate route for the City's 2019 Independence Day parade, because this project will require the temporary closure of a portion of Vine Street.

Sally Ortgies, Parks and Recreation Director, responded staff is currently discussing options for an alternate parade route.

Vote 19-116: Hardman, Sandager, 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 27th Street and Vine Street Box Culvert Reconstruction, 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 February 22, 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 Hardman, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Jenco Construction, Inc.

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Vote 19-117: Hardman, Sandager, 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 Public Safety Station #21 Flat Roof Replacement, 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 February 22, 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 Hardman, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Bailey Roofing Contractors, Inc.

Vote 19-118: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(a) Browns Woods Hollow, west side of Veterans Parkway south of SE Browns Woods Drive - Subdivide Property into 44 Single Family Lots, One Lot for Park Use, Two Outlots for Detention, and Four Public Street Lots, initiated by Browns Woods, LLC

It was moved by Trimble, second by Trevillyan 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 19-119: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(b) Steak N Shake, 815 South 51st Street - Approval of Site Plan to Construct a 6,412 sq. ft. Restaurant with Drive-Thru, initiated by Steak N Shake Iowa, LLC

It was moved by Trevillyan, second by Hardman 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 19-120: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(c) Raccoon River Park Boathouse, 2500 Grand Avenue - Approval of a Site Plan to Construct a Boathouse with Boat Docks on Blue Heron Lake in Raccoon River Park, initiated by the City of West Des Moines



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It was moved by Trimble, second by Hardman 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 19-121: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(d) Sammons Plat of Survey, southwest corner of South 81st Street and Mills Civic Parkway - Approval of a Plat of Survey for Transfer of Ownership, initiated by Clara Belle Etzel

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

Vote 19-122: Hardman, Sandager, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(e) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 8 (Sewer Regulations), Article F (Industrial Waste) - Revisions to Fats, Oils and Grease Regulations, initiated by the City of West Des Moines

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

Vote 19-123: Hardman, Sandager, 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 19-124: Hardman, Sandager, 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, stated the first funnel date is March 8<sup>th</sup>, and she reported on the following bills:

- HF 542 / SSB 1221 regarding the acquisition of land by governmental entities: This bill would restrict funding options that the City has historically used to acquire park land. The City's lobbyists have reported that the bill will not move forward in its current form, and

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if it does move forward it is expected to remove the restriction for cities. Staff will continue to monitor this bill.

- SF 368 / HSB 100 regarding lawful preexisting non-conforming ordinances: This bill would prohibit cities from adopting ordinances that infringes on a property owner's non-conforming use unless that use poses a threat or is abandoned. Staff has some concerns with this bill. The City is registered as undecided and is seeking to offer input.
- SSB 1152 / HSB 32 regarding fees for use of right-of-way: This bill would place limitations on what utility companies would have to pay municipalities for the use of their right-of-way. Staff does not believe this bill would create issues for the City of West Des Moines, so the City is currently not registered.

Ms. Letzring also reported there is pending legislation regarding cities' rights to establish stormwater fee districts. The bill is currently with the local government subcommittee.

The meeting was adjourned at 6:32 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor