

October 3, 2016

West Des Moines City Council Proceedings
Monday, October 3, 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, October 3, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

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

Vote 16-375: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

On Item 3. Council/Manager/Other Entities Reports

Police Chief Shaun LaDue provided a report on the career of Police Officer Shawn Miller, who was killed in the line of duty on August 3, 2016, and is being promoted posthumously tonight to the rank of Sergeant.

Mayor Gaer read Proclamation of Recognition of Police Sergeant Shawn Miller. He then presented the signed proclamation and a key to the city to the Miller family.

Chief LaDue also reported that Sergeant Miller has been inducted into the American Police Hall of Fame and presented a plaque to the Miller family.

Jason Morado, ETC Institute, reported on the results of the 2016 citizen survey, stating the residents have a very positive perception of the city overall. He also noted the City of West Des Moines rated above the national average in 47 of the 49 comparative factors.

Council member Sandager reported he attended an event for the "Profriend" initiative, and a group of West Des Moines students will present more information on that initiative at tonight's meeting. He also attended a meeting of the Bravo Board, where a new program was established to make grant funding available to programs that benefit the arts, culture and heritage, even if the primary purpose of the organization is not specific to those areas.

Council member Trimble reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on a proposed bond disclosure policy, the proposed assignment of agreement for financial advisory services, the proposed budget amendment #3, and a proposed council chamber usage policy.

Council member Messerschmidt reported he attended meetings of the Library Board and the Public Works Subcommittee. The Public Works Subcommittee discussed how to address issues with a storm sewer on 9th Street. He commended staff from Engineering and Public Works for managing the many significant CIP projects in progress this year.

Council member Trimble noted the City has now made construction project updates available to the public on its website.

On Item 4. Consent Agenda.

Council members pulled Item 4(s)2 for discussion. It was moved by Sandager, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of September 19, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Casey's Marketing Company d/b/a Casey's General Store #2297, 108 8th Street - Add Carryout Native Wine to Existing Class BC Beer Permit
 - 2. CEC Entertainment, Inc. d/b/a Chuck E. Cheese's #958, 1431 22nd Street - Class BB Permit with Sunday Sales - Renewal
 - 3. Des Moines Golf and Country Club d/b/a Des Moines Golf and Country Club, 1600 Jordan Creek Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Outdoor Service Privileges - Renewal
 - 4. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - October 12-13, 2016
 - 5. Jethro's and Jaspers, Inc. d/b/a Jethro's Jambalaya, 9350 University Avenue - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 6. Crab Addison, Inc., d/b/a Joe's Crab Shack, 130 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 7. Monterrey III, LLC, d/b/a Monterrey III, 6630 Mills Civic Parkway, Unit 3116 - Class LC Liquor License with Sunday Sales - Renewal
 - 8. SA Petro Mart, Inc., d/b/a SA Petro Mart, 136 1st Street - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
 - 9. SA Petro Mart, Inc., d/b/a SA Petro Mart (Liquor Room), 136 1st Street - Class LE Liquor License with Sunday Sales - Renewal
- d. Approval of Extended Sound Permits:
 - 1. 5704 Aspen Drive Private Party with Outdoor Music, October 15, 2016
 - 2. Nature Lodge Wedding, October 29, 2016
- e. Approval of Lane Closure for Block Party - 900 Block of 41st Street and 4100 Block of Aspen Drive, October 8, 2016
- f. Approval of City Council Chambers Usage Policy

- g. Approval of Assignment - Agreement for Financial Advisory Services
- h. Approval to Add Woodland Lake to the City's Solid Waste Collection Program and Approval and Acceptance of Hold Harmless Agreement
- i. Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement:
 - 1. Issuance of \$7,200,000 General Obligation Bonds
 - 2. Issuance of \$11,425,000 General Obligation Urban Renewal Bonds
- j. Approval of 28E Agreement with Iowa Alcoholic Beverages Division - Iowa Pledge Tobacco Compliance Program
- k. Accept Work:
 - 1. Alluvion 1A2 Water Main Improvements
 - 2. Public Safety Station 17 HVAC Improvements
- l. Approval of Professional Services Agreement - Public Safety Station 18 HVAC Commissioning
- m. Approval of Railroad Bridge Construction Agreement - Iowa Interstate Railroad Bridge Replacement over Sugar Creek
- n. Approval of Development Services Record Retention Schedule for Planning and Development Review Files
- o. Approval of Extension of Entitlement for Preliminary Plat - Whisper Rock at Quail Cove
- p. Approval of Agreements Regarding the Alluvion Urban Renewal Area:
 - 1. City of Norwalk
 - 2. Warren County
- q. Approval of Agreements Regarding the Osmium Urban Renewal Area:
 - 1. City of Cumming
 - 2. Madison County
 - 3. Warren County
- r. Approval of Settlement Agreement - Carol Gass
- s. Approval of Proclamations:
 - 1. Recognition of Police Sergeant Shawn Miller

Vote 16-376: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(s)2 Approval of Proclamation - Profriend Week, October 17 -21, 2016

Melinda Dunnwald of the West Des Moines School Board, along with Valley High School students Owen and Lindsay and Jordan Creek Elementary students Emma and Landon, presented information on the "Profriend" initiative, which is a social awareness campaign intended to positively impact the conversation around bullying by promoting kindness, respect and friendship.

Mayor Gaer then read Proclamation - Profriend Week, October 17 -21, 2016.

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It was moved by Trimble, second by Sandager to approve Item 4(s)2 Approval of Proclamation - Profriend Week, October 17 -21, 2016.

Vote 16-377: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Redevelopment Incentive Policy, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to adopt Motion - Approval of Clarification of Policy.

Council member Trimble noted the council communication indicates this item was recommended by the Finance and Administration Subcommittee, but there was actually a split vote, as he does not support it.

Vote 16-378: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Trimble ... 1 no
Motion carried.

On Item 6(a) Browns Woods Estates, west side of Veterans Parkway approx. 500 ft. south of SE Browns Woods Drive - Amend the Comprehensive Plan Land Use Designation from Low Density Residential to Single Family Residential and Rezone from Residential Estate to Residential Single Family, initiated by Venture Homes, LLC

It was moved by Sandager, second by Trimble to adopt Motion - Continue Public Hearing to October 17, 2016.

Vote 16-379: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Della Vita, northwest corner of 88th Street and EP True Parkway - Amend the Comprehensive Plan Land Use Designation from Office and High Density Residential to Single Family and Medium Density Residential and Rezone Property from Unzoned to a Planned Unit Development (PUD), initiated by Interchange Partners, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 16, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request and one email correspondence was received and was included with the Council communication.

Mayor Gaer asked if there were any public comments.

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Joe Pietruszynski, Hubbell Realty Company, 6900 Westown Parkway, explained this request has been made because all of the extensions of entitlement for this property have been exhausted. The applicant wants to apply the new zoning regulations that are expected to be adopted in the coming months to this property; therefore in the meantime, the proposed Della Vita Planned Unit Development (PUD) is being requested as a stopgap measure to meet the expectations of the seller and keep agreements intact. He noted staff is requesting the proposed PUD include architectural standards, as is common practice for PUD's; however the applicant is requesting permission to include the City's standard zoning regulations in place of architectural standards for this PUD to provide greater flexibility and to retain the setbacks and density established for the property. He noted the applicant intends to ultimately rezone this property from PUD to standard zoning before developing it.

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

Lynne Twedt, Director of Development Services, stated staff does not feel the PUD language on architectural standards, which speaks in generalities, would bind the applicant to any specific standards.

Mr. Pietruszynski stated the applicant has a specific housing design intended for this property, but there are variations in the PUD language that would not allow them to develop that intended design.

Ms. Twedt noted the two options for the applicant are to go with standard zoning for the property and wait for the new zoning regulations that are expected to be adopted in the coming months, which may or may not allow the property to be developed as they have designed, or to work with staff on writing the PUD to remove the language that is problematic for them.

Mayor Gaer suggested the Council can approve the resolution for the Comprehensive Plan amendment and the first reading of the PUD ordinance tonight, with the intention that the applicant and staff work together to find a solution, and the ordinance language could change if needed before its second reading.

City Manager Tom Hadden noted staff already has a meeting scheduled with the applicant to discuss their concerns.

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval of Comprehensive Plan Amendment.

Mayor Gaer inquired if the current property owner's challenging of a stormwater connection fee district could be impacted by these actions.

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Mr. Pietruszynski stated Hubbell Realty Company has escrowed the amount for the stormwater connection fee and understands that if the property is liable for the fee, then they would be responsible for paying it.

Vote 16-380: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 16-381: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance.

Vote 16-382: 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 Parts of Street Lot F and All of Street Lot I, Corrected Michael's Landing Plat 1 - Conveyance of Property, initiated by Mill Ridge Homes, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 26, 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 Conveyance of Property.

Vote 16-383: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Mill Ridge Plat 1, north of the intersection of Harper Lane and South 92nd Street - Plat Property into 31 Single Family Lots, Four Outlots, and Four Street Lots, initiated by Mill Ridge Homes, LLC

It was moved by Messerschmidt, second by Trimble 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 16-384: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) West Green Industrial Park, 175 South 9th Street - Subdivide Property into 36 Lots for Industrial Development and One Outlot, initiated by Next Phase Development, LLC

It was moved by Trimble, second by Messerschmidt 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 16-385: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 2 (Through Streets Stop Required) - South Grand Prairie Parkway, North Corporate Limits to Mills Civic Parkway, initiated by the City of West Des Moines

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

Vote 16-386: 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 Messerschmidt to approve the first reading of the ordinance.

Vote 16-387: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - South Grand Prairie Parkway, North Corporate Limits to Mills Civic Parkway, initiated by the City of West Des Moines

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

Vote 16-388: 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 Messerschmidt to approve the first reading of the ordinance.

Vote 16-389: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - South Grand Prairie Parkway, North Corporate Limits to Mills Civic Parkway, 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 16-390: 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.

Vote 16-391: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 12 (Truck Routes) - South Grand Prairie Parkway, North Corporate Limits to Mills Civic Parkway, 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 16-392: 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.

Vote 16-393: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) Amendment to City Code - Title 9 (Zoning) - Establish Performance Standards for Snow Maintenance Facilities - City Initiated - Referred to Plan and Zoning

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On Item 8(b) Amendment to City Code - Title 9 (Zoning) - Regulate Indoor Self-Storage in Commercial Districts - City Initiated - Referred to Plan and Zoning

On Item 8(c) Amendment to City Code - Title 9 (Zoning), Chapter 14 (Accessory Structures) - Regulate Materials Used on Fuel Pump Island Canopies - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters: none

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor