November 13, 2017

West Des Moines City Council Proceedings
Monday, November 13, 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, November 13, 2017 at 5:30 PM. Council members present were: J. Mickelson, K. Trevillyan, and R. Trimble. Council members J. Sandager and R. Messerschmidt participated via telephone

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

Vote 17-628: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Robert Greenway, 121 Elm Street, De Soto, congratulated the city on the passage of the local option sales and service tax in Dallas County. He encouraged the city to begin working on getting that issue placed on the ballot for Polk County as well.

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

Council member Trimble reported he participated in another firefighter challenge, and he expressed appreciation for the West Des Moines Fire Department.

Council member Mickelson reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on proposed development projects along University Avenue, between 90th Street and 92nd Street.

Council member Sandager stated he is excited that the Dallas County local option sales and service tax will provide property tax relief for our residents, as 50 percent of that revenue is allocated to property tax relief. He noted if a local option sales and service tax is also passed in Polk County that revenue will also have 50 percent allocated to property tax relief. He reported he attended the West Des Moines Water Works Board of Trustees budget workshop, where they proposed a five percent rate increase for irrigation water usage and a one percent increase for all other water usage. He also attended meetings of the grants committee for Bravo Greater Des Moines, as the committee is currently in the process of reviewing requests for funding.

On Item 4. Consent Agenda.

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

a. Approval of Minutes of October 30, 2017 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Andy Tanning, LLC d/b/a Andy's Nails, 8850 University Avenue, Suite 104 - Class BW Permit - New
    2. Bonefish Grill, LLC, d/b/a Bonefish Grill, 650 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    3. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - November 16, 2017
    4. Pho Shobu, LLC d/b/a Pho Shobu, 8950 University Avenue, Suite 103 - Class LC Liquor License with Sunday Sales - New
    5. LVP SHS Des Moines Holding Corp. d/b/a Springhill Suites Hotel, 1236 Jordan Creek Parkway - Class BC Permit with Sunday Sales - Renewal
d. Approval of Tobacco Permit
e. Approval of Appointment - Sister Cities Commission
f. Approval to Sell Surplus City Equipment
g. Approval of Contract Agreement Renewal - Park Security Services
h. Approval of Contract to Purchase Artwork
i. Approval of Contracts - 2018 Art on the Campus
j. Accept Work:
    1. Greenway Erosion Repair Project
    2. Raccoon River Park Road Drainage Improvements
    3. Fairmeadows Park Playground Replacement
    4. South 19th Street Trail and Sidewalk Project
    5. Raccoon River Park Softball Irrigation Modifications
k. Approval of Proposal from MidAmerican Energy Company - South Area Lift Station 3 Phase Electric
l. Approval of Reprogramming Polk County Funds to Historic Valley Junction Foundation Initiatives
m. Approval of 28E Agreement - Assessment of Fair Housing
n. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement - B-Bop's Restaurant, 6135 Mills Civic Parkway
o. Approval and Acceptance of Purchase Agreements and Property Interests:
    1. Ashworth Road Improvements, Phase 2
    2. Maple Grove Lift Station Project
p. Approval of Tenant Purchase Agreement - Project Osmium Public Infrastructure
q. Approval of Agreement with the Des Moines Metropolitan Wastewater Reclamation Authority for the Use of the Frink Creek Sewer

Vote 17-629: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(r) Proclamation - Small Business Saturday, November 25, 2017

At the request of Council member Trevillyan, Mayor Gaer read Proclamation - Small Business Saturday.

It was moved by Trevillyan, second by Trimble to approve Item 4(r) Proclamation - Small Business Saturday, November 25, 2017.

Vote 17-630: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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, and October 30, 2017)

It was moved by Trimble, second by Trevillyan to continue Item 5(a) Jordan Creek Business Park Specific Plan Amendment to December 11, 2017.

Vote 17-631: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Vacation of Right of Way, Alley in the 23rd Block of First Addition to Valley Junction, 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 17-632: 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 second reading of the ordinance.

Vote 17-633: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 17-634: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 9 (Human Rights Commission), Section 3 (Commission Appointed) - Increase the Number of Commission Members from Five to Seven and Eliminate the Six-Year Service Limitation, initiated by the City of West Des Moines

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

Vote 17-635: 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 Trevillyan to approve the second reading of the ordinance.

Vote 17-636: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 17-637: 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 10 (Special Speed Zones) - Grand Avenue, 1,268 feet south of Park Drive to South 50th Street, initiated by the City of West Des Moines

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

Vote 17-638: 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 Trevillyan to approve the second reading of the ordinance.

Vote 17-639: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 17-640: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 1st Street Redevelopment PUD, southwest corner of 1st Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Revise the Timing of Streetscape Installation along Grand Avenue and 1st Street for PUD Parcel 1, initiated by First Street, LP. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 27, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members 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 Trimble, second by Trevillyan to consider the first reading of the ordinance.

Vote 17-641: 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 Trevillyan to approve the first reading of the ordinance.

Vote 17-642: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(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 Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to November 27, 2017.

Council member Trimble inquired how the delay in this ordinance could affect the plans for The Foundry.

Lynne Twedt, Development Services Director, stated the building permit for The Foundry has already been approved, and our Fire Department staff are confident the provisions in our fire code sufficiently address any concerns about flammable liquids. At the request of a concerned citizen, staff will do further research on how other cities' fire codes address the issue.

Vote 17-643: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Businessolver.com, Inc. (Continued from September 18, 2017). He asked for the date the notice was published and the City Clerk indicated the notice was published on September 8, 2017 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 17-644: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Ridgway Properties, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 3, 2017 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 Agreement.

Vote 17-645: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2017 Sewer Cleaning and Televising 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 November 3, 2017 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Visu-Sewer, Inc.

Vote 17-646: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Della Vita Plat 1, northwest corner of EP True Parkway and 88th Street - Subdivide Property into 33 Lots for Single Family Development, 54 Lots for Medium Density Development, Six Street Lots, and One Outlot, initiated by Della Vita, 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 and the conditions of approval listed in the Resolution.

Vote 17-647: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Kings Landing Plat 2, south of Stagecoach Road at 100th Street - Subdivide Property into 186 Single Family Lots, Eight Street Lots, One Lot for Public Greenway, Two Outlots for Stormwater Detention, and Several Outlots for Flood Areas, initiated by Kings Landing, 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 and the conditions of approval listed in the Resolution.

Vote 17-648: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Chateau 88, 752 88th Street - Subdivide Property into 39 Single Family Lots, Three Street Lots, and One Outlot, initiated by Chateau 88, LLC

It was moved by Trevillyan, 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 17-649: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Flynn Estates, 33513 335th Street (Waukee) - Subdivide Property into Two Single Family Lots, initiated by Dan Flynn

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 17-650: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Maple Grove United Methodist Church, 9391 Ashworth Road - Construction of a 4,155 sq. ft. Church, initiated by Maple Grove United Methodist Church

It was moved by Trevillyan, second by Trimble 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 17-651: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Smash Park, 6625 Coachlight Drive - Approval to Construct an approx. 26,000 sq. ft. Pickle Ball Facility, initiated by 68th Street Properties, LLC

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Overlay District Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-652: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(g) Elevate at Jordan Creek, northeast corner of South 91st Street and Cascade Avenue - Modification to Conditions of Approval to a Previously Approved Plan, initiated by The Garret Companies

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Modifications to Conditions of Approval.

Vote 17-653: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(h) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Veterans Parkway, east corporate limits to SE Maffitt Lake Road, initiated by the City of West Des Moines

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

Council member Sandager inquired about the reasoning for the proposed 40 mph speed limit recommended by staff.

Bret Hodne, Public Services Director, responded due to the curvature of the road, staff is recommending a 40 mph speed limit at this time. He noted staff will continue to monitor traffic, and if it is found in the future that the speed limit should be increased further, staff will then bring that recommendation to the Council.

Vote 17-654: 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 Trevillyan to approve the first reading of the ordinance.

Vote 17-655: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(i) 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 Trimble to consider the first reading of the ordinance.

Vote 17-656: 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.

Council member Sandager inquired when this segment of South 60th Street will be opened.

Brian Hemesath, Interim City Engineer, responded staff is anticipated the road should be opened on November 22nd.

Vote 17-657: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble…5 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Sandager congratulated City Clerk Ryan Jacobson on the birth of his daughter, and he commended Secretary Katie Johnson for doing a good job filling in as acting City Clerk during his absence at the October 30th Council meeting.

November 13, 2017

The meeting was adjourned at 6:01 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor