

April 4, 2016

West Des Moines City Council Proceedings
Monday, April 4, 2016

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, April 4, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 16-099: Messerschmidt, Sandager, 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 Water Trails and Greenways Committee is holding workshops to solicit input from residents and is working on developing a plan for improving access to waterways.

Council member Messerschmidt reported the Public Works Subcommittee met and discussed the numerous construction projects in progress. He reported he also participated in a panel for a 7th grade government class at Stillwell Junior High School.

Council member Sandager reported Bravo Greater Des Moines has adopted a new investment policy and a new cash reserve policy, and they will also transition to a fiscal year that starts on January 1. He also reported the Bravo Board adopted new criteria for communities to join the organization.

On Item 4. Consent Agenda.

Council members pulled Items 4(n), 4(o), 4(v) and 4(x) for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of March 21, 2016 Meeting
- b. Approval of Bill Lists
- 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. BL Restaurant Operations, LLC d/b/a Bar Louie, 7105 Mills Civic Parkway, Suite 150 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal

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3. El Rey Corporation d/b/a El Rey Burritos, 1310 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
 4. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
 5. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Six-Month Class LC Liquor License with Sunday Sales and Outdoor Service - New
 6. Hy-Vee, Inc. d/b/a Hy-Vee Corporate Conference Center, 5820 Westown Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
 7. Rogers Entertainment Ltd. d/b/a Legends American Grille, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
 8. BDF, Inc. d/b/a The Longest Yard, 122 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 9. IA Lodging West Des Moines TRS, L.L.C. d/b/a Marriott West Des Moines Hotel, 1250 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales and Catering Privileges - Renewal
- d. Approval of Extended Sound Permit:
1. Wellman's Pub & Rooftop, 597 Market Street
 2. "Day Without Hate" Concert at Valley Stadium
- e. Approval of Special Event Lane Closures:
1. West Des Moines Girls Softball Parade
 2. Miscellaneous Events - Historic Valley Junction Foundation
- f. Approval of Parking on School Property Grass - Iowa Football Practice, April 8, 2016
- g. Approval of Appointments:
1. Revised 2016-17 Committee and Other Assignments
 2. Sister Cities Commission
- h. Approval of Grant Application to United Way - West Des Moines Human Services Skills Development Program
- i. Approval to Sell Surplus City Equipment
- j. Approval of Contract - Citizen Survey
- k. Approval of Agreement - Fire and EMS Services Review and Assessment Study
- l. Approval to Surface SE Double Eagle Drive - Pine Avenue South
- m. Approval of Amendment #1 to Professional Services Agreement - Right-of-Way Acquisition Services
- p. Order Construction - 2016 Concrete Trail Renovation
- q. Establish Public Hearing - Issuance of \$16,800,000 General Obligation Urban Renewal Bonds
- r. Acceptance of Iowa Department of Transportation Traffic Safety Improvement Program (TSIP) Funds - Radar Technology Traffic Signal Vehicle Detection Units
- s. Approval of Application - Transportation Investment Generating Economic Recovery (TIGER) Grant - Grand Prairie Parkway - Raccoon River Drive to 105th Street

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- t. Approval and Acceptance of Storm Water Facility Maintenance Covenant and Permanent Easement Agreement:
 - 1. Jordan Creek Town Center, 101 Jordan Creek Parkway
 - 2. Kum & Go, 220 50th Street
- u. Approval and Acceptance of Purchase Agreements, Deed and Easements:
 - 1. South 50th Street Improvements Project
 - 2. South 60th Street Improvements Project
- w. Approval of Assignment and Assumption of Development Agreement - 4125 Westown Parkway

Vote 16-100: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(n) Approval of Agreement Amendment - Woodland Hills Park Water Quality Management Practices

Council member Messerschmidt requested additional information on this item.

Gary Scott, Director of Parks and Recreation, explained the proposed amendment is for services related to the proposed Woodland Hills Park Water Quality Management Practices project, which includes improvements such as a parking lot with permeable pavers.

It was moved by Messerschmidt, second by Trevillyan to approve Item 4(n) Approval of Agreement Amendment - Woodland Hills Park Water Quality Management Practices.

Vote 16-101: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(o) Approval of Agreement - Des Moines Public Piano Project in Valley Junction

Council member Sandager expressed support for this concept and inquired about the possibility of expanding it throughout the city, possibly with corporate sponsorships.

Gary Scott, Director of Parks and Recreation, explained staff wanted to start this first year with one piano, but if it is successful, staff would consider additional locations in the future. Staff determined that Valley Junction would be the best location for the piano, and the Historic Valley Junction Foundation will provide assistance by covering and uncovering the piano each day.

It was moved by Sandager, second by Messerschmidt to approve Item 4(o) Approval of Agreement - Des Moines Public Piano Project in Valley Junction.

Vote 16-102: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 4(v) Approval and Acceptance of Temporary Easement Contract and Temporary Construction Easement - Ashworth Road - Phase 1 Improvements Project

Council member Sandager requested additional information on this item.

Duane Wittstock, City Engineer, explained the City needs to acquire right-of-way to construct the Ashworth Road - Phase1 Improvements Project, which is between Jordan Creek Parkway and 81st Street. This action would approve the acceptance of right-of-way from Creekside Glynn, LLC and authorize the payment for that right-of-way. He noted additional right-of-way acquisitions for this project should be forthcoming. He also explained that a number of property owners along Ashworth Road have expressed a desire to rezone their properties from medium density residential to office prior to dedicating any right-of-way, which would also require an amendment to the comprehensive plan, and staff is reviewing that proposal to determine if it would make sense from a planning perspective.

It was moved by Sandager, second by Messerschmidt to approve Item 4(v) Approval and Acceptance of Temporary Easement Contract and Temporary Construction Easement - Ashworth Road - Phase 1 Improvements Project.

Vote 16-103: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(x) Approval of Proclamations:

1. Earth Day, April 23, 2016
2. Arbor Day, April 29, 2016

Council member Sandager expressed support for these two proclamations.

It was moved by Sandager, second by Trevillyan to approve Item 4(x)1 Proclamation - Earth Day, April 23, 2016 and Item 4(x)2 Proclamation - Arbor Day, April 29, 2016.

Vote 16-104: Messerschmidt, Sandager, 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 Districts) and Chapter 10 (Performance Standards) - Amend City Code to Allow SIC 0279-9901: Apiary (Bee and Honey Farm/Beekeeping) as a Permitted Use in All Single Family Residential and Manufactured Housing Zoning Districts and Add Language to City Code Identifying Specific Regulations and Requirements for Beekeeping Operating Under SIC 0290-9901, initiated by the City of West Des Moines

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

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Vote 16-105: Messerschmidt, Sandager, Trevillyan..... 3 yes
Trimble..... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the third reading of the ordinance and adopt the ordinance in final form.

Vote 16-106: Messerschmidt, Sandager, Trevillyan..... 3 yes
Trimble..... 1 no

Motion carried.

On Item 6(a) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) - Establish Standards and Regulations Related to Indoor Self-Storage or Mini-Warehousing Facilities, initiated by the City of West Des Moines (Continued from January 26, 2016, February 8, 2016, March 7, 2016, and March 21, 2016)

It was moved by Messerschmidt, second by Sandager to adopt Motion - Continue Public Hearing to April 18, 2016

Vote 16-107: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Fox Valley, generally the area south of SE Adams Street and west of Orilla Road - Rezone Property to Locations and Acreages of Single Family and Medium Density Residential, initiated by Charles I. and Ruth Colby National Development Trust

It was moved by Sandager, second by Messerschmidt to adopt Motion - Continue Public Hearing to April 18, 2016

Vote 16-108: Messerschmidt, 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 South 88th Street Improvements - Booneville Road to Sugar Creek Drive, 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 March 25, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Hawkeye Paving Corp.

Vote 16-109: Messerschmidt, 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 2016 PCC Patching 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 March 25, 2016 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 Messerschmidt, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to The Concrete Company, Inc.

Vote 16-110: Messerschmidt, 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 Holiday Park Girls Softball Improvements, 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 March 18, 2016 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 Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Gruss Construction.

Vote 16-111: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 88th Street Trail Connection, 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 March 18, 2016 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 Messerschmidt, 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 Connection.

Vote 16-112: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Lindsey Farm Plat 2, 1027 Timber Brook Avenue - Subdivide Property into Two Lots for Single Family Development, initiated by Frank Lindsey

It was moved by Trimble, 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 following conditions of approval:

1. That the City Council waive the requirement for an agreement and waiver for public improvements including but not limited to the reconstruction of Timberbrook Avenue, the installation of public sidewalks, and the installation of street lights along public streets adjacent to this development.
2. That the west roadway be allowed which exceeds the City's maximum dead end length until such time that the roadway can be extended to connect to a secondary roadway as shown on the City's Ultimate Streets Plan. In the interim, access roads should be 20 feet in width, constructed and surfaced with materials that will withstand 75,000 pounds of gross vehicle weight, and maintain a vertical clearance of 14 feet.
3. That the City Council waive the requirement for the installation of dry sewers and the requirements for sanitary sewer easements.
4. That the property owner acknowledge that Lindsey Farm Plat 2 will be the last plat approved for the Lindsey Farm Plat 1 subdivision with waivers of subdivision requirements.

Vote 16-113: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 7(b) Eldorado Estates, generally located along Jordan Creek Parkway south of Stagecoach Drive - Approval of Plat of Survey to Create Parcels for Transfer of Ownership, initiated by Robert F. and Clara B. Etzel JTRS

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Plat of Survey, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The newly created parcels (Parcels FF & GG) shall be unbuildable until such time that the parcels are preliminary and final platted through the City's subdivision platting process.
2. Upon approval and recordation of the Eldorado Estates Plat of Survey and upon sale of Parcel FF to the adjacent property owner, the new owner shall deed the appropriate amount of right-of-way (as shown on the Eldorado Estates final plat) for Eldorado Point to the City of West Des Moines.
3. Upon approval and recordation of the Eldorado Estates Plat of Survey and upon sale of Parcel FF to the adjacent property owner, the new owner shall execute public utility easements for the development of the Eldorado Estates subdivision, as shown on the Eldorado Estates final plat.

Vote 16-114: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) West Glen Specific Plan, generally located north of Mills Civic Parkway and east of South Prairie View Drive - Amend Specific Plan to Add 48 Dwelling Units to Building J-2 and Add an I-2 Building with 60 Dwelling Units - MRES West Glen Holding, LP - Referred to Plan and Zoning

On Item 8(b) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Modify the Bulk Regulations Requirements for Office Zoning Districts - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters

Council member Sandager suggested the City should consider establishing a task force to provide feedback on the proposed solar energy systems ordinance.

Linda Schemmel, Development Coordinator, stated the Plan and Zoning Commission has taken action on the proposed ordinance, which will come to Council for consideration on April 18th. She noted the proposed ordinance has already been vetted with public comments, but the Council could establish a task force if they wish.

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Mayor Gaer asked staff to bring the proposed ordinance to Council as recommended by the Plan and Zoning Commission, and then the Council could determine if a task force is needed.

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor