

October 16, 2017

West Des Moines City Council Proceedings
Monday, October 16, 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, October 16, 2017 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 Trevillyan, second by Sandager approve the agenda as presented.

Vote 17-576: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum

Paris Boehm and Kay Schiller, Historic Valley Junction Foundation Board of Directors, reported that Historic Valley Junction has been added to the National Register of Historic Places. They also reported that Historic Valley Junction is one of the finalists to receive funding through the "Partners in Preservation" contest, and they encouraged everyone to help by voting at votevalleyjunction.org.

Debbie Westphal Swander, Historic Valley Junction Foundation Board of Directors, stated she was humbled and honored that her property, which houses the Theatrical Shop, was selected to receive funding should Historic Valley Junction win this contest.

Ms. Boehm also reported the new signs at Valley Junction businesses that participated in the "CoSign" project were unveiled.

Dallas Scharff, 280 South 79th Street, Unit 1003, inquired about the timeline for the new Fareway store on Mills Civic Parkway.

Lynne Twedt, Development Services Director, responded they are planning to begin construction in 2018, and the store may open in late-2018, but will most likely be sometime in 2019.

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

Fire Chief Craig Leu provided a report on the Fire and EMS Services Review and Assessment that was conducted in 2016 by McGrath Consulting Group. The report included 80 recommendations that were assigned various levels of priority, and City Manager Hadden has assigned Chief Leu to oversee a team that will work on a plan to implement those recommendations.

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Tim Stiles, Finance Director, reported the City has been awarded the Distinguished Budget Presentation Award for FY 2016-17 and Excellence in Financial Reporting Award for FY 2015-16 by the Government Finance Officers Association.

The Mayor and Council expressed appreciation to staff for their efforts in earning these awards.

Council member Mickelson reported he attended the Fire Department pancake breakfast and open house on Saturday. He also reported he will participate in the police chief interviews later this week. He attended a meeting of the Public Safety Subcommittee met, where an update was given on body cameras, which are going live this week.

City Manager Tom Hadden reported the police chief recruitment has been a long process, and he thanked those that have been involved. He stated staff hopes to make a selection sometime after the finalists are interviewed later this week.

On Item 4. Consent Agenda.

Council members pulled Item 4(f)3 for discussion. It was moved by Messerschmidt, second by Sandager to approve the consent agenda as amended.

- a. Approval of Minutes of October 2, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. On The Rise Valley West, LLC, d/b/a Blaze Pizza, 1551 Valley West Drive, Suite 225 - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
 2. Firebirds of West Des Moines, LLC d/b/a Firebirds Wood Fired Grill, 440 South 68th Street, Suite 101 - Class LC Liquor License with Sunday Sales - Renewal
 3. TenX Adventures 2, LLC d/b/a The Hall, 111 South 11th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 4. 52 Gracedieu DBA Memory Lane Antiques, LLC d/b/a Memory Lane Antiques Collectibles & Gifts, 208 5th Street - Class B Native Wine Permit with Sunday Sales - New
 5. AM Enterprise, LLC d/b/a Mountain Lodge Restaurant & Bar, 1551 Valley West Drive - Class LC Liquor License with Sunday Sales - New
 6. SA Petro Mart, Inc., d/b/a SA Petro Mart, 136 1st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 7. Target Corporation d/b/a Target Store T-0069, 1800 35th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
- d. Approval to Issue RFP for Class "A" Fire Engine
- e. Approval of Grant Agreement - 2016 Continuum of Care Rapid Rehousing Program
- f. Approval of Professional Services Agreements:
 1. Whisper Point Park Site Plan Design and Grading Plan
 2. Sugar Creek Greenway Trail Schematic Design

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4. Woodland Hills Park Phase 3 Construction Documents
5. Hidden Point Park Design and Grading
- g. Approval of Professional Services Agreement - Building Safety Assessments and Training - KJW Diversified Services, Inc.
- h. Order Construction - 2017 Sewer Cleaning and Televising Program
- i. Accept Work:
 1. 2016 Durable Pavement Markings Program
 2. 2016 Intake Repair Program
- j. Approval and Acceptance of Easements and Agreements - Galleria Plat 8, Lot 2
- k. Approval and Acceptance of Hold Harmless Agreement - 300 4th Street
- l. Approval of Amendment to Economic Development Assistance Contract - Businessolver.com, Inc.
- m. Approval and Acceptance of Purchase Agreements and Property Interests:
 1. Ashworth Road Improvements, Phase 2
 2. Project Osmium Public Infrastructure

Vote 17-577: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(f)3 Approval of Professional Services Agreement - Raccoon River Pedestrian Bridge / Great Western Trail Connection Schematic Design

Council member Trevillyan stated a resident had suggested to him that the City consider relocating and repurposing the railroad bridge across the Raccoon River near Booneville, which will be replaced and discontinued in the near future, as it might be able to serve as a pedestrian bridge.

City Manager Tom Hadden stated staff will advise the consultant to look into that option.

It was moved by Trevillyan, second by Trimble to approve Item 4(f)3 Approval of Professional Services Agreement - Raccoon River Pedestrian Bridge / Great Western Trail Connection Schematic Design.

Vote 17-578: 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, and September 18, 2017)

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It was moved by Messerschmidt, second by Sandager to continue Item 5(a) Jordan Creek Business Park Specific Plan Amendment to October 30, 2017.

Vote 17-579: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Chateau 88, 752 88th Street - Designate Residential Single Family Zoning, initiated by Chateau 88, LLC

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

Vote 17-580: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-581: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 17-582: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 1 (Plan and Zoning Commission) and Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures) - Modify Requirements for Referral of Comprehensive Plan and Zoning Amendments, initiated by the City of West Des Moines

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

Vote 17-583: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-584: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 17-585: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 5 (Police Regulations), Chapter 2 (Criminal Code), Section 14 (Fireworks) - Regulate the Use of Consumer and Display Fireworks, initiated by the City of West Des Moines

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

Vote 17-586: Messerschmidt, Mickelson, Sandager, Trimble ... 4 yes
Trevillyan ... 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-587: Messerschmidt, Mickelson, Sandager, Trimble ... 4 yes
Trevillyan ... 1 no
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider RB WDM Grand LLC PUD, 1525 and 1535 Grand Avenue - Establish Planned Unit Development to Regulate Codes and Standards of Property and Zone the Property Office, 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 September 29, 2017 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; hearing none he declared the public hearing closed.

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

Vote 17-588: 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 17-589: 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 Amendment to City Code - Title 9 (Zoning) - Establish Regulations for the Allowance of Single Family Homes in Valley Junction Historic Business District and Valley Junction Commercial District, 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 September 29, 2017 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.

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 consider the first reading of the ordinance.

Council member Trevillyan inquired if the proposed ordinance would allow retail spaces on the first level to be converted to residential.

Lynne Twedt, Development Services Director, responded the ordinance would require it to be a single-family residential structure. She noted that the proposed ordinance will not allow single-family residential in the 100 or 200 blocks of 5th Street.

Council member Trevillyan inquired if staff is looking at a similar ordinance applying to office areas.

Ms. Twedt noted there hasn't been as much demand in those areas to convert properties to single-family, but staff will look into it.

Vote 17-590: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-591: 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 EP True Parkway 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 October 6, 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 Messerschmidt to adopt Resolution - Approval of Urban Renewal Plan.

Vote 17-592: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 17-593: 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 17-594: 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 2016-2017 FY Community Development Block Grant Program - Consolidated Annual Performance Evaluation Report (CAPER), 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 October 6, 2017 in the Des Moines Register, October 4, 2017 in the Indianola Record-Herald, October 5, 2017 in the Dallas County News, and October 4, 2017 in the Madisonian. 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 Messerschmidt, second by Trimble to adopt Resolution - Approval of CAPER.

Council member Trimble requested an update on the internet service program.

Christine Gordon, Housing Planner, reported the intent of the program is to offer affordable internet service to low-income residents, subsidized through Community Development Block Grant funds. Staff is currently working with a consultant to come up with a program that will work and plans to have the program in place by spring 2018.

City Manager Tom Hadden stated staff is also working with the consultant on a plan to offer high-speed internet to the entire city.

Vote 17-595: 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 2017-18 FY Operating and Capital Budget - Amendment #1, 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 October 6, 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 Messerschmidt to adopt Resolution - Approval of Budget Amendment #1.

Vote 17-596: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Raccoon River Drive Bridge Replacement near South Jordan Creek 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 October 6, 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.

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It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 17-597: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Mills Civic Parkway, South Jordan Creek Parkway to South 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 October 6, 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 Sandager, second by Messerschmidt 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.

Vote 17-598: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Westport Plat 1, 33346 V Court - Subdivide Property into 55 Lots for Single Family Development, Five Public Street Lots, and Four Outlots, initiated by Westport Development, LLC

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 conditions of approval listed in the Resolution.

Vote 17-599: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Elevate at Jordan Creek, northeast corner of South 91st Street and Cascade Avenue - Subdivide the Property into One Lot for Construction of a 180-unit Apartment Complex with a Clubhouse and Pool, initiated by The Garret Companies

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

Vote 17-600: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 7(c) Maple Grove United Methodist Church, 9391 Ashworth Road - Approval of a Phased Site Plan for Site Grading, Footing and Foundation Permits, and Private Utilities, initiated by Maple Grove United Methodist Church

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

Vote 17-601: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) Heather Perry Resignation - Sister Cities Commission - Received and Filed

On Item 9 - Other Matters

Council member Trevillyan reported on Saturday morning he watched the moving of the house from 5000 Westwood Drive to 720 Maple Street.

The meeting was adjourned at 6:22 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor