

# CITY OF WEST DES MOINES

## COUNCIL AGENDA

**date:** Tuesday, December 27, 2016

**time:** 5:30 P.M.

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MAYOR .....	STEVEN K. GAER	CITY MANAGER.....	TOM HADDEN
COUNCILMEMBER AT LARGE .....	RICK MESSERSCHMIDT	CITY ATTORNEY.....	RICHARD SCIESZINSKI
COUNCILMEMBER AT LARGE .....	JIM SANDAGER	CITY CLERK.....	RYAN JACOBSON
COUNCILMEMBER 1 <sup>ST</sup> WARD .....	KEVIN L. TREVILLYAN		
COUNCILMEMBER 2 <sup>ND</sup> WARD .....	JOHN MICKELSON		
COUNCILMEMBER 3 <sup>RD</sup> WARD.....	RUSS TRIMBLE		

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- 1. Call to Order/Pledge of Allegiance/Roll Call/Approval of Agenda**
- 2. Citizen Forum** (Pursuant to City Council Procedural Rules citizen remarks are limited to five minutes under this agenda category - if additional time is desired the Mayor/Council may allow continuation as part of the Other Matters portion of the agenda)
- 3. Mayor/Council/Manager Report/Other Entities Update**
- 4. Consent Agenda**
  - a. Motion - Approval of Minutes of December 12, 2016 Meeting
  - b. Motion - Approval of Bill Lists
  - c. Motion - Approval of Liquor Licenses:
    1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Class BW Permit with Sunday Sales - Renewal
    2. Lakes Venture, LLC d/b/a Fresh Thyme Farmers Market, 2900 University Avenue, Suite E - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
    3. Hy-Vee, Inc., d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway, 2<sup>nd</sup> Floor Meeting Room - Class BW Permit with Sunday Sales - Renewal
    4. F & K Hagar, L.L.C. d/b/a Manhattan Grill, 1960 Grand Avenue, Suites 29-31 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - d. Motion - Approval of 2016-2017 Committee/Liaison Assignments
  - e. Resolution - Approval of Special Assessment - Nuisance Abatement
  - f. Resolution - Accept Work - Valley View Park Basketball Courts
  - g. Resolution - Establish Consultation Meeting and Public Hearing - Amendment No. 2 to the Ashworth Corridor Urban Renewal Area
  - h. Resolution - Approval and Acceptance of Easements - Bridgewood Drive Vacation
  - i. Resolution - Approval of Resolution of Support - Greater Des Moines Water Trails and Greenways Plan
  - j. Resolution - Approval of Economic Development Assistance Grant - DelVoda

**5. Old Business**

- a. 2480, 2580, 2640, and 2720 SE 11<sup>th</sup> Street - Change the Land Use and Zoning Designation of Part of the Properties from Medium Density Residential to Single Family and Residential Estate - Margaret Munro
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
- b. Mills Crossing, 5901 Mills Civic Parkway - Amend Specific Plan to Include Site Amenities - Hurd Mills, LLC
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
- c. Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) - Change the Roadway Name of that approx. 2000 ft. Diagonal Section of Booneville Road Located approx. 250 ft. north of Grand Avenue to South 88<sup>th</sup> Street - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
  - 2. Resolution - Approval of Address Changes
- d. Amendment to City Code - Title 7 (Public Ways and Property), Chapter 10 (Trees and Shrubs), Section 7 (General Standards) - Maintenance of City Owned Trees in City Right-of-Way - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption

**6. Public Hearings (5:35 p.m.)**

- a. Agreement for Private Development - Raccoon River Land Company, LLC (Continued from December 12, 2016)
  - 1. Resolution - Approval of Agreement
- b. Fox Valley, generally north of SE Fox Valley Drive and approx. 900 ft. west of SE Beaverbrook Trail - Amend the Comprehensive Plan Land Use Map Designation from Medium Density Residential to Single Family Residential and Rezone from Medium Density Residential to Single Family Residential - Charles I. and Ruth Colby National Development Trust
  - 1. Resolution - Approval of Comprehensive Plan Amendment
  - 2. Ordinance - Approval of First Reading
- c. Osmium Annexation (approximately 350.62 acres) - Voluntary Annexation - City Initiated
  - 1. Resolution - Approval of Voluntary Annexation
- d. Amendment to City Code - Title 7 (Public Ways and Property) and Title 9 (Zoning), Chapter 10 (Performance Standards) and Chapter 18 (Signs) - Adopt New Regulations for the Placement of Signs within the Corporate City Limits - City Initiated
  - 1. Motion - Continue Public Hearing Indefinitely

- e. Grand Avenue West Segment 6F Sewer Extension - City Initiated
  - 1. Resolution - Approval of Plans and Specifications
  - 2. Motion - Receive and File Report of Bids
  - 3. Resolution - Award Contract
  
- f. Public Safety Station 21 HVAC Improvements - City Initiated
  - 1. Resolution - Approval of Plans and Specifications
  - 2. Motion - Receive and File Report of Bids
  - 3. Resolution - Defer Award of Contract to January 9, 2017

**7. New Business**

- a. Westport Preliminary Plat 1, 33346 V Court - Subdivide Property into 55 Lots for Single Family Development, Five Public Street Lots, and Four Outlots - Westport Development, LLC
  - 1. Resolution - Approval of Preliminary Plat
  
- b. Reed Warehouse, 1611 Fuller Road - Construction of a 5,940 sq. ft. Warehouse for Vehicle Storage - Kendall Reed
  - 1. Resolution - Approval of Site Plan
  
- c. Deer Hunter's Run Plat 2, adjacent to 36862 Hunters Point Van Meter - Approval of a Plat of Survey to Divide Outlot Y into Two Parcels - NW 77 JV (Vista Real Estate)
  - 1. Resolution - Approval and Release of Plat of Survey

**8. Receive, File and/or Refer**

- a. Grand Valley, northeast corner of South 35<sup>th</sup> Street and Grand Avenue - Amend the Planned Unit Development (PUD) to Modify Parcel Boundaries - Russell Ver Ploeg (Refer to Plan and Zoning Commission)
  
- b. West Des Moines Water Works - 2017 Budget

**9. Other Matters**

The City of West Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages their participation in city government. Should special accommodations be required please contact the Clerk's office at least 48 hours in advance, at 222-3600 to have accommodations provided.

December 12, 2016

West Des Moines City Council Proceedings  
Monday, December 12, 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, December 12, 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 Messerschmidt approve the agenda as presented.

Vote 16-510: 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

Jeff Dumermuth, Chief of Emergency Medical and Communication Services, introduced Westcom Dispatchers Joann Chadwick, Brian Albright, Alicia Scott, and Dispatch Supervisor Aubyn Giampolo, who were then presented with letters of commendation for the professionalism they demonstrated when handling calls regarding the killing of Urbandale Police Officer Justin Martin and Des Moines Police Sergeant Tony Beminio on November 2, 2016.

Council member Sandager reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on a request to allow metal carports in single-family residential areas, parking requirements for indoor self-storage, a proposed amendment to the Premiere Shoppes PUD, and temporary roadways for emergency access to Mill Ridge Plat 2.

Council member Trevillyan reported he will hold a public meeting on Saturday, December 17 to discuss possible uses for the Phenix Elementary School property.

Council member Messerschmidt reported the Public Services Subcommittee met and discussed proposed changes to the ordinance regarding the maintenance of trees in the right-of-way and the installation of a fence along 22<sup>nd</sup> Street near Fairmeadows Park, where a significant slope remained following the completion of a storm sewer improvements project in that area. He also noted South 50<sup>th</sup> Street has re-opened today, after substantial completion of the South 50<sup>th</sup> Street Widening project.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Sandager to approve the consent agenda as presented.

December 12, 2016

- a. Approval of Minutes of November 28, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 2. Lovely Food Mart, Inc. d/b/a Indian Grocery, 6630 Mills Civic Parkway, Suite 3110 - Class BC Permit with Sunday Sales - Renewal
  - 3. J.P. Parking Inc. d/b/a J.P. Parking Inc., 6220 Raccoon River Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
  - 4. Occasions Catering, LLC d/b/a Occasions Catering, 7929 Ashworth Road - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  - 5. The Tangerine Food Company d/b/a The Tangerine Food Company, 1960 Grand Avenue, Suite #21 - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
  - 6. 205 Corporation d/b/a The Tavern, 205 5th Street - Class LC Liquor License with Sunday Sales - Renewal
  - 7. 205 Corporation d/b/a The Tavern Pizza Pasta Grill, 1755 50th Street - Class LC Liquor License with Sunday Sales - Renewal
  - 8. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal
- d. Approval of Lane Closures for Special Events:
  - 1. Production/Filming of "Play By Play", December 19, 2016
  - 2. Lutheran Church of Hope Christmas Eve Services
- e. Approval of Reappointments - Human Rights Commission
- f. Approval to Sell Surplus City Equipment
- g. Acknowledgement and Acceptance of Disclosure - Steven K. Gaer
- h. Approval of Amendment to Property Tax Rebate Program
- i. Approval of 2017 City Council Meeting Schedule
- j. Approval and/or Ratification of Specific Fees and Charges - 2016-17 FY
- k. Approval of 28E Agreement - Fire/Rescue Emergency Medical Service Mutual Aid
- l. Order Construction:
  - 1. 2016 Intake Repair Program
  - 2. Quail Park Channel Repair
  - 3. Valley View Aquatic Center and Holiday Park Aquatic Center Pool Improvements
- m. Accept Work - Jordan Creek Parkway and University Avenue Intersection Improvements, Phase 1
- n. Acceptance of Public Improvements:
  - 1. Christ's Church Subdivision, Lot 1 (Sanitary Sewer)
  - 2. South 88th Street and Coachlight Drive Improvements

December 12, 2016

- o. Approval and Acceptance of Non-Interference Agreements - 1725 98th Street and 1755 59th Place
- p. Approval and Acceptance of Purchase Agreement and Property Interests - Grand Avenue West Segment 6F Sewer Project

Vote 16-511: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning) - Regulate Indoor Self-Storage in Commercial Districts, initiated by the City of West Des Moines

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

Vote 16-512: 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 second reading of the ordinance.

Vote 16-513: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 16-514: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - Jordan Creek Parkway and 850 ft. south of EP True Parkway, initiated by the City of West Des Moines

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

Vote 16-515: 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 Messerschmidt to approve the second reading of the ordinance.

Vote 16-516: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 16-517: 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 2480, 2580, 2640, and 2720 SE 11th Street - Change the Land Use and Zoning Designation of Part of the Properties from Medium Density Residential to Single Family Residential Estate, initiated by Margaret Munro. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 25, 2016 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 comprehensive plan amendment and rezoning request, and two correspondences were received and included with the council communication.

Mayor Gaer asked if there were any public comments.

Margaret Munro, 2480 SE 11<sup>th</sup> Street, reported when she purchased her property it was zoned RE-1A, but her property was later rezoned to RM-8 unbeknownst to her, as the rezoning notice that was distributed at the time did not specifically state that her property was included in the proposed rezoning. She is now requesting that her property be rezoned back to its original classification of RE-1A, and she is also requesting that rezoning fees be waived

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

Lynne Twedt, Director of Development Services, responded to questions from the Council, stating the proposed rezoning to a lower-density classification would create a buffer requirement for the property to the east owned by Mr. Paulsen, which will remain the higher-density classification of RM-8. She stated the City Code does have a requirement that if a property is rezoned so that it creates a buffer requirement, then that property being rezoned shall bear the responsibility for the buffer; however there is an exemption when the properties are undeveloped, such as in this case. She noted staff intends to review this ordinance to determine if that exemption should be removed. She also stated when Mr. Paulsen's property develops, the City Council at that time would have the option to waive the buffer requirement.

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Council member Trimble expressed support to approve the rezoning request, waive the rezoning fee, and add a condition to the rezoning that there would be no buffer requirement on Mr. Paulsen's property when it develops.

Ms. Twedt stated the buffer requirement would also be triggered on the property to the south of Mr. Paulsen and questioned whether this buffer was also to be waived.

The Council indicated that the waiver of the buffer would apply to both properties.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Comprehensive Plan Land Use Map Amendment, and to approve the waiver of the fee for the rezoning request and the waiver of the buffer requirement for the properties to the east.

Vote 16-518: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 16-519: 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 16-520: 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 Mills Crossing, 5901 Mills Civic Parkway - Amend Specific Plan to Include Site Amenities, initiated by Hurd Mills, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 25, 2016 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 specific plan 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 Messerschmidt to consider the first reading of the ordinance.



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Vote 16-521: 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 16-522: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 6(c), Mayor Pro tem Sandager will preside over this portion of the meeting.

On Item 6(c) Mayor Pro tem Sandager indicated this was the time and place for a public hearing to consider Country Club Office Plaza West Plat 8, 1080 Jordan Creek Parkway - Vacation of Two Public Sanitary Sewer Easements, initiated by Dallas County Partners. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 2, 2016 in the Des Moines Register. Mayor Pro tem Sandager asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Sandager 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 Vacation of Easements.

Vote 16-523: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) - Change the Roadway Name of that approx. 2000 ft. Diagonal Section of Booneville Road Located approx. 250 ft. north of Grand Avenue to South 88th 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 December 2, 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.

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

Vote 16-524: 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 16-525: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(e) Agreement for Private Development, initiated by Raccoon River Land Company, LLC

It was moved by Trimble, second by Sandager to adopt Motion - Continue Public Hearing to December 27, 2016.

Vote 16-526: 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 South 60th Street Improvements, Phase 2, 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 December 2, 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 Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Technologies, Inc.

The Mayor and Council held discussion on the challenges associated with getting utility companies to relocate their utilities in a timely fashion for street projects such as this one, and staff was asked to establish this issue as a legislative priority with the City's lobbyist.

Vote 16-527: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

December 12, 2016

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 9th Street Storm Sewer Rehabilitation, 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 December 2, 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 Hydratech Field Services, LLC.

Vote 16-528: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Siphon Replacement Project, 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 December 2, 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 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 J & K Contracting, LLC.

Vote 16-529: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Items 7(a) and 7(b), Mayor Pro tem Sandager will preside over this portion of the meeting.

On Item 7(a) Country Club Office Plaza West Plat 8, 1080 Jordan Creek Parkway - Replat Outlot B, Country Club Office Plaza West from an Outlot to a Buildable Lot and Include a Portion of Lot 1, Country Club Office Plaza West Plat 3, initiated by Dallas County Partners

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.

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Vote 16-530: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(b) Westfield Office Building, 1080 Jordan Creek Parkway - Phased Site Plan  
Approval for Footings and Foundations, initiated by Dallas County Partners

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

Vote 16-531: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 7(c) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 10 (Trees  
and Shrubs), Section 7 (General Standards) - Maintenance of City Owned Trees in City Right-of-  
Way, initiated by the City of West Des Moines

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

Vote 16-532: 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 16-533: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8(a) Fox Valley, generally north of SE Fox Valley Drive and approx. 900 ft. west of SE  
Beaverbrook Trail - Rezone Property from Medium Density Residential to Single Family  
Residential - Charles I. and Ruth Colby National Development Trust - Referred to Plan and  
Zoning

On Item 8(b) Lonnie Williams Resignation - Human Services Advisory Board - Received and  
Filed

On Item 9 - Other Matters

December 12, 2016

Council member Trevillyan reported he attended a meeting of the DART Commission, where a copy of the proposed budget was distributed.

The meeting was adjourned at 6:31 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor

641  
4(b)

**CITY OF WEST DES MOINES  
CITY COUNCIL ACTION ITEM**

The following list(s) of municipal expenditures, all of which have been reviewed and authorized by the respective departments as being justified and properly due and the listing of which have been prepared by Finance departmental staff are being submitted to the City Council for approval:

Regular Bi-Weekly Claims	12/27/16		\$ 4,395,716.57
			Total \$ Amount
EFT Claims	12/27/16		\$ 269,397.23
			Total \$ Amount
Control Pay	12/27/16		\$ 248,001.05
			Total \$ Amount
End of Month			\$ 0.00
			Total \$ Amount
Off-Cycle Checks/EFT Claims			\$ 0.00
	Claim Listing Date		Total \$ Amount

Approved by the West Des Moines City Council this 27th day of December  
2016

\_\_\_\_\_  
Tim Stiles, Finance Director

\_\_\_\_\_  
Tom Hadden, City Manager

\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

\_\_\_\_\_  
Ryan Jacobson, City Clerk

Finance and Administration Committee acknowledgement of disbursement of expenditures:

\_\_\_\_\_  
Russ Trimble, Councilmember

\_\_\_\_\_  
Jim Sandager, Councilmember

\_\_\_\_\_  
John Mickelson (alternate)

**City of West Des Moines  
City Council Report**

Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
Batch Date: 12/27/2016

Type	Date	Number	Source	Payee Name	Transaction Amount
<b>Bank Account: WB VENDOR DISB - WB Vendor Disbursement</b>					
Check	12/27/2016	302206	Accounts Payable	1 MILLION CUPS OF DES MOINES	1,000.00
Check	12/27/2016	302207	Accounts Payable	3CMA	400.00
Check	12/27/2016	302208	Accounts Payable	A-D DISTRIBUTING CO INC	160.00
Check	12/27/2016	302209	Accounts Payable	ABSOLUTE CONCRETE CONSTRUCTION	285,765.57
Check	12/27/2016	302210	Accounts Payable	ADAMS DOOR COMPANY INC	218.00
Check	12/27/2016	302211	Accounts Payable	ADVERTISING FLAG CO INC	465.17
Check	12/27/2016	302212	Accounts Payable	AECOM TECHNICAL SERVICES INC	6,097.50
Check	12/27/2016	302213	Accounts Payable	AIRPORT SIGNS & GRAPHICS	149.54
Check	12/27/2016	302214	Accounts Payable	ALADTEC, INC.	2,453.00
Check	12/27/2016	302215	Accounts Payable	AMERICAN PUBLIC WORKS ASSN	61.36
Check	12/27/2016	302216	Accounts Payable	AMERICAN SECURITY CORP	1,428.00
Check	12/27/2016	302217	Accounts Payable	ASCHEMAN, PHILIP	1,220.00
Check	12/27/2016	302218	Accounts Payable	AUREON NETWORK SERVICES	4,347.36
Check	12/27/2016	302219	Accounts Payable	BALDWIN, RYAN	150.00
Check	12/27/2016	302220	Accounts Payable	BALL TEAM LLC	115,335.70
Check	12/27/2016	302221	Accounts Payable	BU STORAGE	300.00
Check	12/27/2016	302222	Accounts Payable	BONNIE'S BARRICADES	40.30
Check	12/27/2016	302223	Accounts Payable	BOUND TREE MEDICAL LLC	2,660.16
Check	12/27/2016	302224	Accounts Payable	BP	25.51
Check	12/27/2016	302225	Accounts Payable	BROCKWAY MECHANICAL & ROOFING	670.39
Check	12/27/2016	302226	Accounts Payable	CAPPEL'S ACE HARDWARE	209.56
Check	12/27/2016	302227	Accounts Payable	CARPENTER UNIFORM CO	3,523.39
Check	12/27/2016	302228	Accounts Payable	CHRIS CAKES	1,058.00
Check	12/27/2016	302229	Accounts Payable	CINTAS CORP FIRST AID & SAFETY	131.43
Check	12/27/2016	302230	Accounts Payable	CITY OF DES MOINES	526,636.64
Check	12/27/2016	302231	Accounts Payable	CIVIL DESIGN ADVANTAGE LLC	1,959.64
Check	12/27/2016	302232	Accounts Payable	CLIVE POWER EQUIPMENT	8.58
Check	12/27/2016	302233	Accounts Payable	COLDWELL BANKER MID-AMERICA GROUP REALTORS	25,000.00
Check	12/27/2016	302234	Accounts Payable	CONCRETE TECHNOLOGIES	437,242.87
Check	12/27/2016	302235	Accounts Payable	CONSTRUCTION & AGGREGATE PRODUCTS INC	53.59
Check	12/27/2016	302236	Accounts Payable	CORY, TARRY	75.00
Check	12/27/2016	302237	Accounts Payable	CREATIVE FORMS & CONCEPTS INC	507.30

# City of West Des Moines City Council Report

Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
Batch Date: 12/27/2016

Type	Date	Number	Source	Payee Name	Transaction Amount
Check	12/27/2016	302238	Accounts Payable	DANKO EMERGENCY EQUIPMENT CO	176.30
Check	12/27/2016	302239	Accounts Payable	DE LAGE LANDEN	4,807.60
Check	12/27/2016	302240	Accounts Payable	DE WANZ, MIKE	150.00
Check	12/27/2016	302241	Accounts Payable	DEITCH, DALA	66.00
Check	12/27/2016	302242	Accounts Payable	DES MOINES GOLF & COUNTRY CLUB	33.90
Check	12/27/2016	302243	Accounts Payable	DES MOINES REGISTER SUBSCRIPTIONS (CHECK)	300.03
Check	12/27/2016	302244	Accounts Payable	DES MOINES STAMP MFG CO	272.66
Check	12/27/2016	302245	Accounts Payable	DIGITAL COMBUSTION INC	655.00
Check	12/27/2016	302246	Accounts Payable	DILLARD, CARLOS	225.00
Check	12/27/2016	302247	Accounts Payable	DMACC FOUNDATION	10,000.00
Check	12/27/2016	302248	Accounts Payable	DOWLING, CONNIE	165.00
Check	12/27/2016	302249	Accounts Payable	ELDER CORPORATION	123,024.13
Check	12/27/2016	302250	Accounts Payable	ELECTRICAL ENGINEERING & EQUIP	4,912.14
Check	12/27/2016	302251	Accounts Payable	EMBARKIT INC	6,328.80
Check	12/27/2016	302252	Accounts Payable	EMSLRC	90.00
Check	12/27/2016	302253	Accounts Payable	FIRE DEPARTMENT SAFETY OFFICER	570.00
Check	12/27/2016	302254	Accounts Payable	GBA SYSTEMS INTEGRATORS LLC	16,815.00
Check	12/27/2016	302255	Accounts Payable	GENIUS LANDSCAPE ARCHITECTS	1,650.00
Check	12/27/2016	302256	Accounts Payable	GRAINGER INC	1.92
Check	12/27/2016	302257	Accounts Payable	GREATER DALLAS CO DEVELOPMENT	985.51
Check	12/27/2016	302258	Accounts Payable	GRIMES ASPHALT & PAVING	23,561.51
Check	12/27/2016	302259	Accounts Payable	GUS CONSTRUCTION CO INC	234,200.04
Check	12/27/2016	302260	Accounts Payable	HARTLAND FUEL PRODUCTS LLC	17,239.26
Check	12/27/2016	302261	Accounts Payable	HAWKEYE PAVING CORPORATION	217,170.69
Check	12/27/2016	302262	Accounts Payable	HAWKEYE TRUCK EQUIPMENT	5,819.68
Check	12/27/2016	302263	Accounts Payable	HEARTLAND BUSINESS SYSTEMS	280,524.80
Check	12/27/2016	302264	Accounts Payable	HEARTLAND CO-OP	421.79
Check	12/27/2016	302265	Accounts Payable	HELLER AND HELLER CONSULTING	4,903.02
Check	12/27/2016	302266	Accounts Payable	HERITAGE MICROBIAL CONTROL LLC	250.00
Check	12/27/2016	302267	Accounts Payable	HOME DEPOT CREDIT SERVICES	148.56
Check	12/27/2016	302268	Accounts Payable	HY VEE INC	335.64
Check	12/27/2016	302269	Accounts Payable	I WORK & PLAY-PRO LINES INC	93.30
Check	12/27/2016	302270	Accounts Payable	INSTITUTE OF PUBLIC AFFAIRS	350.00
Check	12/27/2016	302271	Accounts Payable	INTERNATIONAL ASSN FOR PROPERTY AND EVIDENCE INC	50.00



# City of West Des Moines City Council Report

Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
Batch Date: 12/27/2016

Type	Date	Number	Source	Payee Name	Transaction Amount
Check	12/27/2016	302272	Accounts Payable	IOWA BRIDGE & CULVERT LC	79,097.95
Check	12/27/2016	302273	Accounts Payable	IOWA CUBS SPORTS TURF MNGT	5,225.00
Check	12/27/2016	302274	Accounts Payable	IOWA ENGINEERING SOCIETY	245.00
Check	12/27/2016	302275	Accounts Payable	IOWA INTERSTATE RAILROAD LTD	401.28
Check	12/27/2016	302276	Accounts Payable	IOWA OUTDOORS	15.00
Check	12/27/2016	302277	Accounts Payable	IOWA SIGNAL INC.	527.50
Check	12/27/2016	302278	Accounts Payable	IOWA STATE UNIVERSITY-FIRE SVC	100.00
Check	12/27/2016	302279	Accounts Payable	ITERIS INC	625.00
Check	12/27/2016	302280	Accounts Payable	J&K CONTRACTING LLC	37,686.07
Check	12/27/2016	302281	Accounts Payable	JACOBSEN AUTO BODY	190.00
Check	12/27/2016	302282	Accounts Payable	JOINER CONSTRUCTION CO., INC.	15,050.00
Check	12/27/2016	302283	Accounts Payable	KABEL BUSINESS SERVICES	270.00
Check	12/27/2016	302284	Accounts Payable	KALDENBERG'S PBS LANDSCAPING	315.00
Check	12/27/2016	302285	Accounts Payable	KLAHN, RICHARD	44.00
Check	12/27/2016	302286	Accounts Payable	KLOCKER'S EMERGENCY VEHICLES	438.61
Check	12/27/2016	302287	Accounts Payable	KUEPER NORTH AMERICA LLC	167.00
Check	12/27/2016	302288	Accounts Payable	LACINA, WENDY	77.00
Check	12/27/2016	302289	Accounts Payable	LANG CONSTRUCTION GROUP INC	119,458.70
Check	12/27/2016	302290	Accounts Payable	LANGUAGE LINE SERVICES	319.60
Check	12/27/2016	302291	Accounts Payable	LASER RESOURCES	2,496.00
Check	12/27/2016	302292	Accounts Payable	LOWE'S HOME CENTER, INC.	1,670.01
Check	12/27/2016	302293	Accounts Payable	LT LEON ASSOCIATES, INC	6,095.00
Check	12/27/2016	302294	Accounts Payable	M&M COMMERCIAL CLEANING	360.00
Check	12/27/2016	302295	Accounts Payable	MACDONALD LETTER SERVICE	65.00
Check	12/27/2016	302296	Accounts Payable	MARTIN, JOSEPH	75.00
Check	12/27/2016	302297	Accounts Payable	MCGREGGER CORPORATION	14,025.10
Check	12/27/2016	302298	Accounts Payable	MERCEDES-BENZ OF DES MOINES	429.84
Check	12/27/2016	302299	Accounts Payable	MERCY WEST PHARMACY	1,040.55
Check	12/27/2016	302300	Accounts Payable	METALOGIX INTERNATIONAL	8,430.87
Check	12/27/2016	302301	Accounts Payable	MIDAMERICAN ENERGY	60.48
Check	12/27/2016	302302	Accounts Payable	MIDAMERICAN ENERGY	868,935.81
Check	12/27/2016	302303	Accounts Payable	MIDAMERICAN- DM-WDM TL	28.00
Check	12/27/2016	302304	Accounts Payable	MIDWEST SAFETY COUNSELORS, INC	300.00
Check	12/27/2016	302305	Accounts Payable	NATIONAL BAND & TAG	300.84
Check	12/27/2016	302306	Accounts Payable	NATIONAL EMERGENCY NUMBER ASSN	675.00

**City of West Des Moines  
City Council Report**

Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
Batch Date: 12/27/2016

Type	Date	Number Source	Payee Name	Transaction Amount
Check	12/27/2016	302307	NORWALK READY-MIXED CONCRETE	705.00
Check	12/27/2016	302308	OFFICER SURVIVAL SOLUTIONS	489.95
Check	12/27/2016	302309	ON-SITE INFORMATION	229.04
Check	12/27/2016	302310	OPN ARCHITECTS	285.65
Check	12/27/2016	302311	OPTIMUM DATA INC	326,786.08
Check	12/27/2016	302312	PARKER , SATONILUS	225.00
Check	12/27/2016	302313	PATTON , CHRIS	175.00
Check	12/27/2016	302314	PER MAR SECURITY	608.88
Check	12/27/2016	302315	PEREZ , AARON	150.00
Check	12/27/2016	302316	POLK COUNTY REORDER	427.00
Check	12/27/2016	302317	PROFESSIONAL DEVELOPERS OF IA	335.00
Check	12/27/2016	302318	RACCOON VALLEY CONTRACTORS LLC	170,315.03
Check	12/27/2016	302319	RAHE , ALAN	175.00
Check	12/27/2016	302320	RELANT FIRE APPARATUS INC	199.34
Check	12/27/2016	302321	RHINE GROUP FIREARMS	524.00
Check	12/27/2016	302322	RICH HUDNUT	100.00
Check	12/27/2016	302323	RONALD SWEENEY	1,583.00
Check	12/27/2016	302324	ROTO-ROOTER CORP	80.00
Check	12/27/2016	302325	RUBY , TMI	1,400.00
Check	12/27/2016	302326	SECRETARY OF STATE	30.00
Check	12/27/2016	302327	SECURITY EQUIPMENT CORP	645.38
Check	12/27/2016	302328	SECURITY EQUIPMENT INC	2,059.40
Check	12/27/2016	302329	SHIFT	125.00
Check	12/27/2016	302330	SHIFT-CALENDARS INC	110.85
Check	12/27/2016	302331	SIEMENS INDUSTRY INC	360.00
Check	12/27/2016	302332	SKOLD DOOR & FLOOR CO.	361.00
Check	12/27/2016	302333	SNAP-ON TOOLS	360.94
Check	12/27/2016	302334	SNODEPOT	1,786.00
Check	12/27/2016	302335	SPECIALTY GRAPHICS INC	338.00
Check	12/27/2016	302336	SPRINT	505.76
Check	12/27/2016	302337	STORAGE MART #1052	310.98
Check	12/27/2016	302338	TAP PUBLISHING	864.60
Check	12/27/2016	302339	TARGET SOLUTIONS LEARNING	7,000.00
Check	12/27/2016	302340	TERAN , DANIEL	26.25
Check	12/27/2016	302341	THE CONCRETE COMPANY INC	82,012.18

# City of West Des Moines City Council Report

Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
Batch Date: 12/27/2016

Type	Date	Number	Source	Payee Name	Transaction Amount
Check	12/27/2016	302342	Accounts Payable	THE UNDERGROUND COMPANY	13,138.07
Check	12/27/2016	302343	Accounts Payable	THOMPSON , CLINTON	75.00
Check	12/27/2016	302344	Accounts Payable	TRITECH FORENSICS	450.50
Check	12/27/2016	302345	Accounts Payable	TRIZETTO PROVIDER SOLUTIONS	307.64
Check	12/27/2016	302346	Accounts Payable	TRUE VALUE & V&S VARIETY STORE	346.96
Check	12/27/2016	302347	Accounts Payable	ULTRAMAX	5,510.40
Check	12/27/2016	302348	Accounts Payable	UNION PACIFIC RAILROAD CO	3,983.10
Check	12/27/2016	302349	Accounts Payable	UNITED PARCEL SERVICE	83.25
Check	12/27/2016	302350	Accounts Payable	UNITYPOINT CLINIC	74.00
Check	12/27/2016	302351	Accounts Payable	UNITYPOINT HEALTH	40.00
Check	12/27/2016	302352	Accounts Payable	UNIVERSITY OF WISCONSIN EXTENSION	2,390.00
Check	12/27/2016	302353	Accounts Payable	UNRUH FIRE INC	164,326.47
Check	12/27/2016	302354	Accounts Payable	VALLEY WEST MALL LLC	100.00
Check	12/27/2016	302355	Accounts Payable	VERIZON WIRELESS	5,257.73
Check	12/27/2016	302356	Accounts Payable	VERMEER	51,043.96
Check	12/27/2016	302357	Accounts Payable	VISION SERVICE PLAN	716.75
Check	12/27/2016	302358	Accounts Payable	WARREN COUNTY RECORDER	277.00
Check	12/27/2016	302359	Accounts Payable	WATCHGUARD VIDEO	425.00
Check	12/27/2016	302360	Accounts Payable	WEST DES MOINES COMM SCHOOLS	247.90
Check	12/27/2016	302361	Accounts Payable	ZIEGLER INC	520.08
Check	12/27/2016	302362	Accounts Payable	ZOSS , BEN	150.00
Check	12/27/2016	302363	Accounts Payable	ZOSS , TREVER	300.00
Check	12/27/2016	302364	Accounts Payable	ASQ	99.00
Check	12/27/2016	302365	Accounts Payable	BOISEN , BRYAN	319.06
Check	12/27/2016	302366	Accounts Payable	BRINKMEYER , BLAIN	46.63
Check	12/27/2016	302367	Accounts Payable	DICKINSON , JIM	32.15
Check	12/27/2016	302368	Accounts Payable	GRIMES , JEANA	55.51
Check	12/27/2016	302369	Accounts Payable	HEDDINGER , GEORGE A	336.44
Check	12/27/2016	302370	Accounts Payable	KRISTY HENNING	56.16
Check	12/27/2016	302371	Accounts Payable	MANCKE , BRUCE	208.98
Check	12/27/2016	302372	Accounts Payable	MUNRO , MARGARET	336.22
Check	12/27/2016	302373	Accounts Payable	ROSARIO , MELVIN	302.67
Check	12/27/2016	302374	Accounts Payable	SANDBULTE , LARAMIE	55.62
Check	12/27/2016	302375	Accounts Payable	WESTHOFF , KURT	55.00

# City of West Des Moines City Council Report

Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
Batch Date: 12/27/2016

Type	Date	Number Source	Payee Name	Transaction Amount
Check	12/27/2016	302376	WESE, RON	34.21
Check	12/27/2016	302377	BUSCH, MARDELE I	16.11
Check	12/27/2016	302378	MASTERS, NICOLE	625.00
Check	12/27/2016	302379	TRICARE WEST REGION, REFUNDS	285.19
Check	12/27/2016	302380	TRULSON, NICOLE	20.00
Check	12/27/2016	302381	UNITED HEALTHCARE SERVICES, INC., HEALTHCARE ACCOUNT SERVICE CENTER	528.45
EFT	12/27/2016	381	ARNOLD MOTOR SUPPLY,LLP	1,144.38
EFT	12/27/2016	382	BAUER BUILT	597.96
EFT	12/27/2016	383	BAYLESS, RON	150.00
EFT	12/27/2016	384	BROWNELLS INC	767.24
EFT	12/27/2016	385	CITY OF CLIVE	635.00
EFT	12/27/2016	386	DANIEL, DARIUS	75.00
EFT	12/27/2016	387	EMC RISK SERVICES	20,044.82
EFT	12/27/2016	388	ENTENMANN ROVIN CO	1,391.40
EFT	12/27/2016	389	EXCEED SERVICES CORPORATION	2,381.36
EFT	12/27/2016	390	FBG SERVICE CORPORATION	2,798.00
EFT	12/27/2016	391	FINESTEAD ENTERPRISES LLC	14,125.20
EFT	12/27/2016	392	FOTH INFRASTRUCTURE & ENVIRONMENT	7,033.92
EFT	12/27/2016	393	HYDRO KLEAN INC	1,985.85
EFT	12/27/2016	394	KELTEK INC	97,778.90
EFT	12/27/2016	395	MCCLURE ENGINEERING COMPANY	65,776.20
EFT	12/27/2016	396	MCCUBBIN, COURTNEY	75.00
EFT	12/27/2016	397	MID IOWA PETROLEUM SVCS, INC	381.96
EFT	12/27/2016	398	MIDWEST WHEEL	997.36
EFT	12/27/2016	399	NAPA	129.00
EFT	12/27/2016	400	PREFERRED PEST CONTROL	968.50
EFT	12/27/2016	401	RELIABLE MAINTENANCE	5,330.20
EFT	12/27/2016	402	ROUNDS, MATES	100.00
EFT	12/27/2016	403	SHIELDS, CHARLES	75.00
EFT	12/27/2016	404	SHIVE-HATTERY	1,796.22
EFT	12/27/2016	405	SPINDUSTRY SYSTEMS, INC.	38,641.50
EFT	12/27/2016	406	SWINTON, ASHLEE	1,274.00
EFT	12/27/2016	407	WAYTEK INC	230.26

**City of West Des Moines**  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 12/27/2016

Type	Date	Number Source	Payee Name	Transaction Amount
EFT	12/27/2016	408 Accounts Payable	YEAGER , LEMAR	2,513.00
WB VENDOR DISB WB Vendor Disbursement Totals:				<u>\$4,665,113.80</u>
Checks:		176		\$4,395,716.57
EFTs:		28		\$269,397.23
Transactions: 204				

**City of West Des Moines  
City Council Report**

Bank Account: WB CONTROLPAY - WB ControlPay

Batch Date: 12/27/2016

Type	Date	Number Source	Payee Name	Transaction Amount
<b>Bank Account: WB CONTROLPAY - WB ControlPay</b>				
EFT	12/27/2016	654 Accounts Payable	ABC ELECTRICAL CONTRACTORS	4,818.43
EFT	12/27/2016	655 Accounts Payable	ADVENTURE LIGHTING	147.37
EFT	12/27/2016	656 Accounts Payable	AMERICAN FENCE	216.00
EFT	12/27/2016	657 Accounts Payable	ARAMARK UNIFORM SERVICES	334.37
EFT	12/27/2016	658 Accounts Payable	ARROW STAGE LINES	3,900.00
EFT	12/27/2016	659 Accounts Payable	BUSINESS PUBLICATIONS	69.95
EFT	12/27/2016	660 Accounts Payable	CAPITAL CITY EQUIPMENT	1,961.13
EFT	12/27/2016	661 Accounts Payable	CAPITAL SANITARY SUPPLY CO INC	2,434.77
EFT	12/27/2016	662 Accounts Payable	CENTURYLINK	3,864.84
EFT	12/27/2016	663 Accounts Payable	CENTURYLINK	13,844.00
EFT	12/27/2016	664 Accounts Payable	CORN STATES METAL	480.00
EFT	12/27/2016	665 Accounts Payable	DES MOINES ASPHALT & PAVING	64,353.41
EFT	12/27/2016	666 Accounts Payable	DES MOINES REGISTER MEDIA	4,304.10
EFT	12/27/2016	667 Accounts Payable	ELECTRONIC ENGINEERING	37.50
EFT	12/27/2016	668 Accounts Payable	EMERGENCY APPARATUS MAINT	4,226.30
EFT	12/27/2016	669 Accounts Payable	EMPLOYEE & FAMILY RESOURCES	1,873.20
EFT	12/27/2016	670 Accounts Payable	EXCEL MECHANICAL INC	11,206.05
EFT	12/27/2016	671 Accounts Payable	FIELD FIRE	699.00
EFT	12/27/2016	672 Accounts Payable	G&L CLOTHING	2,140.95
EFT	12/27/2016	673 Accounts Payable	GALETON GLOVES	152.00
EFT	12/27/2016	674 Accounts Payable	GALLS LLC	672.72
EFT	12/27/2016	675 Accounts Payable	HOWARD R. GREEN CO.	51,661.90
EFT	12/27/2016	676 Accounts Payable	INLAND TRUCK PARTS	3,058.03
EFT	12/27/2016	677 Accounts Payable	INTERFLEET INC	3,769.00
EFT	12/27/2016	678 Accounts Payable	INTERSTATE ALL BATTERY CENTER	1,579.10
EFT	12/27/2016	679 Accounts Payable	IOWA FIRE EQUIPMENT	976.80
EFT	12/27/2016	680 Accounts Payable	IOWA WATER MANAGEMENT CORP	540.00
EFT	12/27/2016	681 Accounts Payable	MEWARDS	205.68
EFT	12/27/2016	682 Accounts Payable	METHODIST OCCUPATIONAL HEALTH	4,100.20
EFT	12/27/2016	683 Accounts Payable	METRO WASTE AUTHORITY	34,982.02
EFT	12/27/2016	684 Accounts Payable	O'HALLORAN INTERNATIONAL INC	1,538.25
EFT	12/27/2016	685 Accounts Payable	O'KEEFE ELEVATOR COMPANY INC	182.00
EFT	12/27/2016	686 Accounts Payable	O'REILLY AUTOMOTIVE INC	64.46
EFT	12/27/2016	687 Accounts Payable	OMNISITE	18.15

**City of West Des Moines**  
**City Council Report**  
 Bank Account: WB CONTROLPAY - WB ControlPay  
 Batch Date: 12/27/2016

Type	Date	Number	Source	Payee Name	Transaction Amount
EFT	12/27/2016	688	Accounts Payable	PAY-LESS OFFICE PRODUCTS INC	933.83
EFT	12/27/2016	689	Accounts Payable	PRAXAIR	760.27
EFT	12/27/2016	690	Accounts Payable	RED WING STORE	182.74
EFT	12/27/2016	691	Accounts Payable	RELIABLE PROPERTY SERVICES	1,845.00
EFT	12/27/2016	692	Accounts Payable	SNYDER & ASSOCIATES	675.00
EFT	12/27/2016	693	Accounts Payable	SPRAYER SPECIALTIES INC	30.00
EFT	12/27/2016	694	Accounts Payable	ST LOUIS CARDINALS	7,271.60
EFT	12/27/2016	695	Accounts Payable	STEW/HANSEN'S DODGE CITY, INC	68.81
EFT	12/27/2016	696	Accounts Payable	STIVERS FORD (CONTROL PAY)	5,269.85
EFT	12/27/2016	697	Accounts Payable	STRAUSS SAFE AND LOCK CO	111.99
EFT	12/27/2016	698	Accounts Payable	STRYKER SALES CORPORATION	735.60
EFT	12/27/2016	699	Accounts Payable	TEAM SERVICES	43.00
EFT	12/27/2016	700	Accounts Payable	THOMSON REUTERS-WEST PAYMENT	263.25
EFT	12/27/2016	701	Accounts Payable	TOMPKINS INDUSTRIES	276.72
EFT	12/27/2016	702	Accounts Payable	TRANS IOWA EQUIPMENT CO	1,423.90
EFT	12/27/2016	703	Accounts Payable	VAISALA INC	990.00
EFT	12/27/2016	704	Accounts Payable	WASTE MANAGEMENT OF IOWA	60.00
EFT	12/27/2016	705	Accounts Payable	WORLDPOINT ECC INC	1,317.70
EFT	12/27/2016	706	Accounts Payable	ZOLL MEDICAL	1,330.11
WB CONTROLPAY WB ControlPay Totals:					
EFTs:		53		Transactions: 53	\$248,001.05

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**ITEM:** Approval of Liquor Licenses

**DATE:** December 27, 2016

**FINANCIAL IMPACT:** None

**BACKGROUND:** In accordance with the Iowa Code Section 123.1 and the West Des Moines City Code Title 3, Business and Licensing, Chapter 2, Beer and Liquor Control, the following licenses have been investigated and reviewed by the WDM Police Department and, when necessary, by Building Inspection and/or Fire Department staff, and are presented to the City Council for approval. Copies of license applications are available, for your review, in the Office of the City Clerk.

1. 7 Stone, LLC d/b/a 7 Stone, 9350 University Avenue - Class BW Permit with Sunday Sales - Renewal
2. Lakes Venture, LLC d/b/a Fresh Thyme Farmers Market, 2900 University Avenue, Suite E - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
3. Hy-Vee, Inc., d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway, 2nd Floor Meeting Room - Class BW Permit with Sunday Sales - Renewal
4. F & K Hagar, L.L.C. d/b/a Manhattan Grill, 1960 Grand Avenue, Suites 29-31 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal

**OUTSTANDING ISSUES** (if any): None

**RECOMMENDATION:** Motion to approve the issuance of liquor licenses in the City of West Des Moines.

**Lead Staff Member:** Ryan T. Jacobson, City Clerk *RJ*

**STAFF REVIEWS**

Department Director	Ryan T. Jacobson, City Clerk
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>RJ</i>



**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**ITEM:** Approval of Metro/Regional Committee Assignments

**DATE:** December 27, 2016

**FINANCIAL IMPACT:** None

**BACKGROUND:**

Mayor Gaer requests the highlighted individual be approved for appointment to a metro/regional committee.

Metro/Regional Committee	Member(s)	Alternate(s)
WDM Chamber Board	Rick Messerschmidt	Jim Sandager
DART Board	Steve Peterson (6-30-17)	TBD

Note: The City's representative to the DART Board is to be determined, pending possible changes by DART to reconstitute the Board prior to the start of the next term on July 1, 2017.

After the November 7, 2017 City election, the Mayor will then take a wholesale look at all committee/liaison assignments.

**OUTSTANDING ISSUES** (if any): None

**RECOMMENDATION:** Approval of appointments to metro/regional committees.

**Lead Staff Member:** Ryan T. Jacobson, City Clerk *RTJ*

**STAFF REVIEWS**

Department Director	Ryan T. Jacobson, City Clerk
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>RTJ</i>

**PUBLICATION(S)** (if applicable)

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**CITY OF WEST DES MOINES**  
**2016 – 2017 MAYOR/COUNCIL/STAFF COMMITTEE ASSIGNMENTS**  
(Presented at December 27, 2016 City Council meeting)

	Member(s)	Alternate(s)
<b>Mayor Pro-Tem</b>	Rick Messerschmidt (2017)	
<b>COUNCIL SUBCOMMITTEES</b>		
<b>Code Enforcement Subcommittee</b>	Kevin Trevillyan, Chair Rick Messerschmidt	Russ Trimble
<b>Finance &amp; Administration Subcommittee</b>	Russ Trimble, Chair Jim Sandager	John Mickelson
<b>Planning and Development Subcommittee</b>	Jim Sandager, Chair John Mickelson	Kevin Trevillyan
<b>Public Safety Subcommittee</b>	John Mickelson, Chair Russ Trimble	Rick Messerschmidt
<b>Public Works Subcommittee</b>	Rick Messerschmidt, Chair Kevin Trevillyan	Jim Sandager
<b>LIAISONS</b>		
<b>Bicycle Advisory Commission</b>	John Mickelson	Jim Sandager
<b>Human Rights Commission</b>	Rick Messerschmidt	Russ Trimble
<b>Human Services Advisory Board</b>	Russ Trimble	Kevin Trevillyan
<b>Library Board of Trustees</b>	Jim Sandager	Rick Messerschmidt
<b>Parks &amp; Recreation Advisory Board</b>	Russ Trimble	John Mickelson
<b>Public Arts Advisory Commission</b>	Rick Messerschmidt	Kevin Trevillyan
<b>WDM Water Works Board of Trustees</b>	John Mickelson	Russ Trimble
<b>ADMINISTRATIVE/OTHER COMMITTEES</b>		
<b>City/School Advisory Committee</b>	Rick Messerschmidt Jim Sandager	John Mickelson
<b>Iowa EMS Alliance Advisory Board</b>	John Mickelson (3-31-15) Fr. Michael Hess (3-31-16) Tim Stiles (3-31-17)	Tom Hadden
<b>Legislative Committee (Including Metro Advisory Council Legislative Action Committee)</b>	Kevin Trevillyan Jim Sandager	Rick Messerschmidt
<b>Valley Junction Events Advisory Committee</b>	Kevin Trevillyan, Chair Rick Messerschmidt	<b>Citizens:</b> Jim Miller, Nicole Engler-Selser, Isa O'Hara and Victoria Veiock; HVJF; Pamela Young, Ken Raush, Bobbie Bishop, Renae Johanningmeier,
<b>Valley Junction Foundation</b>	Kevin Trevillyan Sally Orgies	Rick Messerschmidt
<b>WDM Chamber Board</b>	Rick Messerschmidt	Jim Sandager

	<b>Member(s)</b>	<b>Alternate(s)</b>
<b>METRO/REGIONAL COMMITTEES</b>		
<b>BRAVO</b>	Jim Sandager	Rick Messerschmidt
<b>Central Iowa Regional Housing Authority</b>	Christine Gordon	Carole Bodin
<b>Convention &amp; Visitors Bureau</b>	Rick Messerschmidt	Kevin Trevillyan
<b>Dallas County Local Housing Trust Fund</b>	Clyde Evans	Russ Trimble
<b>Dallas County E911 Service Board</b>	Rob Dehnert	Dave Edgar
<b>DART Board</b>	Steve Peterson (6-30-17)	TBD
<b>Greater Dallas County Development Alliance</b>	Clyde Evans	Russ Trimble
<b>Homeless Coordinating Council</b>	Russ Trimble Kevin Trevillyan	Althea Holcomb
<b>Metro Advisory Council</b>	Rick Messerschmidt John Mickelson	Russ Trimble
<b>Metro Waste Authority</b>	John Mickelson	Bret Hodne
<b>Metropolitan Coalition</b>	Steven K. Gaer Tom Hadden	Mayor Pro-Tem Tim Stiles
<b>MPO Bicycle-Pedestrian Roundtable</b>	Marco Alvarez	
<b>MPO Intelligent Transportation Systems Policy Committee</b>	Duane Wittstock	
<b>MPO Policy Committee</b>	Steven K. Gaer Tom Hadden Russ Trimble Rick Messerschmidt	Kevin Trevillyan John Mickelson Jamie Letzring
<b>MPO Sustainability Committee</b>	Kevin Trevillyan Russ Trimble Linda Schemmel	John Mickelson Sally Orgies
<b>MPO Technical Committee</b>	Joe Cory Kara Tragesser Duane Wittstock	Jim Dickinson Clyde Evans Eric Petersen
<b>MPO Traffic Management Advisory Committee</b>	Jim Barrett Aubyn Bjornsen Craig Leu Eric Petersen	Jim Dickinson Clyde Evans
<b>MPO Transportation Advisory Group</b>	Carmen Murillo	
<b>Polk County E911 Service Board</b>	Dave Edgar	Shaun LaDue
<b>Polk and Dallas County Emergency Management Commissions</b>	Steven K. Gaer Craig Leu	Mayor Pro-Tem Jack Bengé
<b>R. E. A. P.</b>	Ted Ohmart	Rick Messerschmidt
<b>Warren County E911 Service Board</b>	Greg Jones	Rob Dehnert
<b>Warren County Economic Develop. Corp.</b>	Jamie Letzring	Clyde Evans
<b>Warren and Madison County Emergency Management Commissions</b>	Steven K. Gaer Jeff Dumermuth	Mayor Pro-Tem Craig Leu
<b>WRA Board</b>	John Mickelson Jody E. Smith	Rick Messerschmidt Tim Stiles
<b>WRA Technical Committee</b>	Duane Wittstock	Brian Hemesath

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**ITEM:** Certification of Costs  
Abatement of Public Nuisance  
Multiple Locations

**DATE:** December 27, 2016

**FINANCIAL IMPACT:** \$ 6,441.25 Revenue to Offset Direct City Expenses



**BACKGROUND:** Legal notice was given by the City of West Des Moines Code Enforcement Officer to the property owner requiring the owner to comply with the abatement of a nuisance or the City would be authorized to abate the nuisance at the expense of the owner. The following invoices for the cost of abating a nuisance remain unpaid:

<u>Address</u>	<u>Type</u>	<u>Date(s)</u>	<u>Amount</u>
415 34 St.	Weeds	05/13/16 & 6/15/16	\$212.50
228 3 <sup>rd</sup> St.	Weeds	05/13, 7/22 & 8/21/16	\$363.75
2801 Sylvania Dr.	Weeds	05/20, 7/22 & 9/14/16	\$386.25
2417 Meadow Ln.	Weeds	05/06/2016	\$106.25
5110 Cherrywood Dr.	Weeds	05/27, 8/3 & 9/27/16	\$521.25
404 52 <sup>nd</sup> St.	Weeds	05/06/2016	\$767.50
621 Ashworth Rd.	Weeds	07/22/2016	\$195.00
1737 17 <sup>th</sup> Street	General Standards	06/23/2016	\$105.00
620 53 <sup>rd</sup> St.	Trees & Weeds	08/10/2016	\$285.00
208 8 <sup>th</sup> St.	Grass, Trees	09/03/2016	\$470.00
528 5 <sup>th</sup> Street	Weeds	09/14/2016	\$140.00
628 14 <sup>th</sup> St.	Grass, Weeds, Branches	6/10 & 9/27/16	\$1280.00
908 50 <sup>th</sup> St.	Weeds	05/31/2016	\$95.00
2321 Meadow Ln	Rubbish/Trash	10/29/2016	\$121.25
429 3 <sup>rd</sup> St.	Weeds	06/09, 9/20 & 10/4/16	\$661.25
120 2 <sup>nd</sup> Street	Weeds	08/21/2016	\$151.25
486 77 <sup>th</sup> Pl.	Weeds	07/05/2016	\$162.50
9098 Mills Civic Pkwy	Weeds	06/21/2016	\$417.50

**RECOMMENDATION:** Adoption of a Resolution directing that all costs be certified to the respective County Treasurer for collection.

**Lead Staff Member:** Bryan Ladd, Accounting Associate

**STAFF REVIEWS**

Department Director	Tim Stiles, Finance Director 
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**RESOLUTION**

WHEREAS, West Des Moines City staff have previously determined that the premises described on the attached assessment schedule, 2016-03 Polk County and D2016-02 Dallas County nuisance abatements:

Parcel #320/00442-062-000	LT 24 ASHAWA ESTATES PLAT 2
Parcel #320/04408-000-000	LOT 2 BLK 12 VALLEY JUNCTION
Parcel #320/01329-000-000	-EX W 26F- N 116F E 200F LT 36 COUNTRY CLUB ESTATES
Parcel #320/01824-000-000	OUTLOT B RPLT LTS 5 & 6 FAIRMEADOWS PLT NO 29
	AND LOT 95 FAIRMEADOWS PLAT 6
Parcel #320/03913-133-000	OUTLOT A QUAIL COVE PLAT 1
Parcel #320/02826-810-000	LT 10 THE KNOLLS PLT 6
Parcel #320/00847-000-000	LOT 73 CLEGG PARK PLAT 3
Parcel #320/02551-000-000	-EX S 2F- LOT 52 GOLF & COUNTRY CLUB PLAT 7
Parcel #320/03026-999-323	LOT 23 MEADOW RUE PLAT 3
Parcel #320/03925-000-000	LOT 2 RAAZ PLACE
Parcel #320/00749-000-000	LOT 65 BUTLERS ADD TO VALLEY JUNCTION
Parcel #320/03976-000-000	LOT 23 RALPHS PLACE
Parcel #320/02826-561-001	-EX E 5F RD EAS- LOT 61 THE KNOLLS PLAT 1
Parcel #320/01819-000-000	LOT 90 FAIRMEADOWS PLAT 6
Parcel #320/04797-000-000	LOT 18 BLK 27 2 <sup>ND</sup> ADD TO VALLEY JUNCTION PLAT 2
Parcel #320/04192-000-000	LOT 5 BLK 2 VALLEY JUNCTION
Parcel #16-11-401-003	SCOTTISH HILLS LOT 3
Parcel #16-15-426-001	CORRECTED MICHAEL'S LANDING PLAT 1 OUTLOT B

were declared to be a public nuisance; and

WHEREAS, law requires said owners to comply with the abatement of a nuisance or the City of West Des Moines, Iowa is authorized and directed that such public nuisance be abated by said City at the expense of the owners; and

WHEREAS, the City of West Des Moines, Iowa, had to arrange for abatement of the nuisance; and

WHEREAS, the cost to the City of West Des Moines of abating the nuisance was:

<b>TOTAL</b>	<b><u>\$ 6,441.25</u></b>
--------------	---------------------------

and

WHEREAS, pursuant to the provisions of City ordinance and Chapter 384 of the Code of Iowa, the cost of removal and abatement of said nuisance may be made at the expense of the owners of premises;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA that the Director of Finance is directed to certify a copy of this resolution and attached assessment schedule to the respective County Treasurer who shall enter said costs upon the tax books as cost for removing and abating the public nuisance with said costs to be collected as provided by Iowa law.

PASSED AND APPROVED 27<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Jim Sandager, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Ryan Jacobson, City Clerk

**NOTICE OF FILING OF  
ASSESSMENTS FOR NUISANCE ABATEMENT**

To the person owning land within the City of West Des Moines, Polk County, Iowa, particularly described as:

Parcel #320/00442-062-000	LT 24 ASHAWA ESTATES PLAT 2
Parcel #320/04408-000-000	LOT 2 BLK 12 VALLEY JUNCTION
Parcel #320/01329-000-000	-EX W 26F- N 116F E 200F LT 36 COUNTRY CLUB ESTATES
Parcel #320/01824-000-000	OUTLOT B RPLT LTS 5 & 6 FAIRMEADOWS PLT NO 29 AND LOT 95 FAIRMEADOWS PLAT 6
Parcel #320/03913-133-000	OUTLOT A QUAIL COVE PLAT 1
Parcel #320/02826-810-000	LT 10 THE KNOLLS PLT 6
Parcel #320/00847-000-000	LOT 73 CLEGG PARK PLAT 3
Parcel #320/02551-000-000	-EX S 2F- LOT 52 GOLF & COUNTRY CLUB PLAT 7
Parcel #320/03026-999-323	LOT 23 MEADOW RUE PLAT 3
Parcel #320/03925-000-000	LOT 2 RAAZ PLACE
Parcel #320/00749-000-000	LOT 65 BUTLERS ADD TO VALLEY JUNCTION
Parcel #320/03976-000-000	LOT 23 RALPHS PLACE
Parcel #320/02826-561-001	-EX E 5F RD EAS- LOT 61 THE KNOLLS PLAT 1
Parcel #320/01819-000-000	LOT 90 FAIRMEADOWS PLAT 6
Parcel #320/04797-000-000	LOT 18 BLK 27 2 <sup>ND</sup> ADD TO VALLEY JUNCTION PLAT 2
Parcel #320/04192-000-000	LOT 5 BLK 2 VALLEY JUNCTION

You are hereby notified the City of West Des Moines, on December 27, 2016, levied special assessments for the abatement of a public nuisance at the above described property and that said assessment has been certified to the Polk County Treasurer for collection.

You are further notified that assessments may be paid in full or in part without interest at the office of the Polk County Treasurer, at any time within thirty days after the date of the first publication of this notice of the filing of the schedule of assessments with the County Treasurer. Unless said assessments are paid in full within said thirty day period all unpaid assessments will draw annual interest computed at nine percent (commencing on the date the assessment was levied) computed to the December 1st next following the due date.

This Notice given by direction of the Council of the City of West Des Moines, Iowa.

\_\_\_\_\_  
Ryan Jacobson, City Clerk

Publish: December 30<sup>th</sup>, 2016 & January 6<sup>th</sup>, 2017

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**DATE:** December 27, 2016

**ITEM:** Resolution – Accept Work – Valley View Park Basketball Courts


**FINANCIAL IMPACT:** The total construction cost of this project is \$278,688.00. All costs of the project have been paid from the Valley View Park Basketball Courts C.I.P. project (Project 0510 085 2015; Account 500.000.000.5250.490). Retainage will not be paid in less than 30 days.

**BACKGROUND:** Grimes Asphalt and Paving of Des Moines, Iowa is working under an agreement dated September 8, 2015 for work related to the Valley View Park Basketball Courts project. Work is substantially complete.




The project involves grading and subgrade preparation, gravel sub-base, asphalt paving, court surfacing, basketball goals, concrete sidewalks, electrical service, court lighting, and site restoration.

**OUTSTANDING ISSUES:** None

**RECOMMENDATION:** That the City Council approve the Resolution.

**Lead Staff Member:** Sally Orgies, Interim Director of Parks & Recreation 

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S)** (if applicable)

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**Resolution Accepting Work**

**WHEREAS**, on September 8, 2015 the City Council entered into a contract with Grimes Asphalt and Paving of Des Moines, Iowa for the following described public improvement:

**Valley View Park Basketball Courts**

and,

**WHEREAS**, said contractor has completed the construction of said improvement in accordance with plans and specifications as shown by the Council Communication filed with the City Clerk on August 24, 2015.

Therefore

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that said report of the Superintendent of Parks be approved and said public improvement is accepted as having been completed in accordance with plans and specifications and the total final construction cost of said improvement is \$278,688.00 as shown in said report.

**PASSED AND APPROVED**, this 27<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Steven K. Gaer, Mayor

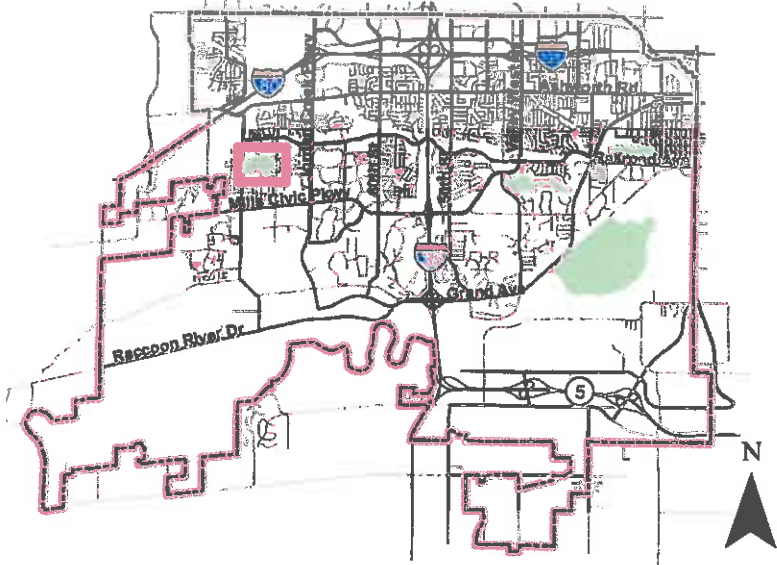
ATTEST:

\_\_\_\_\_  
Ryan Jacobson, City Clerk





**VICINITY MAP**



**LEGEND**

- Project Area
- Park Boundary
- City Limit



<b>PROJECT:</b>	<b>VALLEY VIEW PARK BASKETBALL COURTS</b>		
<b>LOCATION:</b>	<b>255 81ST STREET</b>		
<b>DRAWN BY:</b> MAA	<b>DATE:</b> 12/21/2016	<b>PROJECT NO.:</b> 0510 085 2015	<b>SHT. 1 of 1</b>



RESOLUTION NO. \_\_\_\_\_

RESOLUTION SETTING DATES OF A CONSULTATION  
AND A PUBLIC HEARING ON A PROPOSED AMENDMENT  
NO. 2 TO THE ASHWORTH CORRIDOR URBAN RENEWAL  
PLAN IN THE CITY OF WEST DES MOINES, STATE OF  
IOWA

WHEREAS, by Resolution No. 09-11-02-10, adopted November 2, 2009, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Ashworth Corridor Urban Renewal Plan (the "Plan" or "Urban Renewal Plan") for the Ashworth Corridor Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Dallas County; and

WHEREAS, by Resolution No. 16-07-25-07, adopted July 25, 2016, this City Council approved and adopted an Amendment No. 1 to the Plan; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

ORIGINAL AREA

A TRACT OF LAND IN SECTIONS 2, 3, 10 AND 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WEST DES MOINES, DALLAS COUNTY, IOWA, IS INCLUDED IN THE ASHWORTH CORRIDOR URBAN RENEWAL AREA, THIS TRACT OF LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 EAST OF THE FIFTH PRINCIPAL MERIDIAN, SAID POINT BEING IN THE INTERSECTION OF JORDAN CREEK PARKWAY AND ASHWORTH ROAD, BOTH OFFICIAL CITY STREETS;

THENCE WEST, TO THE WEST RIGHT-OF-WAY LINE OF SAID JORDAN CREEK PARKWAY EXTENDED, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH, ALONG THE WEST RIGHT-OF-WAY LINE EXTENDED AND THE WEST RIGHT OF WAY LINE OF SAID JORDAN CREEK PARKWAY, TO THE NORTH LINE OF BARTLETT FARMS PLAT 1, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID BARTLETT FARMS PLAT 1, TO THE NORTHEAST CORNER OF BARTLETT FARMS PLAT 2, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID BARTLETT FARMS PLAT 2, TO THE NORTHEAST CORNER OF BARTLETT FARMS PLAT 5, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID BARTLETT FARMS PLAT 5, TO THE NORTHEAST CORNER OF BARTLETT FARMS PLAT 7, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID BARTLETT FARMS PLAT 7, TO THE NORTHWEST CORNER OF SAID BARTLETT FARMS PLAT 7;

THENCE SOUTH, ALONG THE WEST LINE OF SAID BARTLETT FARMS PLAT 7, TO THE NORTHEAST CORNER OF HERITAGE HILLS PLAT 4, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID HERITAGE HILLS PLAT 4, WITH SAID LINE BEING THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER OF SAID SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 350 FEET;

THENCE WEST, ALONG A LINE 350 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 1,245 FEET;

THENCE NORTH, ALONG A LINE 1,245 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 350 FEET, TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 10:

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 10, TO THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NUMBER 80;

THENCE NORTHEASTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NUMBER 80, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD;

THENCE SOUTHEASTERLY, ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD RIGHT-OF-WAY, TO THE WEST RIGHT-OF-WAY OF SAID JORDAN CREEK PARKWAY;

THENCE SOUTH, ALONG THE WEST RIGHT-OF-WAY AND WEST RIGHT-OF-WAY EXTENDED OF SAID JORDAN CREEK PARKWAY, TO THE POINT OF BEGINNING.

AMENDMENT NO. 1 AREA

TWO TRACTS OF LAND IN SECTIONS 1, 2, 3, 10 AND 12, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WEST DES MOINES, DALLAS COUNTY, IOWA ARE INCLUDED IN THE ASHWORTH CORRIDOR URBAN RENEWAL AMENDED AREA, THESE TRACTS OF LAND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SAID POINT BEING THE INTERSECTION OF JORDAN CREEK PARKWAY AND ASHWORTH ROAD, BOTH OFFICIAL CITY STREETS;

THENCE NORTH, ALONG THE EAST LINE OF SAID SECTION 2, TO THE SOUTH RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NUMBER 80;

THENCE NORTHEASTERLY, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NUMBER 80, TO THE WEST LINE OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE NORTHEASTERLY AND EASTERLY, ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NUMBER 80, TO THE NORTHEAST CORNER OF LOT 7, REPLAT OF LOTS 1, 2, 3, 4 AND 5 COUNTRY CLUB OFFICE PLAZA, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID LOT 7, OF SAID REPLAT OF LOTS 1, 2, 3, 4 AND 5 COUNTRY CLUB OFFICE PLAZA, TO THE SOUTHEAST CORNER OF SAID LOT 7, SAID POINT BEING THE NORTHEAST CORNER OF LOT A, COUNTRY CLUB OFFICE PLAZA, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID COUNTRY CLUB OFFICE PLAZA, TO THE SOUTHEAST CORNER OF SAID COUNTRY CLUB OFFICE PLAZA;

THENCE WEST, ALONG THE SOUTH LINE OF SAID COUNTRY CLUB OFFICE PLAZA, TO THE NORTHEAST CORNER OF LOT 1, CHRIST'S CHURCH SUBDIVISION, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID LOT 1, OF SAID CHRIST'S CHURCH SUBDIVISION, TO THE NORTH RIGHT-OF-WAY LINE OF ASHWORTH ROAD;

THENCE WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ASHWORTH ROAD, TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD;

THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD, TO THE POINT OF BEGINNING.

#### TRACT 2

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SAID POINT BEING THE INTERSECTION OF 98TH STREET AND ASHWORTH ROAD, BOTH OFFICIAL CITY STREETS;

THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, TO THE NORTH RIGHT-OF-WAY LINE EXTENDED OF ASHWORTH ROAD;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE EXTENDED AND THE NORTH RIGHT-OF-WAY LINE OF ASHWORTH ROAD, TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NUMBER 80;

THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NUMBER 80, TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE NORTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, TO THE SOUTH LINE OF SECTION 3, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 3, TO THE POINT OF BEGINNING.

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 2 to the Plan ("Amendment No. 2" or "Amendment"), a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the

purpose of which is to add and/or confirm the list of eligible urban renewal projects in the Area; and

WHEREAS, it is desirable that the area be redeveloped as part of the overall redevelopment covered by the Plan, as amended; and

WHEREAS, this proposed Amendment No. 2 to the Urban Renewal Plan adds no new land; and

WHEREAS, the Iowa statutes require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Amendment and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, STATE OF IOWA:

Section 1. That the consultation on the proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 4<sup>th</sup> day of January, 2017, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, at 10:30 A.M., and the Director of Community and Economic Development, or his delegate, is hereby appointed to serve as the designated representative of the City for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the City Clerk is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of this Resolution and the proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN  
THE CITY OF WEST DES MOINES, STATE OF IOWA AND  
ALL AFFECTED TAXING ENTITIES CONCERNING THE  
PROPOSED AMENDMENT NO. 2 TO THE ASHWORTH  
CORRIDOR URBAN RENEWAL PLAN FOR THE CITY OF  
WEST DES MOINES, STATE OF IOWA

The City of West Des Moines, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 10:30 A.M. on January 4, 2017, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa concerning a proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Amendment.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The Director of Community and Economic Development, or his delegate, as the designated representative of the City of West Des Moines, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of West Des Moines, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

City Clerk, City of West Des Moines, State of  
Iowa

(End of Notice)



Section 3. That a public hearing shall be held on the proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan before the City Council at its meeting which commences at 5:30 P.M. on January 23, 2017, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in the Des Moines Register, once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL  
OF A PROPOSED AMENDMENT NO. 2 TO THE ASHWORTH  
CORRIDOR URBAN RENEWAL PLAN FOR AN URBAN  
RENEWAL AREA IN THE CITY OF WEST DES MOINES,  
STATE OF IOWA

The City Council of the City of West Des Moines, State of Iowa, will hold a public hearing before itself at its meeting which commences at 5:30 P.M. on January 23, 2017 in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider adoption of a proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in the City of West Des Moines, State of Iowa, legally described as follows:

ORIGINAL AREA

A TRACT OF LAND IN SECTIONS 2, 3, 10 AND 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WEST DES MOINES, DALLAS COUNTY, IOWA, IS INCLUDED IN THE ASHWORTH CORRIDOR URBAN RENEWAL AREA, THIS TRACT OF LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 EAST OF THE FIFTH PRINCIPAL MERIDIAN, SAID POINT BEING IN THE INTERSECTION OF JORDAN CREEK PARKWAY AND ASHWORTH ROAD, BOTH OFFICIAL CITY STREETS;

THENCE WEST, TO THE WEST RIGHT-OF-WAY LINE OF SAID JORDAN CREEK PARKWAY EXTENDED, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH, ALONG THE WEST RIGHT-OF-WAY LINE EXTENDED AND THE WEST RIGHT OF WAY LINE OF SAID JORDAN CREEK PARKWAY, TO THE NORTH LINE OF BARTLETT FARMS PLAT 1, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID BARTLETT FARMS PLAT 1, TO THE NORTHEAST CORNER OF BARTLETT FARMS PLAT 2, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID BARTLETT FARMS PLAT 2, TO THE NORTHEAST CORNER OF BARTLETT FARMS PLAT 5, AN OFFICIAL

SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID BARTLETT FARMS PLAT 5, TO THE NORTHEAST CORNER OF BARTLETT FARMS PLAT 7, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID BARTLETT FARMS PLAT 7, TO THE NORTHWEST CORNER OF SAID BARTLETT FARMS PLAT 7;

THENCE SOUTH, ALONG THE WEST LINE OF SAID BARTLETT FARMS PLAT 7, TO THE NORTHEAST CORNER OF HERITAGE HILLS PLAT 4, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID HERITAGE HILLS PLAT 4, WITH SAID LINE BEING THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER OF SAID SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 350 FEET;

THENCE WEST, ALONG A LINE 350 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 1,245 FEET;

THENCE NORTH, ALONG A LINE 1,245 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 350 FEET, TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 10, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 10:

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 10, TO THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NUMBER 80;

THENCE NORTHEASTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NUMBER 80, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD;

THENCE SOUTHEASTERLY, ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD RIGHT-OF-WAY, TO THE WEST RIGHT-OF-WAY OF SAID JORDAN CREEK PARKWAY;

THENCE SOUTH, ALONG THE WEST RIGHT-OF-WAY AND WEST RIGHT-OF-WAY EXTENDED OF SAID JORDAN CREEK PARKWAY, TO THE POINT OF BEGINNING.

AMENDMENT NO. 1 AREA

TWO TRACTS OF LAND IN SECTIONS 1, 2, 3, 10 AND 12, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WEST DES MOINES, DALLAS COUNTY, IOWA ARE INCLUDED IN THE ASHWORTH CORRIDOR URBAN RENEWAL AMENDED AREA, THESE TRACTS OF LAND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SAID POINT BEING THE INTERSECTION OF JORDAN CREEK PARKWAY AND ASHWORTH ROAD, BOTH OFFICIAL CITY STREETS;

THENCE NORTH, ALONG THE EAST LINE OF SAID SECTION 2, TO THE SOUTH RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NUMBER 80;

THENCE NORTHEASTERLY, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NUMBER 80, TO THE WEST LINE OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE NORTHEASTERLY AND EASTERLY, ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NUMBER 80, TO THE NORTHEAST CORNER OF LOT 7, REPLAT OF LOTS 1, 2, 3, 4 AND 5 COUNTRY CLUB OFFICE PLAZA, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID LOT 7, OF SAID REPLAT OF LOTS 1, 2, 3, 4 AND 5 COUNTRY CLUB OFFICE PLAZA, TO THE SOUTHEAST

CORNER OF SAID LOT 7, SAID POINT BEING THE NORTHEAST CORNER OF LOT A, COUNTRY CLUB OFFICE PLAZA, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;  
THENCE SOUTH, ALONG THE EAST LINE OF SAID COUNTRY CLUB OFFICE PLAZA, TO THE SOUTHEAST CORNER OF SAID COUNTRY CLUB OFFICE PLAZA;  
THENCE WEST, ALONG THE SOUTH LINE OF SAID COUNTRY CLUB OFFICE PLAZA, TO THE NORTHEAST CORNER OF LOT 1, CHRIST'S CHURCH SUBDIVISION, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;  
THENCE SOUTH, ALONG THE EAST LINE OF SAID LOT 1, OF SAID CHRIST'S CHURCH SUBDIVISION, TO THE NORTH RIGHT-OF-WAY LINE OF ASHWORTH ROAD;  
THENCE WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ASHWORTH ROAD, TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD;  
THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD, TO THE POINT OF BEGINNING.

#### TRACT 2

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SAID POINT BEING THE INTERSECTION OF 98TH STREET AND ASHWORTH ROAD, BOTH OFFICIAL CITY STREETS;  
THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, TO THE NORTH RIGHT-OF-WAY LINE EXTENDED OF ASHWORTH ROAD;  
THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE RIGHT-OF-WAY LINE EXTENDED AND THE NORTH RIGHT-OF-WAY LINE OF ASHWORTH ROAD, TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NUMBER 80;  
THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NUMBER 80, TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;  
THENCE NORTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, TO THE SOUTH LINE OF SECTION 3, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;  
THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 3, TO THE POINT OF BEGINNING.

A copy of the Amendment is on file for public inspection in the office of the City Clerk, City Hall, City of West Des Moines, Iowa.

The City of West Des Moines, State of Iowa is the local public agency which, if such Amendment is approved, shall undertake the urban renewal activities described in such Amendment.

The general scope of the urban renewal activities under consideration in the Amendment is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Amendment. To accomplish the objectives of the Amendment, and to encourage the further economic development of the Urban Renewal Area, the Amendment provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The City also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The Amendment provides that the City may issue bonds or use available funds for purposes allowed by the Plan, as amended, and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the City. The Amendment provides that the Plan may be amended from time to time.

The proposed Amendment No. 2 would add and/or confirm the list of eligible urban renewal projects in the Area. The proposed Amendment adds no new land. Other provisions of the Plan not affected by the Amendment would remain in full force and effect.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the City Council of the City of West Des Moines, State of Iowa, as provided by Section 403.5 of the Code of Iowa.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

City Clerk, City of West Des Moines, State of  
Iowa

(End of Notice)

Section 5. That the proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan, attached hereto as Exhibit 1, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 2 to the Ashworth Corridor Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Amendment shall be placed on file in the office of the City Clerk.

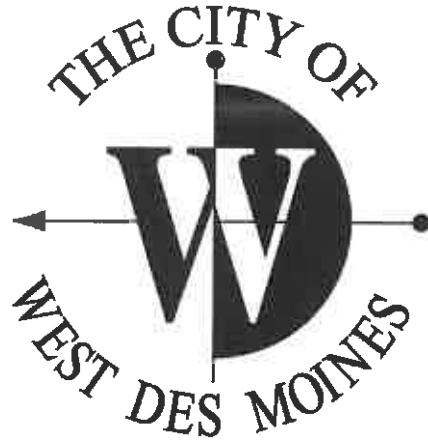
PASSED AND APPROVED this 27<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

*Label the Amendment as Exhibit 1 (with all exhibits) and attach it to this Resolution.*



## **AMENDMENT NO. 2**

### **Ashworth Corridor**

## **URBAN RENEWAL PLAN**

**City of West Des Moines, Iowa**

**Original Area Adopted – 2009**

**Amendment No. 1 – 2016**

**Amendment No. 2 -2017**



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**AMENDMENT NO. 2**  
**to**  
**ASHWORTH CORRIDOR**  
**URBAN RENEWAL PLAN**  
**CITY OF WEST DES MOINES, IOWA**

**I. INTRODUCTION**

The **Ashworth Corridor** Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the **Ashworth Corridor** Urban Renewal Area ("Area" or "Urban Renewal Area"), originally adopted in 2009, was amended in 2016 (Amendment No. 1) to add land to the Urban Renewal Area, remove the voluntary expiration date, and add/confirm eligible urban renewal projects, and is being amended again by this Amendment No. 2 to update the list of eligible projects. This Amendment adds no new land to the Area.

Except as modified by this Amendment, the provisions of the original Ashworth Corridor Urban Renewal Plan, as previously amended, are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control. Any subsections in the original Plan, as previously amended, not mentioned in this Amendment shall continue to apply to the Plan, as amended.

**II. PREVIOUSLY APPROVED URBAN RENEWAL PROJECTS**

Numerous urban renewal projects were authorized prior to the date of this Amendment, and are continuing. Such projects are listed in the original Plan, including Exhibit C thereto, and in Amendment No. 1.

**III. ELIGIBLE URBAN RENEWAL PROJECT(S)**

Although certain project activities may occur over a period of years, in addition to the projects previously proposed in the Plan, as previously amended, the Eligible Urban Renewal Projects under this Amendment No. 2 include:

**A. Development Agreements:**

- 1) *Economic development incentive for a business in West Des Moines:* Westfield Building, LLC, a company affiliated with R&R Investors, Inc., plans to construct an office building of approximately 180,000 square feet. R&R Investors, Inc. will lease a portion of the office building and employ employees therein. The construction of the building is expected to be completed by December 31, 2018, with construction costs anticipated to be no less than approximately \$27,000,000. The incentive is expected to be in the form of an incremental property tax rebate provided pursuant to a detailed Development Agreement among the City, Westfield Building, LLC, and R&R Investors, Inc. The costs of such a Development Agreement to be funded by tax increment will not exceed \$5,000,000. Actual expense could change due to a variety of factors, including but not limited to changes in tax levies or rates, changes in tax laws, changes in assessed values, and other factors.
- 2) *Future Development Agreements:* The City expects to consider requests for other Development Agreements for projects that are consistent with this Plan, in the City's sole discretion. Such Agreements are unknown at this time, but based on past history, and dependent on development opportunities and climate, the City expects to consider a broad range of incentives as authorized by this Plan, including but not limited to land, loans, grants, tax rebates, infrastructure assistance and other incentives. The costs of such Development Agreements will not exceed \$10,000,000.

B. Planning, engineering fees (for urban renewal plans), attorney fees, other related costs to support urban renewal projects and planning not to exceed \$200,000.

#### IV. CITY INDEBTEDNESS

A specific amount of debt to be incurred for the Eligible Urban Renewal Projects (Amendment No. 2) has not yet been determined. This document is for planning purposes only. The estimated project costs in this Amendment are estimates only and will be incurred and spent over a number of years. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area, as amended. Subject to the foregoing, it is estimated that the cost of the Eligible Urban Renewal Projects as described above will be approximately \$15,200,000.

Currently, the City of West Des Moines' outstanding general obligation indebtedness is \$132,715,000. Article XI, Section of the Constitution of the State of Iowa limits the amount of City debt outstanding at any time to no more than five (5) percent of the value (as shown by the last certified state and county tax list) of all taxable property within the City. The City's constitutional debt limit is \$212,760,921 as of July 1, 2016.

**V. LAND USES AND DEVELOPMENT PLAN**

The Area is currently planned for the following land uses:

- Office (OF)
- Support Commercial (SC)
- Support Office (SO)
- Single Family Residential (SF)
- Medium Density Residential (MD)
- High Density Residential (HD)

The Plan, as amended, is in conformity with the existing West Des Moines Comprehensive Plan adopted on September 20, 2010. The West Des Moines Comprehensive Plan is the City's general plan for the development of the City as a whole. In addition, the proposed urban renewal projects as described in the Plan, as amended, are in conformity with the West Des Moines Comprehensive Plan. This Urban Renewal Plan, as amended, does not change or in any way replace the City's current land use planning or zoning regulation process.

If there is a need for improved traffic, public transportation, public utilities, recreational and community facilities, or other public improvements within the Urban Renewal Area, it would be set forth in the Plan, as amended.

**VI. SEVERABILITY CLAUSE**

If any part of the Amendment is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted Plan as a whole, or any part of the Plan or this Amendment not determined to be invalid or unconstitutional.

01303952-1\11333-300

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF DALLAS )

I, the undersigned City Clerk of the City of West Des Moines, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of public hearing and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Clerk, City of West Des Moines, State of Iowa

(SEAL)

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**DATE: December 27, 2016**

**ITEM:** Bridgewood Drive Vacation, North end of Bridgewood Drive - Approval and Acceptance of Sanitary Sewer, Storm Sewer, Ingress/Egress Cross Access, Permanent Pedestrian, and Public Utility Easements – Ryan Companies US, Inc. – VAC-002728-2015

**Resolution: Approval and Acceptance of Sanitary Sewer Easement, Storm Sewer Easement, Ingress/Egress Cross Access Easement, Permanent Pedestrian Easement, and Public Utility Easements**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** In August of 2015, the City Council voted to vacate a portion of Bridgewood Drive located northeast of the Bridgewood Drive/Beechtree Lane intersection. Ryan Companies US, developer of the Jordan West development, requested the vacation of this portion of Bridgewood Drive in order to make the extension of the roadway through the Jordan West development private, allowing them to implement traffic calming measures requested by Bridgewood residents that would otherwise not be desired and/or allowed if the road were public. That approval contained the following condition of approval:

1. *In conjunction with the disposition of the property, the new owner of the vacated right-of-way, (Ryan Companies), shall execute a utility easement(s) for the existing and future public utilities through the vacated property. In addition, an ingress/egress easement shall be executed by the new owner of the property, (Ryan Companies), to provide for public vehicle and pedestrian access through the vacated property.*

As the condition of approval suggests, the easements in question will allow for public access to the newly constructed private street through the Jordan West development that connects to Bridgewood Drive (Ingress/Egress Cross Access), access to sidewalks along both sides of the street (Permanent Pedestrian), access to existing sanitary sewer, storm sewer, and public utilities through the vacated right-of-way. Exhibit II is a copy of the easements. For policy purposes, formal acceptance by the City Council of these easements is required.

**CITY COUNCIL SUBCOMMITTEE:** The possibility of vacating a portion of Bridgewood Drive to facilitate access through the Jordan West development was discussed at the March 12, 2015 Development & Planning City Council Subcommittee meeting. Acceptance of the associated easements by the Council is a required formality; this specific item was not presented to the Development and Planning City Council Subcommittee.

**OUTSTANDING ISSUES:** There are no outstanding issues.

**RECOMMENDATION:** Adopt a resolution approving and accepting the Sanitary Sewer Easement, Storm Sewer Easement, Ingress/Egress Cross Access Easement, Permanent Pedestrian Easement, and Public Utility Easements, granted to the City as part of the approval of the vacation of a portion of the Bridgewood Drive right-of-way.

Lead Staff Member: Brian S. Portz, AICP *BP*

**STAFF REVIEWS**

Department Director	JH
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	(W)

**PUBLICATION(S) (if applicable)**

Published In	
Date(s) Published	N/A
Letter sent to surrounding property owners	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	March 12, 2015		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

Exhibit I - Resolution  
Exhibit II - Easements

## EXHIBIT I

Prepared by: B. Portz Development Services, City of WDM, PO Box 65320, WDM, IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

### RESOLUTION

#### **A RESOLUTION APPROVING AND ACCEPTING A SANITARY SEWER EASEMENT, STORM SEWER EASEMENT, INGRESS/EGRESS CROSS ACCESS EASEMENT, PERMANENT PEDESTRIAN EASEMENT, AND PUBLIC UTILITY EASEMENTS RELATED TO THE VACATION OF A PORTION OF BRIDGEWOOD DRIVE**

**WHEREAS**, it is the policy of the City of West Des Moines, Iowa to approve and accept all easements and agreements conveying property and other interests to the City; and

**WHEREAS**, the following documents have been presented to the City for approval and acceptance; and

Sanitary Sewer Easement, Storm Sewer Easement, Ingress/Egress Cross Access  
Easement, Permanent Pedestrian Easement, and Public Utility Easement over the  
vacated portion of Bridgewood Drive and legally described as:

A PARCEL OF LAND IN LOTS 'A' & 'B', BRIDGEWOOD PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 2001, PAGE 2273 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 'A', SAID NORTH CORNER ALSO BEING THE SE CORNER OF OUTLOT 'Z', BRIDGEWOOD NORTH PLAT 2 AN OFFICIAL PLAT RECORDED IN BOOK 2012, PAGE 22287 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S45°00'00"W, 70.00 FEET ALONG THE EAST LINE OF SAID LOT 'A' TO A POINT ON THE SOUTH LINE OF SAID LOT 'A', SAID POINT ALSO BEING THE NORTH CORNER OF LOT 19 OF SAID THE BRIDGEWOOD PLAT 2; THENCE S45°00'00"W, 85.00 FEET ALONG THE SOUTH LINE OF SAID LOT 'A' TO THE NORTH CORNER OF SAID LOT 'B', THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S00°00'00"E, AN ARC LENGTH OF 39.27 FEET ALONG THE NORTH LINE OF SAID LOT 'B' TO A POINT; THENCE N45°00'00"W, 95.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 'A'; THENCE N45°00'00"E, 110.00 FEET ALONG THE NORTH LINE OF SAID LOT 'A' TO THE POINT OF BEGINNING AND CONTAINING 7,834 SQUARE FEET.

AND

OUTLOT 'U', JORDAN WEST PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 10626 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, IOWA AND CONTAINING 6081 SF.

**WHEREAS**, it is in the best interest of the citizens of the City to approve and accept the above-described documents.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT** the document(s) described above conveying property and other interests to the City of West Des Moines, Iowa, are hereby approved and accepted and shall be filed with the county recorder as appropriate.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of December, 2016.

---

Jim Sandager, Mayor pro tem

ATTEST:

---

Ryan T. Jacobson  
City Clerk

Prepared by: B. Portz, Development Services, PO Box 65320, West Des Moines, IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

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**SANITARY SEWER EASEMENT(S)**

**KNOW TO ALL MEN BY THESE PRESENTS:**

1. Grant of Easement(s).

The undersigned, Ryan Companies US, Inc., (hereinafter referred to as the "Grantor(s)"), owner(s) and/or developer(s) of Jordan West Plat 3, an official plat in and forming a part of the City of West Des Moines, Dallas County, Iowa, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, grant, and convey to the City of West Des Moines, Iowa, a municipal Corporation (hereinafter referred to as "the City"), a permanent and perpetual easement (hereinafter referred to as "Sanitary Sewer Easement" or "Easement(s)") and right-of-way upon, over, under, through and across the real property legally described as:

A PARCEL OF LAND IN LOTS 'A' & 'B', BRIDGEWOOD PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 2001, PAGE 2273 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 'A', SAID NORTH CORNER ALSO BEING THE SE CORNER OF OUTLOT 'Z', BRIDGEWOOD NORTH PLAT 2 AN OFFICIAL PLAT RECORDED IN BOOK 2012, PAGE 22287 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S45°00'00"E, 70.00 FEET ALONG THE EAST LINE OF SAID LOT 'A' TO A POINT ON THE SOUTH LINE OF SAID LOT 'A', SAID POINT ALSO BEING THE NORTH CORNER OF LOT 19 OF SAID THE BRIDGEWOOD PLAT 2; THENCE S45°00'00"W, 85.00 FEET ALONG THE SOUTH LINE OF SAID LOT 'A' TO THE NORTH CORNER OF SAID LOT 'B', THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S00°00'00"E, AN ARC LENGTH OF 39.27 FEET ALONG THE NORTH LINE OF SAID LOT 'B' TO A POINT; THENCE N45°00'00"W, 95.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 'A'; THENCE N45°00'00"E, 110.00 FEET ALONG THE NORTH LINE OF SAID LOT 'A' TO THE POINT OF BEGINNING AND CONTAINING 7,834 SQUARE FEET.

AND

OUTLOT 'U', JORDAN WEST PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 10626 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, IOWA AND CONTAINING 6081 SF.

2. Use and Purpose of Easement(s).

This Easement shall be granted for the purpose of locating sanitary sewer(s) (hereinafter referred to as "Sewer(s)") and to permit and allow the city to enter at any time upon, over, under, through, and across into said Easement(s) herein described to use as much of the sub-surface thereof to construct, replace, locate, rebuild, enlarge, reconstruct, patrol, repair (including the right to place and build additional Sewer(s) therein or to connect and/or join Sewer(s) and appurtenances thereto) and to forever maintain Sewer(s) whenever necessary within the Easement(s) granted herein. No structure, obstruction, or building of any kind whatsoever shall be placed upon property that is the subject of this Easement without the express written consent of the City.

3. Maintenance.

After the initial construction of the Sewer(s), and acceptance by the City, the City agrees, as part of the reconstruction, maintenance and patrolling of the Sewer(s), to restore and replace the Easement area(s) to substantially the same condition as prior to the time of entry or as agreed upon by the City and the Grantor(s), except the City shall not be required to replace landscaping, trees, shrubs, bushes, landscape elements, structures, or underground water systems nor shall the City be required to restore the Easement area by reason of settlement, depression, or any unknown conditions which arise subsequent to the restoration and/or replacing of the easement area; any subsequent restoration by reason of settlement, depression or any unknown conditions shall be the sole responsibility of the parties or persons identified in the Amended and Restated Operations and Easement Declaration filed August 19, 2015 in Book 2015, Page 13532 of the Dallas County, Iowa Recorder's records (as amended the "A&R OEA").

4. Hold Harmless.

The Grantor(s) agrees to indemnify and hold harmless the City, its elected officials, employees, officers, agents, representatives, contractors, and attorneys from and against any and all claims or demands for liability, loss, damage, costs, expenses, or attorney's fees of any kind for actions or omissions of the Grantor(s) arising out of or in connection with any undertaking arising out of or otherwise related to this Easement.

5. Running of Benefits and Burdens.

The terms and conditions of this Easement are binding upon the Grantor including, but not limited to, future owners, developers, lessees or occupants. All provisions of this instrument, including benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

6. Jurisdiction and Venue.

The City and the Grantor(s) agree the District Court of the State of Iowa shall have exclusive jurisdiction over the subject matter and enforcement of the terms and conditions of this Easement and said parties consent to the jurisdiction of the person being in Dallas County, Iowa.

7. Words and Phrases.

Words and phrases shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to context.

8. Parties.

The term "City" as used herein shall refer to the City of West Des Moines, Iowa, its elected officials, agents, employees, officers, and contractors. The term "Grantor(s)" shall refer to Ryan Companies US, Inc., their heirs, assigns, successors-in-interest, or lessees, if any, and after Ryan Companies US, Inc. no longer owns any lots in Jordan West Plat 3, Grantor shall refer instead to the parties, from time to time, to the A&R OEA.

9. Attorney's Fees.

Either party may enforce this instrument by appropriate action, and should they prevail in such litigation they shall recover as part of their costs the reasonable attorney's fees incurred in such litigation.

10. Integration.

This Agreement shall constitute the entire Agreement between the parties and no amendments or additions to this Agreement shall be binding unless in writing and signed by both parties.

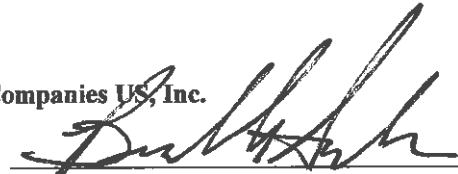
11. Paragraph Headings.

The paragraph headings in this Agreement are included solely for convenience and shall not affect or be used in connection with, the interpretation of this Agreement.

Dated this 31 day of August, 2016

Ryan Companies US, Inc.

By:



Brad Schoenfelder, Vice President of Development

STATE OF IOWA )  
 )SS  
COUNTY OF POLK )

On this 31 day of August, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Brad Schoenfelder to me personally known, who being by me duly sworn, did say that they are the Vice President of Development of Ryan Companies US, Inc., a Minnesota corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the Minnesota corporation by it and by them voluntarily executed.

  
Notary Public in and for the State of Iowa



**CITY OF WEST DES MOINES, IOWA**

\_\_\_\_\_  
Steven K. Gaer, Mayor

**Attest:**

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

**STATE OF IOWA**                    )  
  )SS  
**COUNTY OF POLK**                 )

On this        day of \_\_\_\_\_, 2015, before me, the undersigned, a Notary Public in and for said County and State personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk of the City of West Des Moines, Iowa, a municipal corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the City of West Des Moines, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**STORM SEWER EASEMENT(S)**

**KNOW TO ALL MEN BY THESE PRESENTS:**

1. Grant of Easement(s).

The undersigned, Ryan Companies US, Inc., (hereinafter referred to as the "Grantor(s)"), owner(s) and/or developer(s) of Jordan West Plat 3 an official plat in and forming a part of the City of West Des Moines, Dallas County, Iowa, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, grant, and convey to the City of West Des Moines, Iowa, a municipal Corporation (hereinafter referred to as "the City"), a permanent and perpetual easement(s) (hereinafter referred to as "Storm Sewer Easement(s)" or "Easement(s)") and right-of-way upon, over, under, through and across the real property legally described as:

A PARCEL OF LAND IN LOTS 'A' & 'B', BRIDGEWOOD PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 2001, PAGE 2273 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 'A', SAID NORTH CORNER ALSO BEING THE SE CORNER OF OUTLOT 'Z', BRIDGEWOOD NORTH PLAT 2 AN OFFICIAL PLAT RECORDED IN BOOK 2012, PAGE 22287 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S45°00'00"E, 70.00 FEET ALONG THE EAST LINE OF SAID LOT 'A' TO A POINT ON THE SOUTH LINE OF SAID LOT 'A', SAID POINT ALSO BEING THE NORTH CORNER OF LOT 19 OF SAID THE BRIDGEWOOD PLAT 2; THENCE S45°00'00"W, 85.00 FEET ALONG THE SOUTH LINE OF SAID LOT 'A' TO THE NORTH CORNER OF SAID LOT 'B', THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S00°00'00"E, AN ARC LENGTH OF 39.27 FEET ALONG THE NORTH LINE OF SAID LOT 'B' TO A POINT; THENCE N45°00'00"W, 95.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 'A'; THENCE N45°00'00"E, 110.00 FEET ALONG THE NORTH LINE OF SAID LOT 'A' TO THE POINT OF BEGINNING AND CONTAINING 7,834 SQUARE FEET.

AND

OUTLOT 'U', JORDAN WEST PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 10626 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, IOWA AND CONTAINING 6081 SF.

2. Use and Purpose of Easement(s).

This Easement shall be granted for the purpose of locating storm sewer(s), (hereinafter referred to as "Sewer(s)") and to permit and allow the city to enter at any time upon, over, under, through, and across into said Easement(s) herein described to use as much of the sub-surface thereof to construct, replace, locate, rebuild, enlarge, reconstruct, patrol, repair (including the right to place and build additional Sewer(s) therein or to connect and/or join Sewer(s) and appurtenances thereto) and to forever maintain Sewer(s) whenever necessary within the Easement(s) granted herein. No structure, obstruction, or building of any kind whatsoever shall be placed upon property that is the subject of this Easement without the express written consent of the City.

3. Maintenance.

After the initial construction of the Sewer(s), and acceptance by the City, the City agrees, as part of the reconstruction, maintenance and patrolling of the Sewer(s), and to restore and replace the Easement area(s) to substantially the same condition as prior to the time of entry or as agreed upon by the City and the Grantor(s), provided, however, the City shall not be required to replace landscaping, trees, shrubs, bushes, landscape elements, structures, or underground water systems nor shall the City be required to restore the Easement area by reason of settlement, depression, or any unknown conditions which arise subsequent to the restoration and/or replacing of the Easement area; any subsequent restoration by reason of settlement, depression or any unknown conditions shall be the sole responsibility of the parties or persons identified in the Amended and Restated Operations and Easement Declaration filed August 19, 2015 in Book 2015, Page 13532 of the Dallas County, Iowa Recorder's records (as amended the "A&R OEA").

4. Hold Harmless.

The Grantor(s) agrees to indemnify and hold harmless the City, its elected officials, employees, officers, agents, representatives, contractors, and attorneys from and against any and all claims or demands for liability, loss, damage, costs, expenses, or attorney's fees of any kind for actions or omissions of the Grantor(s) arising out of or in connection with any undertaking arising out of or otherwise related to this Easement.

5. Jurisdiction and Venue.

The City and the Grantor(s) agree that the District Court in and for the State of Iowa shall have exclusive jurisdiction over the subject matter and enforcement of the terms and conditions of this Easement and said parties shall consent to the jurisdiction of Dallas County, Iowa.

6. Running of Benefits and Burdens

The terms and conditions of this Easement are binding upon the Grantor including, but not limited to, future owners, developers, lessees or occupants. All provisions of this instrument, including benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

7. Words and Phrases

Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine, or neuter gender, according to the context.

8. Attorney's Fees.

Either party may enforce this instrument by appropriate action, and should they prevail in such litigation they shall recover as part of their costs the reasonable attorney's fees incurred in such litigation.

9. Parties.

The term "City" as used herein shall refer to the City of West Des Moines, Iowa, its elected officials, agents, employees, officers, and contractors. The term "Grantor(s)" shall refer to Ryan Companies US, Inc., their heirs, assigns, successors-in-interest, or lessees, if any, and after Ryan Companies US, Inc. no longer owns any lots in Jordan West Plat 3, Grantor shall refer instead to the parties, from time to time, to the A&R OEA.

10. Integration.

This Agreement shall constitute the entire Agreement between the parties and no amendments or additions to this Agreement shall be binding unless in writing and signed by both parties.

11. Paragraph Headings.

The paragraph headings in this Agreement are included solely for convenience and shall not effect or be used in connection with, the interpretation of this Agreement.

Dated this 31 day of August, 2016

Ryan Companies US, Inc.

By: [Signature]  
Brad Schoenfelder, Vice President of Development

STATE OF IOWA                    )  
  )SS  
COUNTY OF POLK                )

On this 31 day of August, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Brad Schoenfelder to me personally known, who being by me duly sworn, did say that they are the Vice President of Development of Ryan Companies US, Inc., a Minnesota corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the Minnesota corporation by it and by them voluntarily executed.

[Signature]  
Notary Public in and for the State of Iowa





**CITY OF WEST DES MOINES, IOWA**

\_\_\_\_\_  
Steven K. Gaer, Mayor

**Attest:**

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

**STATE OF IOWA**                    )  
  )SS  
**COUNTY OF POLK**                )

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned, a Notary Public in and for said County and State personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk of the City of West Des Moines, Iowa, a municipal corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the City of West Des Moines, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

Prepared By: B. Portz, Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620  
Return To: City Clerk City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320 (515)222-3610

**INGRESS/EGRESS CROSS ACCESS EASEMENT**

**KNOW TO ALL MEN BY THESE PRESENTS:**

1. **Grant of Easement(s).**

The undersigned, Ryan Companies US, Inc., (hereinafter referred to as the "Grantor(s)"), owner(s) and/or developer(s) of Jordan West Plat 3, an official plat in and forming a part of the City of West Des Moines, Dallas County, Iowa, hereby grants, establishes and conveys a permanent and perpetual easement to and for the benefit of all lots within Jordan West Plat 3, Outlot U, Jordan West Plat 1, and Lots A & B, Bridgewood Plat 2, official plats of the City of West Des Moines. Said easement shall allow the mutual use of current and future access drives and roadways located over, under, through and across the real property legally described as:

**LEGAL DESCRIPTION;**

A PARCEL OF LAND IN LOTS 'A' & 'B', BRIDGEWOOD PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 2001, PAGE 2273 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 'A', SAID NORTH CORNER ALSO BEING THE SE CORNER OF OUTLOT 'Z', BRIDGEWOOD NORTH PLAT 2 AN OFFICIAL PLAT RECORDED IN BOOK 2012, PAGE 22287 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S45°00'00"E, 70.00 FEET ALONG THE EAST LINE OF SAID LOT 'A' TO A POINT ON THE SOUTH LINE OF SAID LOT 'A', SAID POINT ALSO BEING THE NORTH CORNER OF LOT 19 OF SAID THE BRIDGEWOOD PLAT 2; THENCE S45°00'00"W, 85.00 FEET ALONG THE SOUTH LINE OF SAID LOT 'A' TO THE NORTH CORNER OF SAID LOT 'B', THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S00°00'00"E, AN ARC LENGTH OF 39.27 FEET ALONG THE NORTH LINE OF SAID LOT 'B' TO A POINT; THENCE N45°00'00"W, 95.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 'A'; THENCE N45°00'00"E, 110.00 FEET ALONG THE NORTH LINE OF SAID LOT 'A' TO THE POINT OF BEGINNING AND CONTAINING 7,834 SQUARE FEET.

AND

OUTLOT 'U', JORDAN WEST PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 10626 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, IOWA AND CONTAINING 6081 SF.

2. **Use and Purpose of Easement(s).**

C:\Users\jbeal\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\FXJD3UVA\Ingress-Egress Cross Access Easement execution copy 110915 (00238198-2x9C82B).docS:\Development Projects\Jordan West\Bridgewood Drive Vacation\VAC-002728-2015\_LD\_Bridgewood Drive Vacation\_ingress-egress.doc

This Easement shall be for the purpose of permitting and allowing ingress and egress for parties having any interest whatsoever in the real property described herein, including but not limited to lessee(s), business invitee and employees in any portion of the real property.

The roadway shall be hard surface roadway, as required and approved by the City and shall be constructed by the Grantor, or its successors in interest or assigns. No structure, obstruction, or building of any kind whatsoever shall be placed upon property that is the subject of this Easement without the express written consent of the City.

3. Maintenance.

The parties or persons identified in Amended and Restated Operation and Easement Declaration filed August 19, 2015 in Book 2015, Page 13532 of the Dallas County, Iowa Recorder's records (as amended the "A&R OEA") shall replace, maintain, repair and keep free of obstruction the roadway constructed upon the Easement area. The Grantor(s) hereby covenant and agrees not to permit any vehicle parking upon said Easement and to keep the roadway free and clear of snow and other obstructions.

4. Hold Harmless.

The Grantor(s) agrees to indemnify and hold harmless the City, its elected officials, employees, officers, agents, representatives, contractors, and attorneys from and against any and all claims or demands for liability, loss, damage, costs, expenses, or attorney's fees of any kind for actions or omissions of the Grantor(s) arising out of or in connection with any undertaking arising out of or otherwise related to this Easement.

5. Running of Benefits and Burdens

The terms and conditions of this Easement are binding upon the Grantor including, but not limited to, future owners, developers, lessees or occupants. All provisions of this instrument, including benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

6. Jurisdiction and Venue.

The City and the Grantor(s) agree that the District Court in and for the State of Iowa shall have exclusive jurisdiction over the subject matter and enforcement of the terms and conditions of this Easement and said parties shall consent to the jurisdiction of Dallas County, Iowa.

7. Words and Phrases

Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine, or neuter gender, according to the context.

8. Attorney's Fees.

Either party may enforce this instrument by appropriate action and should they prevail in such litigation they shall recover as part of their costs the reasonable attorney's fees incurred in such litigation.

9. Parties.

The term "City" as used herein shall refer to the City of West Des Moines, Iowa, its elected officials, agents, employees, officers, and contractors. The term "Grantor(s)" shall refer to Ryan Companies US, Inc. their heirs, assigns, successors-in-interest, or lessees, if any, and after Ryan Companies US, Inc. no longer owns any lots in Jordan West Plat 3, Grantor shall refer instead to the parties, from time to time, to the A&R OEA.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Ryan Companies US, Inc.

By:

*Brad Schoenfelder*  
Brad Schoenfelder, Vice President of Development

STATE OF IOWA )  
 )SS  
COUNTY OF POLK )

On this 31 day of August, 2015, before me, the undersigned, a Notary Public in and for said County and State personally appeared Brad Schoenfelder to me personally known, who being by me duly sworn, did say that they are the Vice President of Development of Ryan Companies US, Inc., a Minnesota corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the Minnesota corporation by it and by them voluntarily executed.



*Kerry K. Nelsen*  
Notary Public in and for the State of Iowa

CITY OF WEST DES MOINES, IOWA

\_\_\_\_\_  
Steven K. Gaer  
Mayor

Attest:

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

STATE OF IOWA )  
 )SS  
COUNTY OF POLK )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned, a Notary Public in and for said County and State personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk of the City of West Des Moines, Iowa, a municipal corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the City of West Des Moines, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

Prepared by: B. Portz, Development Services, PO Box 65320, West Des Moines., IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

**PERMANENT PEDESTRIAN EASEMENT(S)**

**KNOW TO ALL MEN BY THESE PRESENTS:**

1. Grant of Easement(s).

The undersigned, Ryan Companies US, Inc., (hereinafter referred to as the "Grantor(s)"), owner(s) and/or developer(s) of **Jordan West Plat 3, an official plat in and forming a part of the City of West Des Moines, Dallas County, Iowa**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, grant, and convey to the City of West Des Moines, Iowa, a municipal Corporation (hereinafter referred to as "the City"), a permanent and perpetual easement (hereinafter referred to as "Pedestrian Easement" or "Easement(s)") and right-of-way upon, over, under, through and across the real property legally described as:

A PARCEL OF LAND IN LOTS 'A' & 'B', BRIDGEWOOD PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 2001, PAGE 2273 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 'A', SAID NORTH CORNER ALSO BEING THE SE CORNER OF OUTLOT 'Z', BRIDGEWOOD NORTH PLAT 2 AN OFFICIAL PLAT RECORDED IN BOOK 2012, PAGE 22287 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S45°00'00"E, 70.00 FEET ALONG THE EAST LINE OF SAID LOT 'A' TO A POINT ON THE SOUTH LINE OF SAID LOT 'A', SAID POINT ALSO BEING THE NORTH CORNER OF LOT 19 OF SAID THE BRIDGEWOOD PLAT 2; THENCE S45°00'00"W, 85.00 FEET ALONG THE SOUTH LINE OF SAID LOT 'A' TO THE NORTH CORNER OF SAID LOT 'B', THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S00°00'00"E, AN ARC LENGTH OF 39.27 FEET ALONG THE NORTH LINE OF SAID LOT 'B' TO A POINT; THENCE N45°00'00"W, 95.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 'A'; THENCE N45°00'00"E, 110.00 FEET ALONG THE NORTH LINE OF SAID LOT 'A' TO THE POINT OF BEGINNING AND CONTAINING 7,834 SQUARE FEET.

AND

OUTLOT 'U', JORDAN WEST PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 10626 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, IOWA AND CONTAINING 6081 SF.

2. Use and Purpose of Easement(s).

The Grantor(s) hereby covenant and agree to the following:

That the Developer(s) will install a sidewalk and/or trail for public use upon the above-described land.

The Developer(s) further agree that no structure or building of any kind whatsoever shall be erected upon property that is the subject of this Easement without the express written consent of the City.

3. Maintenance.

The Grantor(s) agree that said sidewalk and/or trail shall be maintained solely by the parties or persons identified in the Amended and Restated Operations and Easement Declaration filed August 19, 2015 in Book 2015, Page 1 of the Dallas County, Iowa Recorder's records (as amended the "A&R OEA"). Maintenance shall include, but is not limited to, repair and maintenance of the sidewalk and trail as well as removal of all snow from the sidewalk.

The Grantor(s) shall generally police and survey the Easement to maintain said area free from garbage, debris and other unnatural articles.

4. Hold Harmless.

The Grantor(s) agrees to indemnify and hold harmless the City, its elected officials, employees, officers, agents, representatives, contractors, and attorneys from and against any and all claims or demands for liability, loss, damage, costs, expenses, or attorney's fees of any kind for actions or omissions of the Grantor(s) arising out of or in connection with any undertaking arising out of or otherwise related to this Easement.

5. Running of Benefits and Burdens.

The terms and conditions of this Easement are binding upon the Grantor including, but not limited to, future owners, developers, lessees or occupants (see paragraph 8 below). All provisions of this instrument, including benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

6. Jurisdiction and Venue.

The City and the Grantor(s) agree the District Court of the State of Iowa shall have exclusive jurisdiction over the subject matter and enforcement of the terms and conditions of this Easement and said parties consent to the jurisdiction of the person being in Polk County, Iowa.

7. Words and Phrases.

Words and phrases shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to context.

8. Parties.

The term "City" as used herein shall refer to the City of West Des Moines, Iowa, its elected officials, agents, employees, officers, and contractors. The term "Grantor(s)" shall refer to Ryan Companies US, Inc., their heirs, assigns, successors-in-interest, or lessees, if any, and after Ryan Companies US, Inc. no longer owns any lots in Jordan West Plat 3, Grantor shall refer instead to the parties, from time to time, to the A&R OEA.

9. Attorney's Fees.

Either party may enforce this instrument by appropriate action, and should they prevail in such litigation they shall recover as part of their costs the reasonable attorney's fees incurred in such litigation.

10. Integration.

This Agreement shall constitute the entire Agreement between the parties and no amendments or additions to this Agreement shall be binding unless in writing and signed by both parties.

11. Paragraph Headings.

The paragraph headings in this Agreement are included solely for convenience and shall not affect or be used in connection with, the interpretation of this Agreement.

Grantor: Ryan Companies US, Inc.

By: *Brad Schoenfelder*  
Brad Schoenfelder, Vice President of Development

STATE OF IOWA                    )  
  )SS  
COUNTY OF POLK                )

On this 31 day of August, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Brad Schoenfelder to me personally known, who being by me duly sworn, did say that they are the Vice President of Development of Ryan Companies US, Inc., a Minnesota corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the Minnesota corporation by it and by them voluntarily executed.

*Kerry K Nelsen*  
Notary Public in and for the State of Iowa

CITY OF WEST DES MOINES, IOWA



\_\_\_\_\_  
Steven K. Gaer, Mayor

Attest:

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

STATE OF IOWA            )  
                                      )SS  
COUNTY OF POLK        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, the undersigned, a Notary Public in and for said County and State personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk of the City of West Des Moines, Iowa, a municipal corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the City of West Des Moines, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa



**PUBLIC UTILITY EASEMENT(S)**

**KNOW TO ALL MEN BY THESE PRESENTS:**

1. **Grant of Easement(s).**

The undersigned, Ryan Companies US, Inc., (hereinafter referred to as the "Grantor(s)"), owner(s) and/or developer(s) of Jordan West Plat 3, an official plat in and forming a part of the City of West Des Moines, Dallas County, Iowa, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, grant, and convey to the City of West Des Moines, Iowa, a municipal Corporation (hereinafter referred to as "the City"), a permanent and perpetual easement (hereinafter referred to as "Public Utility Easement" or "Easement(s)") and right-of-way upon, over, under, through and across the real property legally described as:

A PARCEL OF LAND IN LOTS 'A' & 'B', BRIDGEWOOD PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 2001, PAGE 2273 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 'A', SAID NORTH CORNER ALSO BEING THE SE CORNER OF OUTLOT 'Z', BRIDGEWOOD NORTH PLAT 2 AN OFFICIAL PLAT RECORDED IN BOOK 2012, PAGE 22287 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S45°00'00"E, 70.00 FEET ALONG THE EAST LINE OF SAID LOT 'A' TO A POINT ON THE SOUTH LINE OF SAID LOT 'A', SAID POINT ALSO BEING THE NORTH CORNER OF LOT 19 OF SAID THE BRIDGEWOOD PLAT 2; THENCE S45°00'00"W, 85.00 FEET ALONG THE SOUTH LINE OF SAID LOT 'A' TO THE NORTH CORNER OF SAID LOT 'B', THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S00°00'00"E, AN ARC LENGTH OF 39.27 FEET ALONG THE NORTH LINE OF SAID LOT 'B' TO A POINT; THENCE N45°00'00"W, 95.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 'A'; THENCE N45°00'00"E, 110.00 FEET ALONG THE NORTH LINE OF SAID LOT 'A' TO THE POINT OF BEGINNING AND CONTAINING 7,834 SQUARE FEET.

AND

OUTLOT 'U', JORDAN WEST PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 10626 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, IOWA AND CONTAINING 6081 SF.

2. Use and Purpose of Easement(s).

This Easement shall be granted for the purpose of locating public utilities, and to permit and allow the City and other non-City owned public utilities to enter at any time upon, over, under, through, and across into said Easement(s) herein described to use as much of the sub-surface thereof to construct, replace, locate, rebuild, enlarge, reconstruct, patrol, repair (including the right to place and build additional utilities and appurtenances thereto) and to forever maintain said utilities whenever necessary within the Easement(s) granted herein. No structure, obstruction, or building of any kind whatsoever shall be placed upon property that is the subject of this Easement without the express written consent of the City.

3. Maintenance.

After the initial construction of any City owned public utilities, and acceptance by the City of such, the City agrees, as part of the reconstruction, maintenance and patrolling of its public utilities, to restore and replace the Easement area(s) to substantially the same condition as prior to the time of entry or as agreed upon by the City and the Grantor(s), except the City shall not be required to replace landscaping, trees, shrubs, bushes, landscape elements, structures, or underground water systems nor shall the City be required to restore the Easement area by reason of settlement, depression, or any unknown conditions which arise subsequent to the restoration and/or replacing of the easement area; any subsequent restoration by reason of settlement, depression or any unknown conditions shall be the sole responsibility of the parties or persons identified in the Amended and Restated Operations and Easement Declaration filed August 19, 2015 in Book 2015, Page 13532 of the Dallas County, Iowa Recorder's records (as amended the "A&R OEA"). Any and all obligations and/or liabilities arising from the installation and operation of non-City owned public utilities shall be the sole responsibility of that utility.

4. Hold Harmless.

Each party shall indemnify and hold the other party harmless from and against any loss, expense or claim asserted by third parties for damage to third party tangible property, or for bodily injury, or both, related to this Agreement, to the extent such damage or injury is attributable to the negligence or willful misconduct of the indemnitor; provided, indemnitee gives the indemnitor prompt notice of any such claim and all necessary information and assistance so that indemnitor, at its option, may defend or settle such claim, and indemnitee does not take any adverse position in connection with such claim. In the event that any such damage or injury is caused by the joint or concurrent negligence of both parties, the loss, expense or claim shall be borne by each party in proportion to its negligence.

5. Running of Benefits and Burdens.

The terms and conditions of this Easement are binding upon the Grantor including, but not limited to, future owners, developers, lessees or occupants (see paragraph 8 below). All provisions of this instrument, including benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

6. Jurisdiction and Venue.

The City and the Grantor(s) agree the District Court of the State of Iowa shall have exclusive jurisdiction over the subject matter and enforcement of the terms and conditions of this Easement and said parties consent to the jurisdiction of Dallas County, Iowa.

7. Words and Phrases.

Words and phrases shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to context.

8. Parties.

The term "City" as used herein shall refer to the City of West Des Moines, Iowa, its elected officials,

agents, employees, officers, and contractors. The term "Grantor(s)" shall refer Ryan Companies US, Inc., their heirs, assigns, successors-in-interest, or lessees, if any, and after Ryan Companies US, Inc. no longer owns any lots in Jordan West Plat 3, Grantor shall refer instead to the parties, from time to time, to the A&R OEA.

9. Attorney's Fees.

Either party may enforce this instrument by appropriate action, and should they prevail in such litigation they shall recover as part of their costs the reasonable attorney's fees incurred in such litigation.

10. Integration.

This Agreement shall constitute the entire Agreement between the parties and no amendments or additions to this Agreement shall be binding unless in writing and signed by both parties.

11. Paragraph Headings.

The paragraph headings in this Agreement are included solely for convenience and shall not affect or be used in connection with, the interpretation of this Agreement.

Dated this 31 day of August, 2016.

Ryan Companies US, Inc.

By: *Brad Schoenfelder*  
Brad Schoenfelder, Vice President of Development

STATE OF IOWA                    )  
  )SS  
COUNTY OF POLK                )

On this 31 day of August, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Brad Schoenfelder to me personally known, who being by me duly sworn, did say that they are the Vice President of Development of Ryan Companies US, Inc., a Minnesota corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the Minnesota corporation by it and by them voluntarily executed.

*Kerry K. Nelsen*  
Notary Public in and for the State of Iowa



**CITY OF WEST DES MOINES, IOWA**

\_\_\_\_\_  
Steven K. Gaer, Mayor

Attest:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

STATE OF IOWA            )  
                                  )SS  
COUNTY OF POLK        )

On this        day of        , 2015, before me, the undersigned, a Notary Public in and for said County and State personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk of the City of West Des Moines, Iowa, a municipal corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the City of West Des Moines, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**ITEM:** Resolution of Support  
Water Trails and Greenways Plan

**DATE:** December 27, 2016

**FINANCIAL IMPACT:** This Resolution would commit the City to allocating \$20,779 of Hotel/Motel Tax funds to water trails and greenways projects. This expenditure was not included in the budget, so it would need to be included in a budget amendment.

**BACKGROUND:**

On November 17, 2016, the Des Moines Area Metropolitan Planning Organization (MPO) Board unanimously voted to approve the Greater Des Moines Water Trails and Greenways Plan.

As a next step in the regional adoption of the plan, the MPO is requesting that each community officially support the plan through a formal action by the City Council. This formal action of support endorses the vision and recommendations in the plan, and it is the hope of the MPO that through the official endorsement of the plan, the recommendations will be integrated into the City's long range planning and budgeting.

**OUTSTANDING ISSUES** (if any): None

**RECOMMENDATION:**

Approve Resolution of Support for the Water Trails and Greenways Plan

**Lead Staff Member:** Tom Hadden, City Manager

**STAFF REVIEWS**

Department Director	Tom Hadden, City Manager
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S)** (if applicable)

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

## **RESOLUTION OF SUPPORT FOR THE WATER TRAILS AND GREENWAYS PLAN**

**WHEREAS**, the Des Moines Area Metropolitan Planning Organization, on behalf of the Iowa department of Natural Resources developed and adopted the Greater Des Moines Water Trails and Greenways Plan;

**WHEREAS**, the plan which envisions an abundant network of water recreation for 150 miles of the region's creeks and rivers, including places for tubing, birding, hiking, paddling, boating, and fishing, the establishment of area greenways, floodplain protection and improved habitat. The plan covers the Des Moines, Raccoon, South Skunk, North and Middle rivers, as well as Beaver, Fourmile, Mud and Walnut creeks;

**WHEREAS**, when implemented, the recommendations outlined in the plan will bring about transformational change reconnecting thousands of people with the rivers as a keystone natural resource;

**WHEREAS**, we value innovations such as water trails that address community needs that improve our community attractiveness for workforce development and tourism, improve public health by increasing recreational opportunities and develop a stronger economy through the development of a key quality of life amenity;

**WHEREAS**, we intend to integrate the policy and project recommendations in the plan into our long-range planning and budgeting;

**WHEREAS**, we understand the development of water trails amenities in our community are enhanced by our support of projects throughout the region;

**WHEREAS**, local governments, community organizations, and the public developed the Greater Des Moines Water Trails and Greenways Plan as a voluntary guide for local jurisdictions, stakeholder organizations and 28-E organizations, including the MPO, but does not dictate specific funding strategies or policy decisions that are within the authority of these organizations or jurisdictions.

**NOW, THEREFORE, BE IT RESOLVED** that we, the members of the City Council of the City of West Des Moines endorse the vision, mission, goals, strategies, and initiatives presented in the Greater Des Moines Water Trails and Greenways Plan and intend to continue working within our community and across the region to help this plan become reality.

**PASSED AND APPROVED** this 27th day of December, 2016.

---

Jim Sandager, Mayor Pro tem

ATTEST:

---

Ryan T. Jacobson  
City Clerk

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**ITEM:** Approval of Economic Development Assistance Grant - **DATE:** December 27, 2016  
To DelVoda

Resolution - Approving the Economic Development Grant to DelVoda

**FINANCIAL IMPACT:** The City's is being requested to provide an Economic Development Grant to DelVoda in the amount of \$150,000. These funds could come from the City's Economic Development Fund 486.550.700.5250.476.

**BACKGROUND:** The City of West Des Moines was approached by representative from DelVoda for assistance in starting a business accelerator program to recruit start-up companies, particularly companies from outside of the United States. DelVoda would operate a 90-day program for start-up companies looking to establishing a presence in the United States. As part of their accelerator program, DelVoda would establish a strong advisor network for companies enrolled in their program, provide the companies instruction on how to conduct business in the United States, and assist the companies in launching a presences in the United States. As a requirement of the grant, companies that launch from DelVoda's accelerator program will be required to establish and maintain an operations office in West Des Moines. DelVoda will be operating out of 318 5<sup>th</sup> Street.


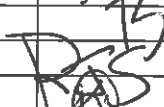


Polk County is reviewing DelVoda's proposal to be a partner in the accelerator program. DelVoda's request to Polk County is to provide the construction money (\$58,000) to undertake the remodel of the space that DelVoda will be occupying at 318 5<sup>th</sup> Street as well as an economic development grant of \$50,000 for operations. The balance of the \$200,000 that has been estimated necessary to start the program, will come from the City of West Des Moines in the form of an economic development grant of \$150,000. These funds can come from the City's Economic Development Fund 486.550.700.5250.476.

**OUTSTANDING ISSUES** (if any): There are no outstanding issues.

**RECOMMENDATION:** That the City Council pass a resolution authorizing an economic development grant to DelVoda in the amount of \$150,000, subject to the successful negotiation by DelVoda and the City of a development agreement establishing the terms and conditions for the operation of the business accelerator. Consideration of approval of the development agreement will be presented to the City Council at a later date.

**Lead Staff Member:** Clyde E. Evans, AICP, Community and Economic Development

**STAFF REVIEWS**

Department Director	Clyde E. Evans, Director, Community and Economic Development 
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S)** (if applicable)

Published In	N/A
Dates(s) Published	N/A

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	F&A
Date Reviewed	December 22, 2016
Recommendation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pending

Attachments: Exhibit I – Resolution

Prepared by: C. Evans, City of West Des Moines Community and Economic Dev. PO Box 65320, WDM, IA 50265-0320 515-273-0770  
When Recorded Return to: City Clerk, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, IA 50265-0320

## RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, AUTHORIZING THE ISSUANCE OF AN ECONOMIC DEVELOPMENT GRANT AND AUTHORIZING THE MAYOR TO SIGN THE DEVELOPMENT AGREEMENT DeIVoda TO OPERATE A BUSINESS ACCELERATOR PROGRAM**

**WHEREAS**, DeIVoda is proposing to develop a start-up accelerator program geared toward attracting start-up companies from outside of the United States;

**WHEREAS**, the City Council of the City of West Des Moines wishes to encourage start-up businesses to locate and grow within West Des Moines;

**WHEREAS**, the City is prepared to offer up to \$150,000 in the form of an economic development grant for the operations of the accelerator program;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT** the City Council authorizing an economic development grant to DeIVoda in the amount of \$150,000, subject to the successful negotiation by DeIVoda and the City of a development agreement establishing the terms and conditions for the operation of the business accelerator. Consideration of approval of the development agreement will be presented to the City Council at a later date.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of December, 2016

\_\_\_\_\_  
Jim Sandager, Mayor Pro Tem

Attest:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk



**NO CHANGE FROM PREVIOUS READING**

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**Date: December 27, 2016**

**ITEM:** Munro et. al., 2480, 2580, 2640, and 2720 SE 11th Street –Change the Zoning designation of part of the properties from Medium Density Residential (RM-8) to Single Family Residential Estate (RE-1A) – Margaret Munro – ZC-003278-2016

**ORDINANCE: Approval of Second Reading of Ordinance, Waive Third Reading and Adopt in Final Form**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** Margaret Munro, 2480 SE 11<sup>th</sup> Street; George Hedding 2580 SE 11<sup>th</sup> Street; Melvin Rosario, 2640 SE 11<sup>th</sup> Street; and Bryan Boisen, 2720 SE 11<sup>th</sup> Street are seeking approval of a change in zoning district for that part of their property currently designated Residential Medium Density (RM-8) to Residential Estate (RE-1)

Previous Council Action:

Vote: 5-0 approval

Date: December 12, 2016

Approval of the First Reading of the Ordinance.

The City Council also adopted a resolution to change the land use of the subject property from Medium Density Residential to Low Density Residential. The City Council approved a motion to waive the fees for the comprehensive plan land use map amendment and the rezoning. Also, the City Council included in that motion that no buffer requirement will be obligated on the properties to the east which remain zoned Residential Medium Density (RM-8).

**OUTSTANDING ISSUES:** There are no outstanding issues

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third reading and adopt the Munro et al Ordinance amendment in final form, subject to the applicant meeting all City Code requirements

Lead Planner: Kara Tragesser, AICP *KAT*

**Staff Reviews:**

Department Director	<i>Yes</i>
Appropriations/Finance	
Legal	<i>JBW</i>
Agenda Acceptance	<i>(K)</i>

**PUBLICATION(S) (if applicable)**

Published In	Des Moines Register
Date(s) Published	November 25, 2016
Letter sent to surrounding property owners	November 22, 2016

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	November 28, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

Exhibit I      Rezoning Ordinance

Prepared by: K. Tragesser, Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, (515)222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9: ZONING, CHAPTER 4: ZONING DISTRICTS AND MAP**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**SECTION 1. AMENDMENT:** The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by changing the zoning of a portion of the properties located at 2480, 2580, 2640, and 2720 SE 11<sup>th</sup> Street from Residential Medium Density (RM-8) to Residential Estate (RE-1A) as legally described below and as illustrated in Exhibit B;

**Legal Description**

**SEE EXHIBIT A**

**SECTION 2. SAVINGS CLAUSE.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 3. VIOLATIONS AND PENALTIES.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in title 1, Chapter 4, Section 1 and Section 2 of the City Code of the City of West Des Moines, Iowa.

**SECTION 4. OTHER REMEDIES.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm, or corporation for violation of any section or subsection of this Ordinance.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Approved and passed by the City Council on the 27<sup>th</sup> day of December 2016

---

Jim Sandager, Mayor Pro-Tem

**ATTEST:**

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2016.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

**EXHIBIT A**  
**Legal Description**

The East 272 feet of Lot 4 Fairmont Estates; and

The East 321 feet of Lot 5 Fairmont Estates; and

The East 324 feet of Lot 6 Fairmont Estates, all being official plats now in and forming a part of the City of West Des Moines, Polk County, Iowa

And

The East 335 feet or the following described property: -EX HEDDINGER PLAT 1- & -EX N 300F S 330F E 300F W 345F- N 1/2 NE 1/4 SE 1/4 SEC 27-78-25; and

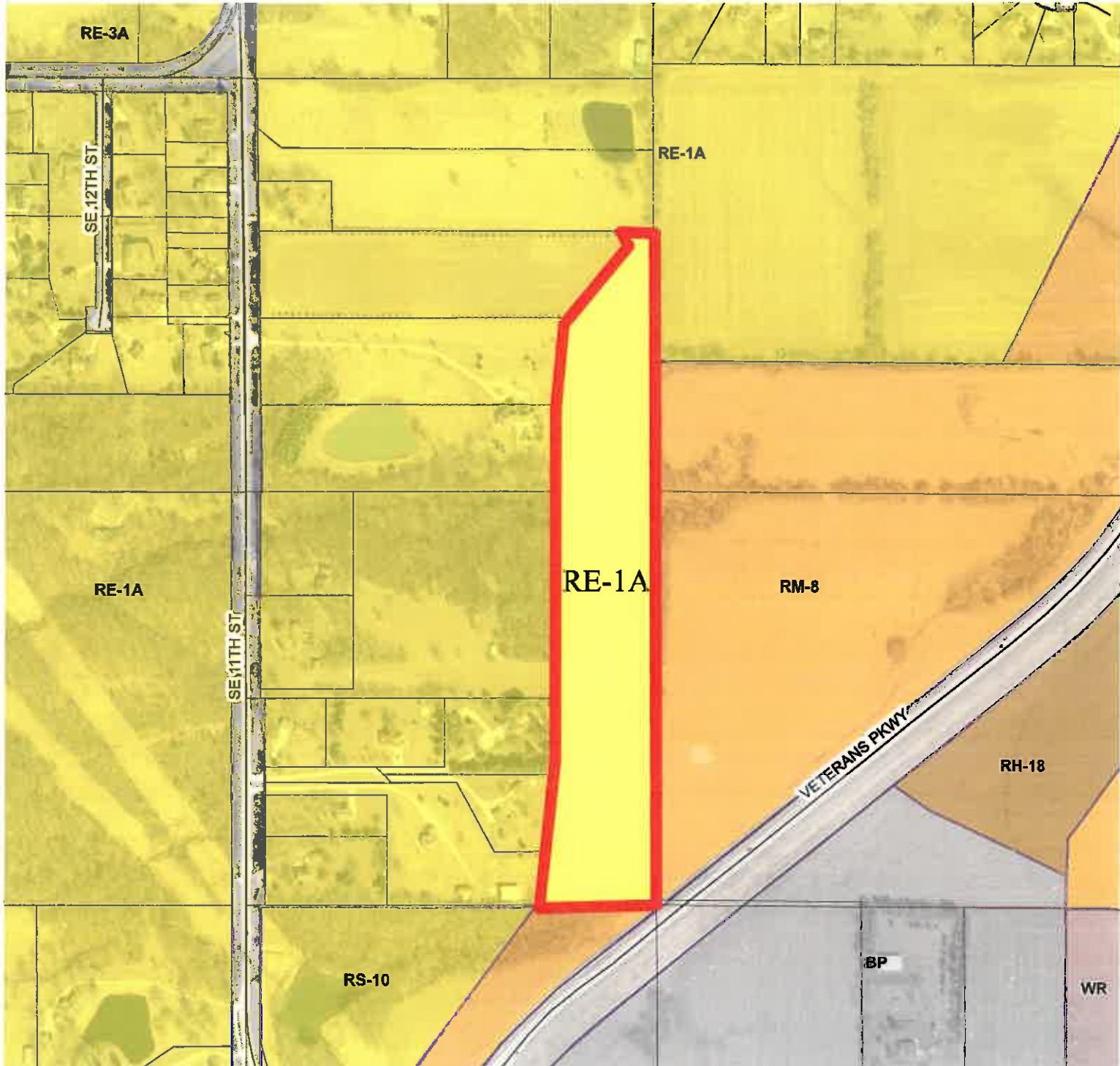
The East 334 feet of the following described property: N 245.08F MEAS ON E LN E 320.80F LOT 3 BLUE RIDGE HEIGHTS; and

The East 377 feet of the following described property: PARCEL B BEG SE COR THN W 182.12F N 352.67F W 396.14F N20F E 579.51F S 371.44F TO POB LOT 1 & PARCEL C BEG SE COR THN W 673.97F N 371.44F W 579.51F N20F E 619.94F SE 255.5F E 154F NE 250.76F E 335.54F S 416.64F TO POB LOT 2 BLUE RIDGE HEIGHTS REPLT

All in and forming a part of the City of West Des Moines, Polk County, Iowa

EXHIBIT B

# Munro et al Rezoning Proposed Zoning



**NO CHANGE FROM PREVIOUS READING**

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**Date:** December 27, 2016

**ITEM:** Mills Crossing, 5901 Mills Civic Parkway – Amend Mills Crossing Specific Plan to add acceptable site amenities for the development - Hurd Mills, LLC –ZCSP-003288-2016

**ORDINANCE:** Approval of Second Reading, Waive Third Reading and Adopt in Final Form

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Hurd Mills LLC., is requesting an amendment to the Mills Crossing Specific Plan to add to the Specific Plan pedestrian benches that will be acceptable within the development. The Mills Crossing Specific Plan ordinance was approved by the City Council in 2014. This is the first amendment.

Previous Council Action:

Vote: 5-0 approval

Date: December 12, 2016

Approval of the First Reading of the Ordinance.

**OUTSTANDING ISSUES:** There are no outstanding issues.

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the second reading, waive the third reading, and adopt in final form the Mills Crossing Specific Plan Ordinance amendment, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser, AICP *KAT*

**Staff Reviews:**

Department Director	<i>CS</i>
Appropriations/Finance	
Legal	<i>RTS</i>
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

Published In	Des Moines Register
Date(s) Published	November 25, 2016
Letter sent to surrounding property owners	November 22, 2016

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	November 28, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

Exhibit I

Ordinance: Mills Crossing Specific Plan Amendment

Prepared by: KTragesser, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265 515-222-3620  
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265 515-222-3603

**ORDINANCE #**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014, AND ORDINANCES #1417, #1510 AND #2060 MILLS CROSSING ACCORDING TO TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**SECTION 1. AMENDMENT:** Ordinance #1417, #1510, and #2060 “Mills Crossing” is hereby amended by amending the Specific Plan Map and associated documents on file with the City Clerk as illustrated in Exhibit A of this ordinance.

**SECTION 2: VIOLATIONS AND PENALTIES.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**SECTION 3: OTHER REMEDIES.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**SECTION 4: SAVINGS CLAUSE.** If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 5: EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved this 27<sup>th</sup> day of December 2016.

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Jim Sandager, Mayor Pro -Tem

**ATTEST:**

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Ryan T. Jacobson  
City Clerk

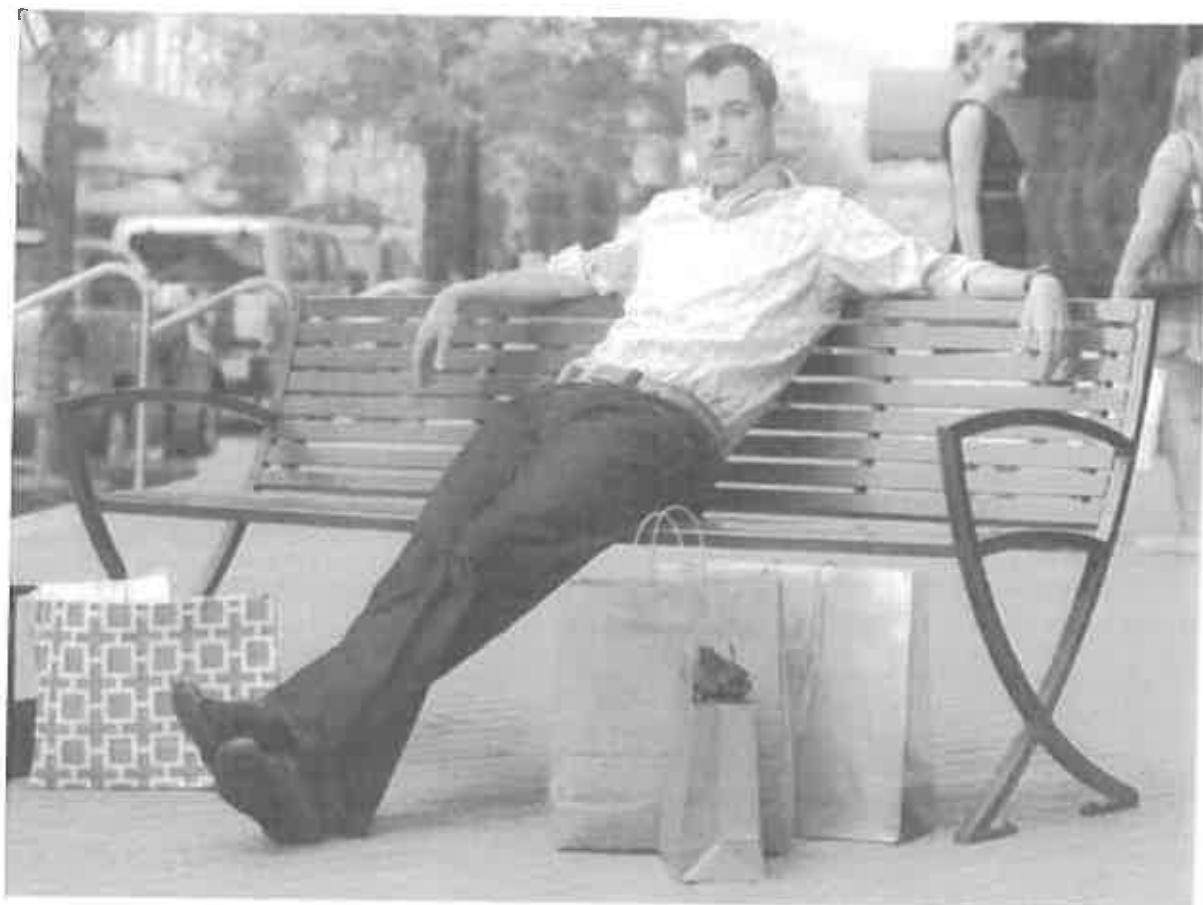
I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_,  
2016.

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Ryan T. Jacobson  
City Clerk



**EXHIBIT A**



**NO CHANGE FROM PREVIOUS READING****CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION****Date: December 27, 2016**

**ITEM:** Amendment to City Code – Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) – Change the roadway name of that approximately 2000’ diagonal section of Booneville Road located approximately 250 feet north of Grand Avenue to S. 88<sup>th</sup> Street and readdress two properties – City Initiated – MISC-003321-2016

**ORDINANCE:** Approval of Second Reading of Ordinance, Waiver of Third and Adopt  
**RESOLUTION:** Approval of Address Changes

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The City recently realigned and reconstructed the diagonal portion of Booneville Road to soften the curves and allow for more fluid vehicle movements which has resulted in S. 88<sup>th</sup> Street operating as a thru-street with no stop signs (see Exhibit I). Due to this, staff requests that this approximately 2000 foot long diagonal section of Booneville Road be renamed to S. 88<sup>th</sup> Street.

Two properties are addressed off of this 2000’ section of Booneville Road. The change in roadway name requires a change in the assigned address of these two properties. Along with the roadway name change, the house number also must be changed as Booneville Road utilized the east-west addressing grid, while S. 88<sup>th</sup> Street utilizes the north-south addressing grid. The changes to these two properties is as follows:

- Sandahl Trust: 8810 Booneville Road changes to 1540 S. 88<sup>th</sup> Street
- Iowa Power Inc: 8550 Booneville Road changes to 1650 S. 88<sup>th</sup> Street

The Council resolution approving of the address changes to these two properties is presented herein in conjunction with the adoption of the ordinance.

Previous Council Action:

Vote: 5-0 approval

Date: December 12, 2016

Motion: Approval of the First Reading of the amendment to change street name.

**CITY COUNCIL SUBCOMMITTEE:** Renaming of the roadway and the subsequent readdressing of the two properties was discussed with the Development and Planning Subcommittee on October 31, 2016. The Subcommittee directed staff to proceed with the roadway renaming and readdressing of the two properties.

**OUTSTANDING ISSUES:** There are no outstanding issues.

**NOTIFICATION:** The two properties with existing addresses affected by the roadway name change were mailed notification of the December 12, 2016 City Council Public Hearing on November 29, 2016 and notification of the roadway name changes was published in the local newspaper on December 2, 2016.

**RECOMMENDATION:** Staff recommends the City Council approve the second reading, waive the third reading and adopt the ordinance in final form to rename a 2000’ section of Booneville Road to S. 88<sup>th</sup> Street and adopt a resolution approving the readdressing of two parcels along the roadway section.

Lead Staff Member: Lynne Twedt, Addressing Administrator 

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

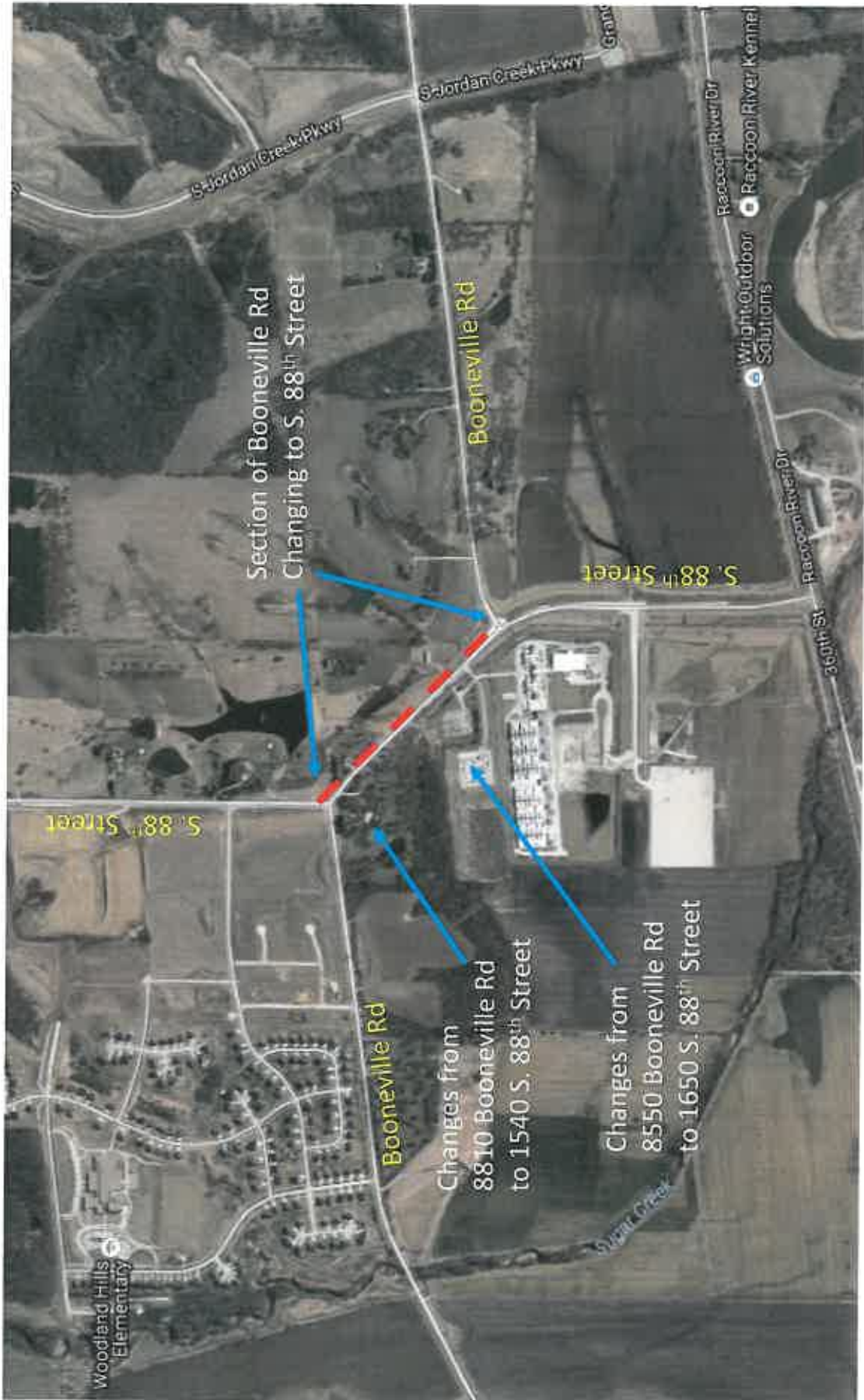
Published In	Des Moines Register Community Section
Date(s) Published	December 2, 2016
Letter sent to surrounding property owners	11/29/2016

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	October 31, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Roadway Illustration
- Exhibit II - Proposed Ordinance
- Exhibit III - Resolution changing property addresses



Prepared by: L. Twedt, Community Development, PO Box 65320, W.D.M., IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, TITLE 7 “PUBLIC WAYS AND PROPERTY,” BY CHANGING THE NAME OF THAT 2000 FOOT DIAGONAL PORTION OF BOONEVILLE ROAD LYING APPROXIMATELY 250 FEET NORTH OF GRAND AVENUE TO S. 88<sup>TH</sup> STREET.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**Section 1. Title 7, “Public Ways and Property,” Chapter 1 “Streets, Sidewalks and Alleys”, Section 8 “Street Names”, Paragraph D, “Official Street Name Map”** is hereby amended by changing the name of the existing roadway and rights-of-way and all references thereto of the approximately 2000 foot diagonal segment of Booneville Road lying approximately 250 feet north of Grand Avenue from Booneville Road to S. 88<sup>th</sup> Street, Dallas County, Iowa.

**Section 2.** Subsequent to its adoption and publication the Mayor and City Clerk shall certify and file this Ordinance with the County Recorder, County Assessor, and County Auditor of Dallas County, Iowa. Thereafter the County Auditor shall make proper changes on any plats found in the County Auditor’s Office and the County Recorder shall enter the instrument into the record and make reference on the margin of the original plats of record or upon a reference sheet or page attached to the original plats for that purpose.

**Section 3. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 4. Savings Clause.** If any section provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged, invalid, or unconstitutional such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, phrase, or part hereof not adjudged invalid or unconstitutional.

**Section 5. Effective Date.** This ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

Passed and approved by the City Council on the 27<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Steven K. Gaer, Mayor

**ATTEST:**

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

Prepared by: L.Twedt, Development Services, PO Box 65320, W.D.M., IA 50265-0320, 515- 222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, APPROVING THE READDRESSING OF PROPERTY**

**WHEREAS**, per City policy, the West Des Moines City Council shall approve all addressing and readdressing requests,

**WHEREAS**, readdressing changes were deemed appropriate and necessary by the Addressing Administrator;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City West Des Moines as follows:

**SECTION 1.** The readdressing of the properties indicated in attached Exhibit A or as amended orally at the City Council meeting of December 27, 2016 are approved and shall be deemed official and become effective January 31, 2017.

**SECTION 2.** Officers of the City are hereby authorized to take such further actions as deemed necessary in order to carry into effect the provisions of this Resolution.

**SECTION 3.** All Resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND ADOPTED on December 27, 2016.**

\_\_\_\_\_  
Steve Gaer, Mayor

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on December 27, 2016, by the following vote:

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

Exhibit A  
Readdressed Parcels

DALLAS COUNTY

<u>Parcel ID #</u>	<u>Existing Address</u>	<u>New Address</u>	<u>Comment</u>
parcel id = 1622400005	8810 Booneville Road	1540 S. 88 <sup>th</sup> Street	Roadway renamed
parcel id = 1623300002	8550 Booneville Road	1650 S. 88 <sup>th</sup> Street	Roadway renamed



**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

DATE: December 27, 2016

No Changes Since First Reading

**ITEM:**

Second reading, waiver of third reading, and final approval of proposed Amendment to Title 7, "Public Ways and Property", Chapter 10, "Trees and Shrubs", Section 7, "General Standards" of the City Code of the City of West Des Moines, Iowa.

**FINANCIAL IMPACT:**

With the approval of this amendment, the City will assume responsibility for the maintenance of City owned trees in the City rights-of-way. The Parks and Recreation staff conducted a financial analysis that indicated benefits in having the City assume the maintenance responsibilities of these City owned trees. While there will be financial costs with regards to City staff and equipment maintaining the trees, the financial analysis indicated an actual savings when compared to the current process. The Finance and Administration Sub-Committee approved the recommendation and the purchase of an aerial lift unit to allow this maintenance to be performed.

**BACKGROUND:**

In the past, maintenance of City owned trees planted in the City rights-of-way has been the responsibility of the adjacent property owner. While by Iowa law trees that are dead, diseased or dying are the responsibility of the City, current code required the adjacent property owner to trim the tree to required street and sidewalk clearances and other maintenance related responsibilities. Oftentimes trees that have not been trimmed for clearance, create both hazards and nuisances for pedestrians and vehicular traffic. In particular they can significantly impede maintenance activities such as solid waste collection, street sweeping and snow removal.

Currently the adjacent property owner is responsible for maintaining trees in the City rights-of-way. If trees are not in compliance the adjacent property owner is sent a certified letter notifying them of what maintenance needs to be completed within a 30 day period. If the work is not performed the City then conducts the maintenance and the property owner is billed for the maintenance that is performed. Council action on this amendment will allow the City to assume all maintenance associated with City owned trees in City rights-of-way.

The Public Services Sub-Committee approved this proposed amendment to the City Code at its meeting held on December 5, 2016. The City Council unanimously approved of the first reading of this proposed Amendment at its meeting held on December 12, 2016.

**OUTSTANDING ISSUES** (if any):           None

**RECOMMENDATION:**

Approval of the second reading, waiver of the third reading, and final approval of this proposed Amendment.

**Lead Staff Member:** Bret Hodne

**STAFF REVIEWS**

Department Director	Bret Hodne, Public Services Director <i>BHL</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>MS</i>
Legal	Jason Wittgraf, Assistant City Attorney
Agenda Acceptance	<i>MS</i>

**PUBLICATION(S)** (if applicable)

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Public Services/F&A		
Date Reviewed	December 5, 2016		
Recommendation	Yes	No	Split

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 7, "PUBLIC WAYS AND PROPERTY", CHAPTER 10, "TREES AND SHRUBS", SECTION 7 "GENERAL STANDARDS"**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**SECTION 1:** Title 7, Chapter 10, Section 7 is hereby amended by deleting ~~strike through~~ text and adding underline text.

**7-10-7: GENERAL STANDARDS:**

Any person growing a tree, or shrub on private property, or growing a tree, shrub, garden, or other vegetative growth, or installing landscaping, structures, or other objects located within private property which encroaches upon the public right of way or that interferes with the vision triangle as provided in this code, or any person growing a public tree or shrub, shall comply with the following standards:

A. Maintenance: ~~Public trees~~ Trees or shrubs located planted within the public right of way that extend over public streets or sidewalks, or that obstruct traffic signs or public utilities, shall be maintained by the city. Trees or shrubs planted on private property that extend over public streets or sidewalks, or obstruct traffic signs or public utilities, shall be maintained by owners of abutting property in accordance with this section and the "City Forestry Standards of Practice and Specifications" at the cost of the property owner. Maintenance includes, but is not limited to, watering, fertilizing, insect and disease control, treatment, and pruning. The city reserves the right to perform maintenance of private or public trees or shrubs that are planted or extend into the public right of way without notice or compensation to the abutting property owner if the city forester determines that such maintenance is necessary to promote and protect the public health, safety, and general welfare. The city may perform maintenance of trees and shrubs located within the public right of way at the discretion of the city forester.

B. Pruning: Subject to the maintenance responsibility provisions cited above, trees ~~Trees or shrubs in the public right of way shall be properly pruned by the abutting property owner and trees or shrubs on private property shall be properly pruned by the property owner~~ for the purpose of preventing the following potentially hazardous situations: The obstruction of traffic signs; the obstruction of a clear view of street and alley intersections; the obstruction of the proper lighting of public streets and places; and the obstruction of public walks, trails, or streets. The minimum vertical clearance of trees and shrubs shall be fourteen feet (14') between the surface of a street and the lowest branch. The minimum vertical clearance shall be eight feet (8') between the surface of a sidewalk, trail, or other pedestrian way and the lowest branch. All pruning shall be done in accordance with the "City Forestry Standards of Practice and Specifications". ~~The city may perform pruning of public trees or shrubs at the discretion of the city forester.~~

C. Avoid Damage or Nuisance: The planting of trees, shrubs, gardens, or other vegetative growth, or the installation of landscaping, structures, or other objects on private property which would cause a public danger or nuisance shall be prohibited.

**D. Street or Alley Intersection:** The planting of trees, shrubs, gardens, or other vegetative growth, or the installation of landscaping, structures, or other objects on corner lots or lots adjacent to an alley within the area bounded by street or alley lines of such lots and a line joining points along said street or alley lines twenty five feet (25') from the point of intersection of the public right of way lines, defined in this code as the "vision triangle", shall be limited to trees, shrubs, gardens, and other vegetative growth, and landscaping, structures, and other objects located within this area that shall not exceed two feet (2') in height, and the lowest branches of any trees planted outside of this area, but the branches of such trees that extend within this area, must be a minimum of ten feet (10') in height. Height shall be measured from the curb elevation and trees, shrubs, gardens, and other vegetative growth must be pruned or maintained to comply with these height restrictions to create an unobstructed view of the intersection between heights of two feet (2') and ten feet (10') above the curb elevation. Notwithstanding these height restrictions, no trees, shrubs, gardens, or other vegetative growth shall be planted within the vision triangle that create or constitute a vision obstruction to vehicular, bicycle, or pedestrian traffic. Similarly, no landscaping, structures, or other objects shall be placed within the vision triangle that create or constitute a vision obstruction to vehicular, bicycle, or pedestrian traffic. The city shall have sole discretion to determine whether a vision obstruction exists for vehicular, bicycle, and pedestrian traffic. There shall be no compensation by the city to the affected property owner for any damage to or removal of any trees, shrubs, gardens, or other vegetative growth, or any damage to or removal of landscaping, structures, or other objects, encroaching upon the public right of way or that interferes with the "vision triangle" as defined in this code.

**E. Dead, Diseased, or Insect Ridden Trees or Shrubs:** Dead, diseased, or insect ridden trees or shrubs shall be subject to the following conditions:

1. **Public Trees or Shrubs:** The city forester shall coordinate treatment or removal of any public tree or shrub which is so hazardous, diseased or insect ridden as to be deemed a nuisance and constitutes a hazard to other trees or shrubs or the public safety. Public trees that are at risk of becoming diseased or insect ridden may be treated or preemptively removed by the city as part of a management plan approved by the city council. Trees in the public right of way not identified for treatment by the city and not deemed a nuisance or a hazard may be treated by the abutting property owner with an approved permit.

2. **Trees or Shrubs Located within Private Property:** The code enforcement officer shall provide written notice to be served on a property owner by personal service, or by certified mail with return receipt requested and regular mail, requiring the treatment or removal within fourteen (14) calendar days of notification of any trees or shrubs located within private property which are dead, diseased or insect ridden so as to be deemed a nuisance and constitute a hazard to public trees or shrubs, other trees or shrubs on private property, or public safety. Such removal, pruning, or treatment as required by provisions of this section shall be subject to the applicable "City Forestry Standards of Practice and Specifications".

**F. Prohibited Trees:** Trees prohibited from being planted within public property shall be identified by the city forester and included on an official list. Copies of this list shall be made available at city offices and on the city website.

**G. Appropriate Trees:** Any tree planted in the public right of way must first meet all requirements listed in the city's tree planting permit. Trees appropriate to be planted within the public right of way are those listed in the most recent edition of Iowa State University's extension bulletin Pm-

1429e "Street Trees" and Pm-1429d "Low-Growing Trees For Urban And Rural Iowa". Copies of these lists are available at city offices and through the Polk County extension office. Other trees or shrubs not listed within these publications, but not prohibited, may be reviewed and approved at the discretion of the city forester.

**SECTION 2. REPEALER.** All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

**SECTION 3. SAVINGS CLAUSE.** If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**DATE: December 27, 2016**

**ITEM:** Resolution - Approval of Development Agreement between the City of West Des Moines and Raccoon River Land Co., L.L.C. regarding the construction of a portion of Grand Prairie Parkway

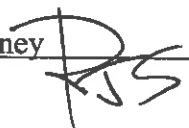
**SYNOPSIS:** The City of West Des Moines and Raccoon River Land Co., L.L.C. have negotiated an Agreement for the construction of a portion of Grand Prairie Parkway from Raccoon River Drive south to the Dallas-Madison County line, including a bridge across the Raccoon River. Under the Agreement, Raccoon River Land Co. will pay \$500,000 and provide approximately 22 acres of property at no cost to the City for the construction by the City of two lanes of an ultimate six lane roadway. Raccoon River Land Co. has also obtained at its cost a permit from the U.S. Army Corps of Engineers necessary for construction of the bridge and roadway, and will facilitate the payment of \$1,000,000 to the City from Hallett Materials, an adjacent mining company. The City will receive property necessary for construction of the bridge through a previous agreement with Martin Marietta Materials, also an adjacent mining company.

Under the Agreement Raccoon River Land Co. will dedicate five acres of property in its proposed residential development to the City, if the City so chooses, for the location of a public services facility, and provide the City the option to purchase an additional five acres for no more than \$25,000 per acre.

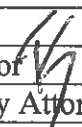

Completion of the bridge and roadway is anticipated to occur no later than December, 2018.

**RECOMMENDATION:** Approve the Development Agreement between the City of West Des Moines and Raccoon River Land Co., L.L.C. regarding the construction of a portion of Grand Prairie Parkway

**Lead Staff Member:** Richard J. Scieszinski, City Attorney



**STAFF REVIEWS**

Department Director	
Appropriations/Finance	Tim Stiles, Finance Director 
Legal	Richard J. Scieszinski, City Attorney
Agenda Acceptance	Ryan T. Jacobson, City Clerk 

**PUBLICATION(S) (if applicable)**

Published In	<i>Des Moines Register</i>
Dates(s) Published	<i>November 25, 2016</i>

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	
Date Reviewed	
Recommendation	

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE  
CITY OF WEST DES MOINES AND RACCOON RIVER LAND CO., L.L.C.  
REGARDING THE CONSTRUCTION OF A PORTION OF GRAND PRAIRIE  
PARKWAY**

**WHEREAS**, the City of West Des Moines and Raccoon River Land Co., L.L.C. have negotiated a Development Agreement for the construction of a portion of Grand Prairie Parkway from Raccoon River Drive to the Dallas-Madison County line; and

**WHEREAS**, notice of the public hearing regarding consideration of the Development Agreement, attached hereto as Exhibit "A" was made on November 25, 2016 in the Des Moines Register; and

**WHEREAS**, this being the time and place for the public hearing regarding consideration and approval of the Development Agreement; and

**WHEREAS**, following consideration by the West Des Moines City Council, it has been determined that it is in the best interest of the City of West Des Moines to approve the Development Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF WEST DES MOINES, IOWA,**

1. The Development Agreement between the City of West Des Moines and Raccoon River Land Co., L.L.C. is hereby approved.
2. The Mayor Pro Tem is authorized to sign the Agreement and the City Clerk is directed to attest to the Mayor's signature on the Agreement.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Jim Sandager, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

RACCOON RIVER LAND  
DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is made as of this \_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF WEST DES MOINES, IOWA (“City”) a municipal corporation with its general offices at 4200 Mills Civic Parkway, West Des Moines, IA 50265 and Raccoon River Land Co., L.L.C. (“Developer”) an Iowa limited liability company with an office at 5000 Westown Parkway, Suite 400, West Des Moines, IA 50266.

RECITALS:

- A. The City, whose municipal boundaries include portions of four counties, desires to have the ability to provide services and public safety to areas annexed in the City located in southeastern Dallas County and Madison County south of the Raccoon River.
- B. The City desires to construct infrastructure in accordance with its comprehensive street circulation plans including the extension of Grand Prairie Parkway south from Raccoon River Drive to the Madison-Dallas County Line.
- C. Developer is the owner of certain real property (“Developer’s Property”), which Developer’s Property includes the potential right-of-way for the future Grand Prairie Parkway south of Raccoon River Drive.
- D. Developer and City jointly applied to the Corps of Engineers and the Iowa Department of Natural Resources for a permit to cross the Raccoon River with a bridge to allow for construction of Grand Prairie Parkway (“Permit”).
- E. The City and Developer desire to enter into this Agreement for the purpose of detailing the responsibilities of each party in order to construct Grand Prairie Parkway in the area described above, including but not limited to the bridge crossing the Raccoon River, with a completion date anticipated to occur in calendar year 2018 assuming full and timely compliance by Developer of the environmental conditions and requirements of the Permit

NOW, THEREFORE, in consideration of the above stated recitals, undertakings and conditions it is agreed as follows:

- I. The Project: The project shall consist of the construction of two lanes and associated improvements of an ultimate six lane roadway, all as specifically shown on Exhibit “A” and hereinafter referred to as the “Project” and which will be located between Raccoon River Drive on the north and the Dallas-Madison County line on the south, including a bridge across the Raccoon River, all as generally shown on the attached Exhibit “B.”
- II. Contributions, Obligations and Undertakings of the Developer:
  - a. Services and Costs to Date. As of the date of this Agreement, Developer has expended related to the Project approximately \$410,000 on engineering for the Project and

\$93,000 for mitigation under the Permit for a total cost of \$503,000 spent by the Developer and which shall be contributed toward construction of the Project.

- b. Right-of-Way. Developer shall dedicate at no cost to the City the right-of-way and all permanent and temporary easements for construction of that portion of the Project to be located on Developer's property located south of the Raccoon River to the Dallas-Madison County Line ("Developer Right-of-Way"). The Developer Right-of-Way comprises approximately 21.25 acres and is shown on Exhibit "C" attached hereto and incorporated herein by reference.
- c. Environmental. Developer shall be solely responsible to comply with the environmental conditions and requirements of the Permit for the construction of the bridge, which shall include the following:
  - (1) Preserve 253.92 acres of existing forested upland by creating a conservation easement in favor of Iowa Natural Heritage Foundation;
  - (2) Restore 2.5 acres of floodplains;
  - (3) Restore approximately 1,011 lineal feet of existing drainage way;
  - (4) Preserve 87 acres of forested wetland;
  - (5) Preserve 22 acres of forested floodplains;
  - (6) Preserve additional forested drainage ways in the Project area;
  - (7) Create 28.5 acres of Indiana Bat Habitat;
  - (8) Create 22.47 acres of forested wetland.
- d. Developer shall contribute \$1,000,000, originally placed in escrow by an adjacent sand quarry operator, to the City towards the cost of the Project, payable upon execution of this Agreement, and shall contribute \$500,000 towards the paving costs of the roadway, payable upon roadway contract construction letting.
- e. Developer agrees that it shall, in a time and manner as mutually agreed between the Developer and the City and reasonably acceptable to both parties, dedicate and transfer at no cost to the City five (5) acres of Developer's Property for the development by the City of a public services facility ("Public Services Property"). As required for access, location of the five (5) acres shall be on or near public right of way. In addition, the City shall have an option to purchase up to five (5) additional acres of Developer's Property (contiguous or otherwise) adjacent to the Public Services Property or located anywhere else on the Developer's Property at a cost not to exceed \$25,000 per acre, which purchase price shall be net of any and all sewer and water connection fees. The option to purchase shall extend from the date of this Agreement until December 31, 2026.

The parties acknowledge and agree that the City maintains the right but not the obligation to construct a public services facility on the Public Services Property, and that upon a determination by the City not to construct the public services facility, Developer shall have no further obligation whatsoever to dedicate the Public Services Property to the City. Failure by the City to construct the public services facility shall



not preclude the City from exercising its option to acquire the five (5) additional acres pursuant to the terms and conditions set forth herein.

The parties hereby acknowledge and agree that the City may acquire the Public Services Property or exercise its option to purchase some or all of the five (5) additional acres prior to City approval of any subdivision plat or site plan related to the Developer's Property. The City must exercise its option to acquire the Public Services Property or purchase the five (5) additional acres within fifteen (15) business days following receipt of written notice of Developer's request for subdivision plat or site plan approval. Failure by the City to acquire the Public Services Property or exercise its option for purchase of the five (5) additional acres shall act as a waiver of the City's right to acquire or purchase the property in that plat or on the property for which the site plan was approved, allowing the Developer to have marketable title for all of that portion of the Developer's Property contained in the subdivision plat or for which the site plan pertains. Failure to acquire either the Public Services Property or the five (5) additional acres following receipt of notice of Developer's intent to obtain subdivision or site plan approval shall not prohibit the City from acquiring the property elsewhere in the Development.

- f. Developer shall work to deliver good and marketable title to the City for property necessary for construction of the Project from any other property owner in the area, including but not limited to property from the quarries located in the Raccoon River Quarries Planned Unit Development.
- g. Developer shall pay its proportionate share of all connection fees imposed by the Raccoon River Connection Fee District for the design and construction of the trunk sanitary sewer line (specifically excluding any service and connector lines) that will serve all of Developer's property. Unless otherwise agreed by the parties, the City shall construct the trunk sewer in phases as requested by the Developer, with consideration given to the ability of Developer to provide property to the City necessary for construction of the sanitary sewer line. Written notice from Developer to the City of no less than twenty four (24) months shall be required prior to initiation of construction by the City of the requested phase.
- h. Developer shall pay its proportionate share for the design and construction of the water transmission line shown on the attached Exhibit "A."
- i. Unless otherwise provided by this Agreement, Developer shall comply with all development and subdivision requirements of the City of West Des Moines, including but not limited to all requirements of the City regarding parkland dedication, streetlights, sidewalks and trails.

III. City's Obligations and Undertaking: As more specifically shown on the attached Exhibit "A," the City hereby agrees to construct at its cost, which includes the donations described in Section II, above, and subject to Section II(g) and II(h), above, the Project, which generally includes the following:

- a. Design roadway and bridge.
- b. Clear and grade right-of-way.
- c. Construct road and bridge in accordance with the Permit and City plans and specifications.
- d. Pave the road in accordance with City plans and specifications and subject to any and all requirements for public right of way under the ordinances of the City.
- e. Plan and construct a trunk sanitary sewer line (specifically excluding any service and connector lines) as part of the Raccoon River Basin Connection Fee District upon receipt of payment from Developer to serve all of Developer's Property. Such trunk sanitary sewer line shall be designed by the City to have the capacity to serve all of the Developer's Property.
- f. Plan and construct to City specifications a water transmission line.
- g. Install or be responsible for the installation of all improvements imposed by the development and subdivision requirements of the City of West Des Moines, including but not limited to streetlights, sidewalks and trails, for that portion of the Project located between Raccoon River Drive on the north and the northern boundary of Developer's property on the south.

The parties acknowledge that the Project will comprise the construction of two lanes of an ultimate six lane roadway and related improvements as set forth in this Agreement, and that the obligation of the parties, if any, regarding future development and construction of the roadway and appurtenant structures is not subject to or addressed by this Agreement.

IV. Time: City agrees that it will endeavor to complete construction of the bridge and roadway by December 31, 2018, assuming full and timely compliance by Developer of the environmental conditions and requirements of the Permit.

V. Representations and Warranties:

(1) Representation and Warranties of the City. The City makes the following representation and warranties:

- a. The City is a municipal corporation and municipality organized under the provisions of the constitution and the laws of the state of Iowa and has power to enter into this Agreement and carry out its obligations and undertakings hereunder.
- b. The execution and delivery of this Agreement, the consummation of the transactions contemplated hereby and the fulfillment of or compliance with the

terms and conditions of the Agreement are not prevented by, limited by, in conflict with, or result in a breach of, the terms, conditions or provisions of any contractual restriction, evidence of indebtedness, agreement or instrument of whatever nature to which the City of now a party or by which it is bound, nor do they constitute a default under any of the foregoing.

- c. All covenants, stipulations, promises and agreements and obligations of the City contained herein shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not of any governing body member, officer, agent, servant or employee of the City in the individual capacity hereof.

(2) Representations and Warranties of Developer. Developer makes the following representations and warranties:

- a. Raccoon River Land Co., L.L.C. is an Iowa limited liability company, duly organized and validly existing under the laws of the state of Iowa and it has all requisite power and authority to own and operate its properties, to carry on its businesses now conducted and as presently proposed to be conducted, and to enter into to perform its obligations under this Agreement.
- b. This Agreement has been duly and validly authorized, executed, and delivered by Developer and, assuming due authorization execution and delivery by the City, is in full force and effect and is a validly legally binding instrument of Developer enforceable in accordance with its terms, except as may be limited by bankruptcy, insolvency, reorganization or other laws relating to or effecting creditors' rights generally.
- c. The execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, and the fulfillment of or compliance with the terms and conditions of this Agreement are not prevented by, limited by, in conflict with or result in a violation or breach of the terms conditions or provisions of the governing documents of Developer or of any contractual restriction, evidence of indebtedness, agreement of instrument of whatever nature to which Developer is now a party or by which it or its property is bound, nor do they constitute a default under any of the foregoing.
- d. There are no actions, lawsuits or proceedings pending or threatened against or affecting Developer in any court or before any arbitrator or before or by any governmental body for which there is a reasonable possibility of an adverse decision which could materially adversely affect the business (present or prospective), financial position or results of operations of Developer or which in manner raises any questions affecting the validity of the Agreement or Developers ability to perform its obligations under this Agreement.
- e. Developer has not received any notice from any local, state or federal official that the activities of Developer with respect to the right-of-way property may or will be

in violation of any environmental law or regulation (other than those notices, if any, of which the City has been previously notified in writing). Developer is not aware of any state or federal claim filed or planned to be filed by any party relating to any violation of any local, state or federal environmental law, regulation or review procedure applicable to the Project and Developer is not currently aware of any violation of any local, state or environmental law, regulation or review procedure which would give any person a valid claim under any state or environmental statute with respect thereto.

- f. Developer has good and marketable title to the Developer Right-of-Way for the Project and shall work with the City and other adjacent land owners to deliver good and marketable title to the right-of-way for the Project which is not a part of the Developer Right-of-Way.

VI. Events of Default Defined. The following shall be Events of Default under this Agreement and the term Event of Default shall mean, whenever it is used in this Agreement, any one or more of the following events:

- (a) Failure by the Developer to substantially observe or perform any covenant, condition, obligation or agreement on its part to be observed or performed under this Agreement;

- (b) The Developer shall:

- (i) file any petition in bankruptcy or for any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under the United States Bankruptcy Act of 1978, as amended, or under any similar federal or state law; or

- (ii) make an assignment for the benefit of its creditors; or

- (iii) admit in writing its inability to pay its debts generally as they become due; or

- (iv) be adjudicated a bankrupt or insolvent; or if a petition or answer proposing the adjudication of the Developer as a bankrupt or its reorganization under any present or future federal bankruptcy act or any similar federal or state law shall be filed in any court and such petition or answer shall not be discharged or denied within ninety (90) days after the filing thereof; or a receiver, trustee or liquidator of the Developer or part thereof, shall be appointed in any proceedings brought against the Developer and shall not be discharged within ninety (90) days after such appointment, or if the Developer shall consent to or acquiesce in such appointment;

- (c) Any representation or warranty made by the Developer in this Agreement, or made by the Developer in any written statement or certificate furnished by the Developer

pursuant to this Agreement, shall prove to have been incorrect, incomplete or misleading in any material respect on or as of the date of the issuance or making thereof; or

(d) Any representation or warranty made by the City in this Agreement shall prove to have been incorrect, incomplete or misleading in any material respect on or as of the date of the issuance.

**City's Remedies on Default.** Whenever any Event of Default referred to in Section VI (a-c) of this Agreement occurs and is continuing, the City, as specified below, may take any one or more of the following actions after (except in the case of an Event of Default under subsections (b) of said Section VI) the giving of thirty (30) days written notice by the City to the Developer of the Event of Default, but only if the Event of Default has not been cured within said thirty (30) days, or if the Event of Default cannot reasonably be cured within thirty (30) days and the Developer does not provide assurances reasonably satisfactory to the City that the Event of Default will be cured as soon as reasonably possible:

(a) The City may suspend its performance under this Agreement until it receives assurances from the Developer, deemed adequate by the City, that the Developer will cure its default and continue its performance under this Agreement;

(b) The City may terminate this Agreement;

(c) The City may take any other action, including legal, equitable or administrative action, which may appear necessary or desirable to recover damages or enforce performance and observance of any obligation, agreement, or covenant of the Developer under this Agreement.

VII. **No Remedy Exclusive.** No remedy herein conferred upon or reserved to the City is intended to be exclusive of any other available remedy or remedies, but each and every remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

VIII. **Developer's Remedies on Default.** Whenever any Event of Default occurs by the City, the Developer may terminate this Agreement, and the Developer may take any legal action it considers necessary to recover damages from the City or to enforce this Agreement, subject to a 120 day written notice to the City with an opportunity for the City to cure the Event of Default during the 120 day notice period.

IX. **No Implied Waiver.** In the event any agreement contained in this Agreement should be breached by the Developer and thereafter waived by the City, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other concurrent, previous or subsequent breach hereunder.

- X. Agreement to Pay Attorneys' Fees and Expenses. Whenever any Event of Default occurs and either party employs attorneys or incurs other expenses for the collection of payments due or to become due or for the enforcement or performance or observance of any obligation or agreement on the part of the other party, the non-prevailing party shall pay to the prevailing party its reasonable attorneys' fees and costs.
- XI. Third Party Compliance. Fulfillment of this Agreement is contingent upon compliance with the obligations of third parties referenced herein, and upon the failure of a third party or parties to fulfill its obligations, this Agreement may be terminated by either the Developer, the City, or both.
- XII. No Third Party Beneficiaries. No rights or privileges of either party hereto shall inure to the benefit of any landowner, contractor, subcontractor, material supplier, or any other person or entity and no such contractor, landowner, subcontractor, material supplier, or any other person or entity shall be deemed to be a third-party beneficiary of any of the provisions contained in this Agreement.

XIII. Miscellaneous.

- (1) Notices and Demands. A notice, demand or other communication under this Agreement by any party to the other shall be sufficiently given or delivered if it is dispatched by a registered or certified mail, postage prepaid, return receipt requested or delivered personally and
- a. in the case the Developer is addressed or delivered personally to Raccoon River Land Co., L.L.C. at 5000 Westown Parkway, Suite 400 West Des Moines, IA 50266; and
  - b. in the case of the City it is addressed to or delivered personally to the City at 4200 Mills Civic Parkway, West Des Moines, IA 50265 Attn: City Manager.
- (2) Counterparts. This agreement may be executed in any number of counterparts each of which will constitute one in the same instrument.
- (3) Governing Office. This agreement shall be governed and construed in accordance with the laws of the state of Iowa.
- (4) Entire Agreement. This Agreement and the exhibits hereto reflect the entire agreement among the parties regarding the subject matter hereof and supersedes all prior agreements, negotiations or discussions weather oral or written. This agreement may not be amended except by subsequent writing signed by all parties hereto.
- (5) Successors and Assigns. This Agreement is intended to and shall inure to the benefit of and be binding upon the parties hereto and their respective permitted accessors and assigns.

XIV. Termination. Unless otherwise terminated as provided in Section VI and Section VII, above, this Agreement shall terminate upon fulfillment by each party of the obligations set forth herein.

[Signatures on Following Pages]

IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in name and its behalf by its Mayor and its sealed to be duly affixed and attested by its City Clerk, and Developer has caused this Agreement to be duly executed in its name and behalf by its authorized representatives all on as of the day first above written.

CITY OF WEST DES MOINES

\_\_\_\_\_  
Jim Sandager, Mayor Pro Tem

ATTEST

\_\_\_\_\_  
City Clerk

STATE OF IOWA            )  
  )  
COUNTY OF POLK        )

On this \_\_\_ day of \_\_\_\_\_, 2016, before me a Notary Public in and for said State, personally appeared Jim Sandager and Ryan T. Jacobson, to me personally known, who being duly sworn, did say that they are the Mayor Pro Tem and City Clerk, respectively, or the City of West Des Moines, Iowa a municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said municipality, and that said instrument was signed and sealed on behalf of said municipality by authority and resolution of its City Council, and said Mayor Pro Tem and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed

\_\_\_\_\_  
Notary Public in and for the State of Iowa



**RACCOON RIVER LAND CO., L.L.C.**  
an Iowa limited liability company

By: William C. Knapp, L.C.  
an Iowa limited liability company  
Managing Member

By: \_\_\_\_\_  
Gerard D. Neugent, Manager

By: RACCOON RIVER INVESTORS, LLC  
Managing Member

By: JSC TRUST  
Member

By: \_\_\_\_\_  
Paul D. Hayes, Trustee

**ACKNOWLEDGEMENTS**

STATE OF IOWA            )  
                                  )ss:  
COUNTY OF POLK        )

This record was acknowledged before me on \_\_\_\_\_ by Gerard D. Neugent, Manager of William C. Knapp, L.C., Member of Raccoon River Land Co., L.L.C.

\_\_\_\_\_  
Notary Public

(Stamp or Seal)

STATE OF IOWA            )  
                                  )ss:  
COUNTY OF POLK        )

This record was acknowledged before me on \_\_\_\_\_ by Paul D. Hayes, Trustee of JSC Trust, Member in Raccoon River Investors, LLC, Member of Raccoon River Land Co., L.L.C.

\_\_\_\_\_  
Notary Public

(Stamp or Seal)

**EXHIBIT "A"**  
**PROJECT SPECIFICATIONS**



**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**Date: December 27, 2016**

**ITEM:** Fox Valley, Generally north of SE Fox Valley Drive and approximately 900' west of SE Beaverbrook Trail – Amend Comprehensive Plan Land Use Map to change approximately 13 acres from Medium Density Residential (MD) to Single Family Residential (SF) and designate the same 13 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) consistent with the Comprehensive Plan Land Use designation - Charles I. & Ruth Colby National Development Trust - CPA 003290-2016/ZC-003292-2016

**RESOLUTION: Approval of Comprehensive Plan Amendment**

**ORDINANCE: Approval of First Reading of Ordinance**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Charles I. & Ruth Colby National Development Trust, is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning for property located in the area north of SE Fox Valley Drive and approximately 900' west of SE Beaverbrook Trail. The applicant is requesting to change approximately 13 acres from Medium Density Residential (MD) to Single Family Residential (SF).

Upon changing the Comprehensive Plan Land Use designations on the property, the applicant is then requesting to designate the same 13 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning consistent with the Comprehensive Plan Land Use designation.

**Plan and Zoning Commission Action:**

Vote: 6-0 approval, with Commissioner Brown absent

Date: December 19, 2016

Motions: Adopt a resolution recommending the City Council approve the request to amend the City's Comprehensive Plan Land Use Map and adopt a resolution recommending the City Council approve the Rezoning Request

**OUTSTANDING ISSUES:** There are no outstanding issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee - *Development & Planning: November 28, 2016*
- Staff Review and Comment
  - *Veteran's Parkway Alignment*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Property Owner/Applicant/Applicant Representative Information

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approval of the Comprehensive Plan Land Use Map amendment for approximately 13 acres from Medium Density Residential (MD) to Single Family Residential (SF); and approve the rezoning request to amend the Zoning Map to designate the same 13 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning consistent with the Comprehensive Plan Land Use designation, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP **BP**

**Staff Reviews:**

Department Director	<b>JA</b>
Appropriations/Finance	
Legal	<b>W</b>
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

Published In	Des Moines Register
Date(s) Published	December 9, 2016
Letter sent to surrounding property owners	December 6, 2016

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	November 28, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Resolution – Approval of the Comprehensive Plan Amendment
- Attachment B - Resolution – Approval of the Rezoning
- Exhibit A - Conditions of Approval
- Attachment C - City Location Map
- Attachment D - Location Map
- Attachment E - Comprehensive Plan Map
- Attachment F - Current Zoning Map
- Attachment G - Comprehensive Plan Land Use Map Amendment and Rezoning Sketch
- Exhibit II - Council Resolution – Approval of Comprehensive Plan Amendment
- Exhibit III - Ordinance for Rezoning

**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION COMMUNICATION**

**Meeting Date:** December 19, 2016

**Item:** Fox Valley, Generally north of SE Fox Valley Drive and approximately 900' west of SE Beaverbrook Trail – Amend Comprehensive Plan Land Use Map to change approximately 13 acres from Medium Density Residential (MD) to Single Family Residential (SF) and designate the same 13 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) consistent with the Comprehensive Plan Land Use designation - Charles I. & Ruth Colby National Development Trust - CPA 003290-2016/ZC-003292-2016

**Requested Action:** Approval of Comprehensive Plan Land Use Map Amendment and Rezoning

**Case Advisor:** Brian S. Portz, AICP *BS*

**Applicant's Request:** The applicant, Charles I. & Ruth Colby National Development Trust, is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning for property located in the area north of SE Fox Valley Drive and approximately 900' west of SE Beaverbrook Trail. The applicant is requesting to change approximately 13 acres from Medium Density Residential (MD) to Single Family Residential (SF).

Upon changing the Comprehensive Plan Land Use designations on the property, the applicant is then requesting to designate the same 13 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning consistent with the Comprehensive Plan Land Use designation.

**History:** The property was annexed into the City as a part of the Orilla Road annexation. The property has not been previously platted. This property will be plat 4 of the Fox Valley development. Homes are currently under construction within plats 1 & 2. The preliminary plat for Plat 3 to the east and southeast of Plat 4 was approved in May of 2016.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on November 28, 2016. Councilmembers had no comments and expressed no disagreement with the proposal.

**Staff Review and Comment:** This request was distributed to various City departments and outside agencies for their review and comment. Staff would note the following:

- **Veteran's Parkway Alignment:** The exact alignment of Veteran's Parkway directly to the north of this property has not yet been determined. The location of Veteran's Parkway and the Great Western Trail may impact the layout of the property in question. The applicant has been made aware of this and has chosen to proceed with the land use and zoning modifications.

Best practice is to avoid placement of single family residential land use along a major street corridor. The applicant has indicated that a relatively large outlot for detention may potentially be located between Veteran's Parkway and the future single family lots, thus providing good separation between the street and the future residents and enough space to accommodate some minor changes in roadway or trail alignment. Final alignment of Veterans Parkway and the Great Western Trail should be determined prior to the applicant proceeding with official platting of the property into residential lots.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**Noticing Information:** On December 9, 2016, notice for the December 19, 2016, Plan and Zoning Commission and December 27, 2016, City Council Public Hearings on this project was published in the Des Moines Register. Notice

of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on December 6, 2016.

**Staff Recommendation And Conditions Of Approval:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, Staff recommends the Plan and Zoning Commission adopt a resolution to approve the Comprehensive Plan Land Use Map amendment for approximately 13 acres from Medium Density Residential (MD) to Single Family Residential (SF); and approve the rezoning request to amend the Zoning Map to designate the same 13 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning consistent with the Comprehensive Plan Land Use designation, subject to the applicant meeting all City Code requirements.

**Property Owner/Applicant:** Charles I. & Ruth Colby National Development Trust  
6581 University Avenue  
Windsor Heights, IA 50311  
Attn: Theresa Greenfield  
[theresa@colbyinterests.com](mailto:theresa@colbyinterests.com)

**Applicant's Representatives:** Civil Engineering Consultants  
2400 86<sup>th</sup> Street, Suite 12  
Des Moines, IA 50322  
Attn: Ed Arp  
[arp@ceclac.com](mailto:arp@ceclac.com)

**ATTACHMENTS:**

Attachment A	-	Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
Attachment B	-	Plan and Zoning Commission Resolution – Rezoning
Exhibit A	-	Conditions of Approval
Attachment C	-	City Location Map
Attachment D	-	Location Map
Attachment E	-	Comprehensive Plan Map
Attachment F	-	Current Zoning Map
Attachment G	-	Comprehensive Plan Land Use Map Amendment and Rezoning Sketch

RESOLUTION NO. PZC-16-077

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP FOR 13 ACRES FROM MEDIUM DENSITY RESIDENTIAL (MD) TO SINGLE FAMILY RESIDENTIAL (SF)**

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Charles I. & Ruth Colby National Development Trust, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-003290-2016) to change the land use designation from Medium Density Residential (MD) to Single Family Residential (SF) of approximately 13 acres generally located north of SE Fox Valley Drive and approximately 900' west of SE Beaverbrook Trail and within the area legally described as:

**Legal Description**

PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ SECTION OF 4-77-25 IN AND NOW FORMING A PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA


WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on December 19, 2016, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-003290-2016);

**NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The request for a change in the land use designation from Medium Density Residential (MD) to Single Family Residential (SF) for approximately 13 acres in the area north of SE Fox Valley Drive and approximately 900' west of SE Beaverbrook Trail, is recommended to the City Council for approval.

**PASSED AND ADOPTED on December 19, 2016.**

  
\_\_\_\_\_  
Craig Erickson, Chairperson  
Plan and Zoning Commission

ATTEST:

  
\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 19, 2016, by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth  
NAYS: -0-  
ABSTENTIONS: -0-  
ABSENT: Brown

ATTEST:

  
\_\_\_\_\_  
Recording Secretary



RESOLUTION NO. PZC-16-078

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE REZONING REQUEST (ZC-003292-2016) FOR THE PURPOSE OF CONSISTENCY ZONING APPROXIMATELY 13 ACRES OF PROPERTY LOCATED NORTH OF SE FOX VALLEY DRIVE AND APPROXIMATELY 900' WEST OF SE BEAVERBROOK TRAIL**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Charles I. & Ruth Colby National Development Trust, has requested approval of a Rezoning Request for that property located in the area north of SE Fox Valley Drive and approximately 900' west of SE Beaverbrook Trail to amend the Zoning Map and designate 13 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning consistent with the Comprehensive Plan Land Use designation;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on December 19, 2016, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-003290-2016);

**NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings, for approval, in the staff report, dated December 19, 2016, or as amended orally at the Plan and Zoning Commission hearing of December 19, 2016, are adopted.

**SECTION 2.** REZONING REQUEST (ZC-003292-2016) to designate 13 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated December 19, 2016, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on December 19, 2016.

  
Craig Erickson, Chairperson  
Plan and Zoning Commission

ATTEST:

  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 19, 2016, by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth

NAYS: -0-

ABSTENTIONS: -0-

ABSENT: Brown

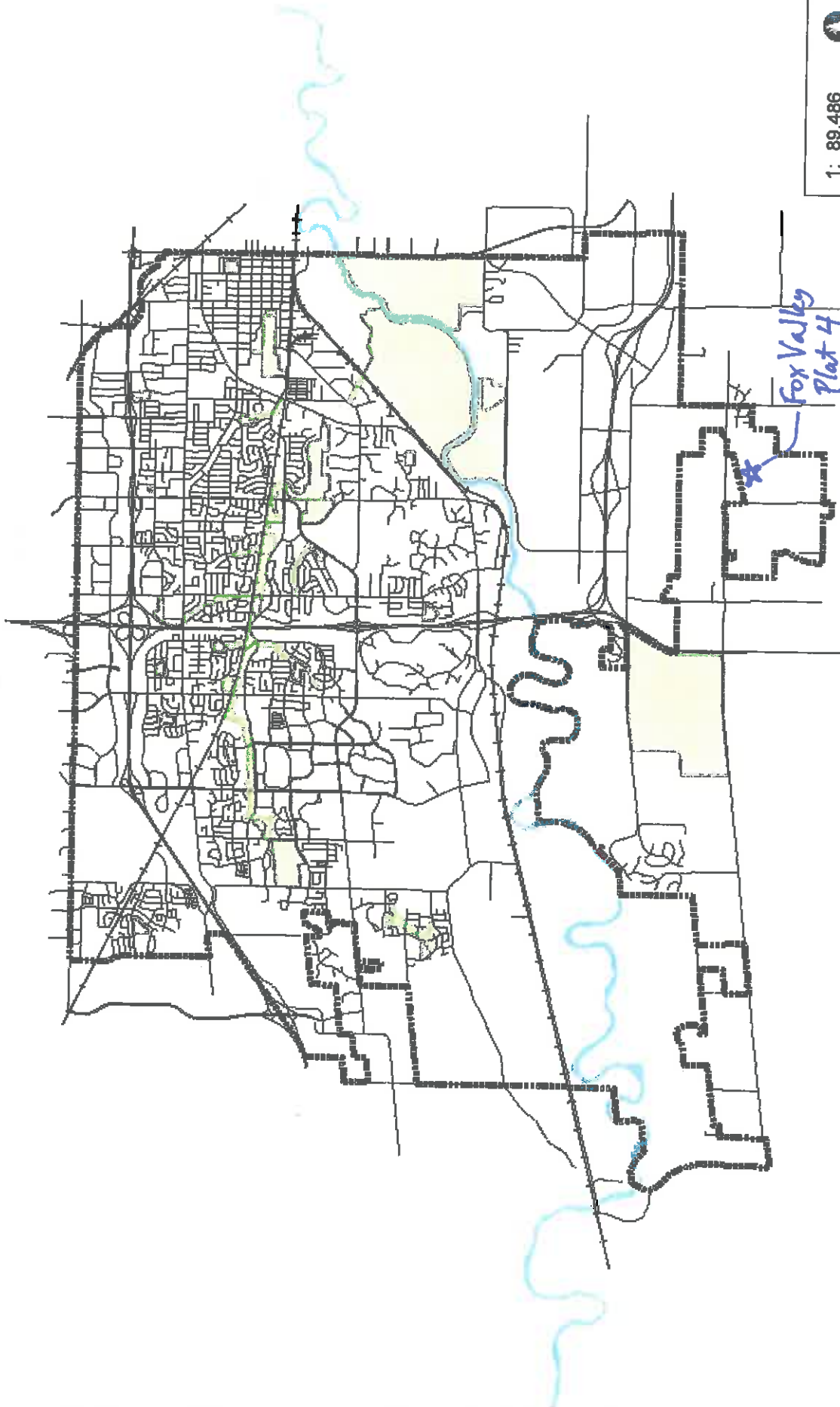
ATTEST:

  
Recording Secretary

**EXHIBIT A**  
**Conditions of Approval**

**No Conditions of Approval**

# Location Map



1: 89,486



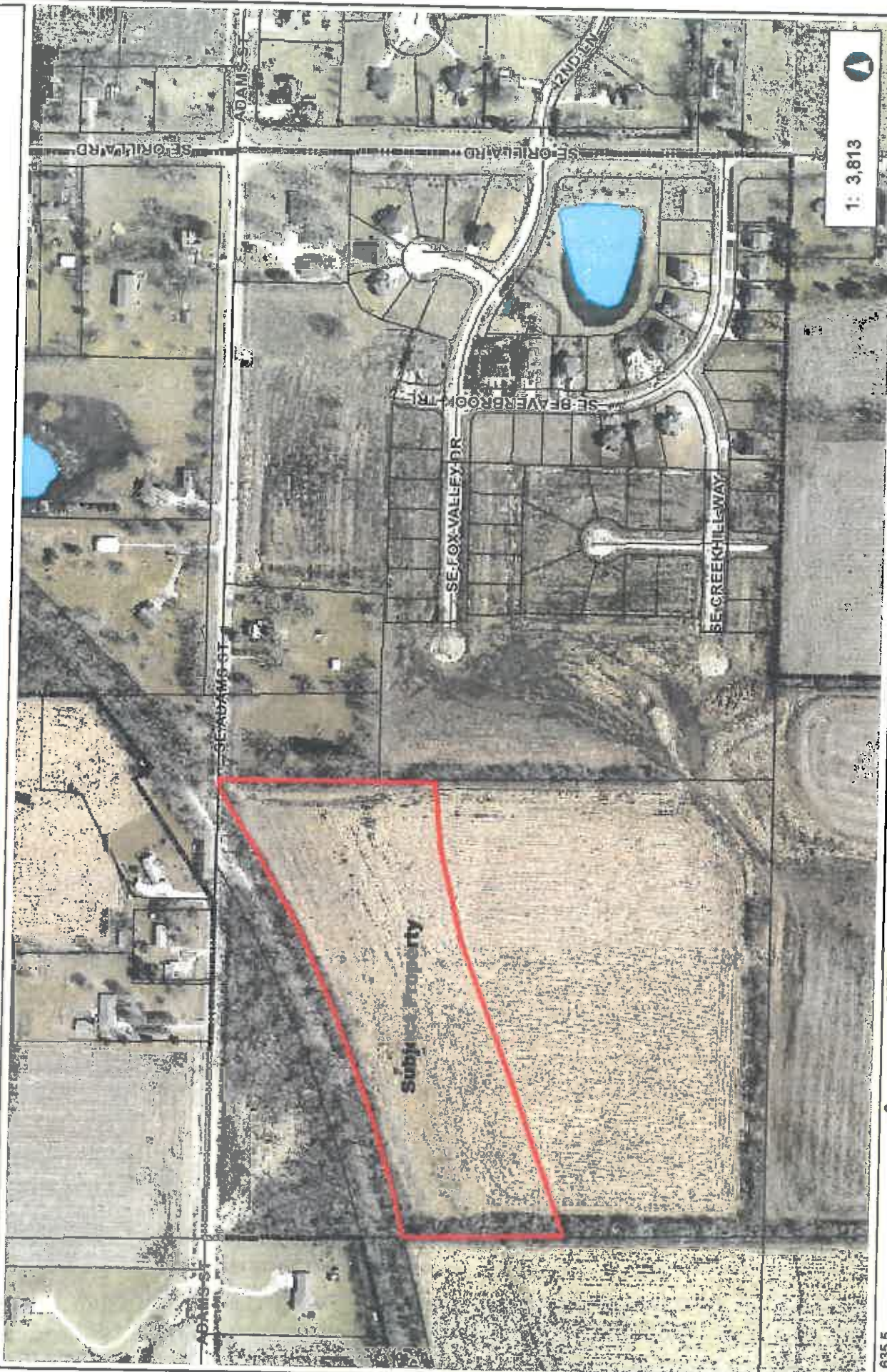
14,914.4 0 7,457.19 14,914.4 Feet

NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet  
 © City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# Fox Valley Plat 4



1: 3,813



635.5 Feet

317.74

0

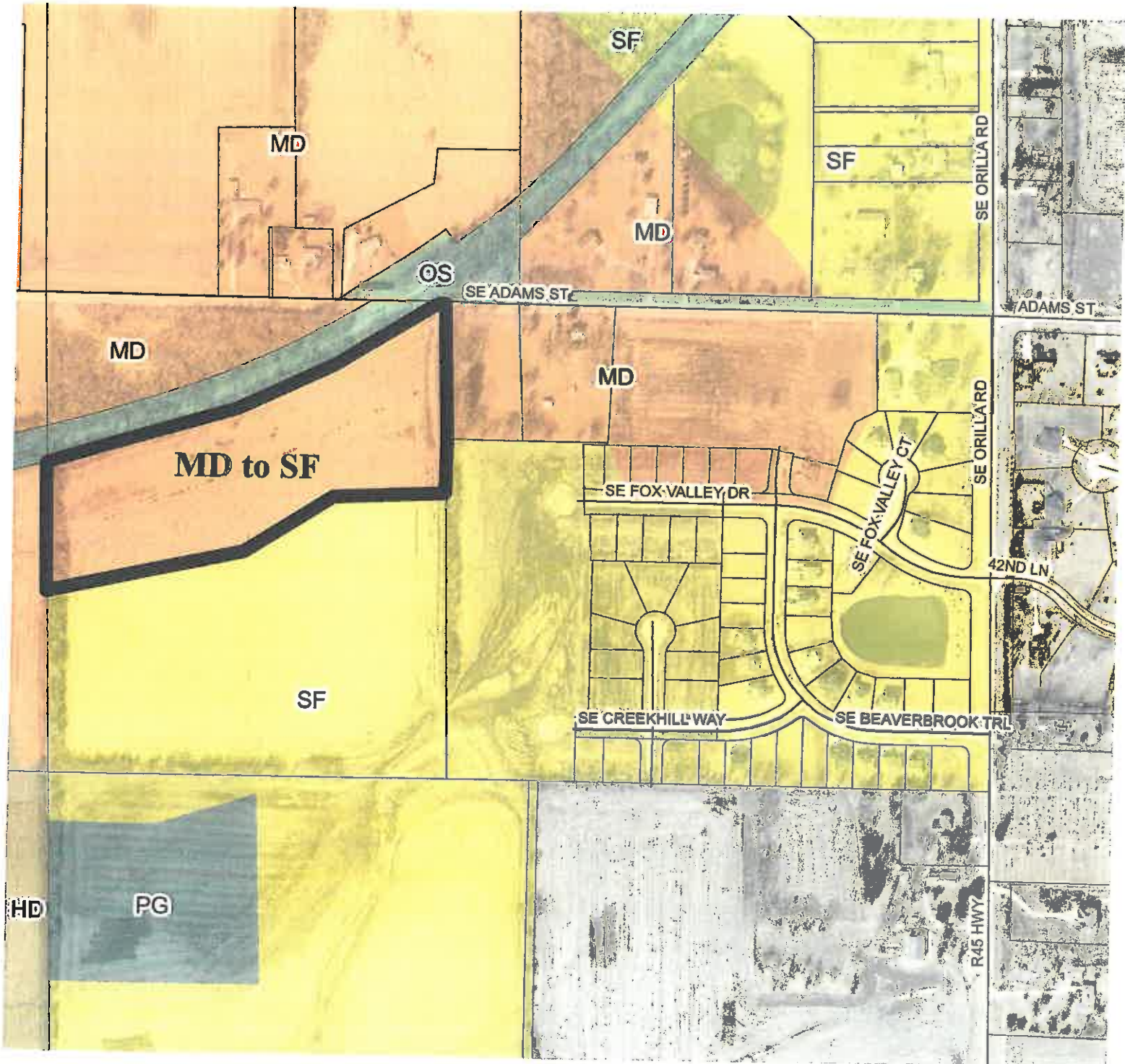
635.5 Feet

NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet  
© City of West Des Moines, Iowa

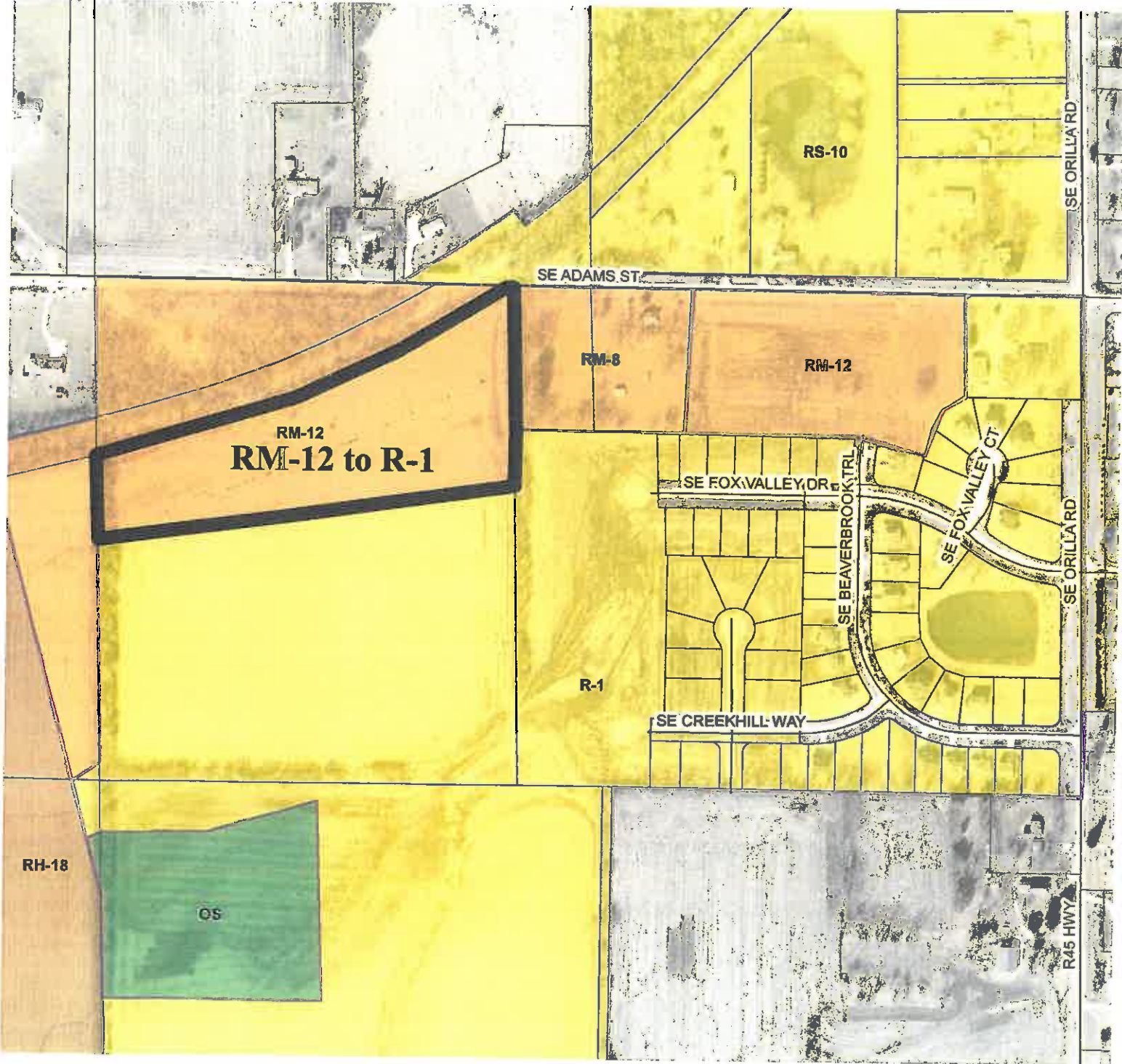
Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# Fox Valley Comprehensive Plan Land Use Amendment



# Fox Valley Rezoning Request



OWNER: CHARLOTTE  
ANNETTE & MICHAEL  
JOHN KENDALL

OWNER/DEVELOPER  
CHARLES I. COLBY & RUTH COLBY NATIONAL  
DEVELOPMENT TRUST  
8301 UNIVERSITY AVE.  
WINDSOR HEIGHTS, IOWA 50311

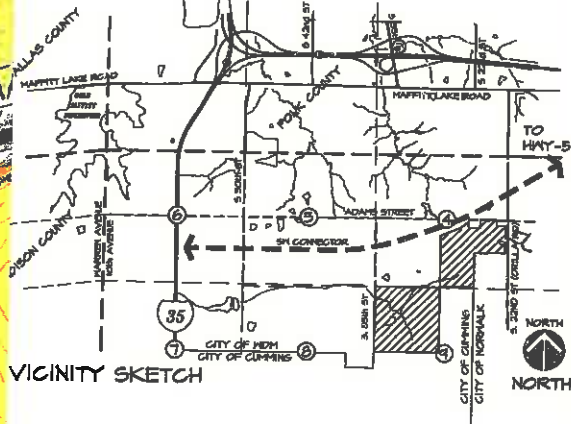
PROPOSED VETERAN'S PARKWAY  
GWBT  
1000' R.O.W.  
GREAT WESTERN  
TRAIL

LAND USE:  
HIGH DENSITY RES.  
ZONING:  
RH-10 RESIDENTIAL HIGH  
DENSITY

OWNER: ALLEN & PHYLLIS  
HANKINS

LAND USE: HIGH DENSITY RES.  
ZONING: RH-10 RESIDENTIAL  
DENSITY

CITY PARK  
15 ACRES  
TOTAL



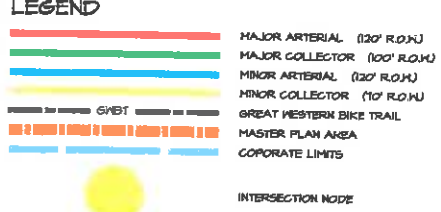
COMPREHENSIVE PLAN  
EXISTING: MEDIUM DENSITY RESIDENTIAL (M-D)  
PROPOSED: SINGLE FAMILY RESIDENTIAL (SF)

ZONING  
EXISTING \_\_\_\_\_ PROPOSED \_\_\_\_\_  
AREA A = (R-1-2) RESIDENTIAL MEDIUM DENSITY / (R-1) SINGLE FAMILY RESIDENTIAL  
(13 ACRES)

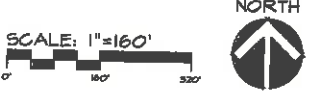
LEGAL DESCRIPTION  
PART OF N 1/2 SE 1/4 SECTION 4-TT-25 AND THE SW 1/4 SE 1/4 SECTION 4-TT-25 AND THE NW 1/4 SECTION 4-TT-25 ALL IN AND PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA.

BENCHMARK  
CITY OF WEST DES MOINES NETWORK POINT #10  
#5 REBAR ENCASED IN A 6" DIA. X 48" MINIMUM DEPTH CONCRETE CYLINDER WITH A 1/2" DIA. ALUMINUM CAP AFFIXED TO THE TOP OF THE REBAR.  
CITY OF WEST DES MOINES DATUM = 145.41  
USGS DATUM = 964.98

IOWA SOUTH ZONE (1402)  
HORIZ. DATUM: NAD83/NRS2007  
VERT. DATUM: NAVD 1988  
US SURVEY FEET  
NORTHING: 5510216.4  
EASTING: 1576949.14  
ORTHOMETRIC HEIGHT: 964.98  
ELLIPSOID HEIGHT: 967.795 FT GCS10D9  
LATITUDE: 41°30'45.85500"  
LONGITUDE: 93°43'54.53560"  
MAPPING ANGLE: -0°0'10"  
COMBINATION SCALE FACTOR: 0.999921643



NOTES  
1. AREA NORTH OF ADAMS STREET WILL BE SERVED BY A FUTURE SANITARY SEWER FROM THE NORTH.  
2. PHASING SHALL COMMENCE FROM THE NORTHEAST CORNER AND PROCEED TO THE SOUTHWEST.



Civil Engineering Consultants, Inc  
2400 86th Street - Unit 12 - Des Moines, Iowa 5031  
515.276.4884 - Fax: 515.276.7084 - mail@cec.iac.com

DATE	REVISIONS	COMMENTS
11-08-2016	1	12-02-2016
	2	
	3	
	4	
	5	
	6	

FOX VALLEY 2016 (2)  
WEST DES MOINES, IOWA  
COMPREHENSIVE PLAN AMENDMENT/REZONING SKETCH

Prepared by: B. Portz, Development Services Dept., PO Box 65320 West Des Moines IA 50265-0320 (515) 273-0770  
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

### **RESOLUTION**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING THE COMPREHENSIVE PLAN AMENDMENT (CPA-003290-2016) TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP FOR 13 ACRES FROM MEDIUM DENSITY RESIDENTIAL (MD) TO SINGLE FAMILY RESIDENTIAL (SF)**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owner, Charles I. & Ruth Colby National Development Trust, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-003290-2016) to change the land use designation of approximately 13 acres from Medium Density Residential (MD) to Single Family Residential (SF) and located within the following legally described property as illustrated on attached Exhibit A.

#### **LEGAL DESCRIPTION**

**PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ SECTION OF 4-77-25 IN AND NOW FORMING A PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA**

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on December 19, 2016, the Plan and Zoning Commission did recommend the City Council approve the Comprehensive Plan Amendment (CPA-003290-2016);

**WHEREAS**, on December 27, 2016, this City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment (CPA-003290-2016);

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA DOES HEREBY FIND AND RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings as stated in the staff report, dated December 27, 2016, or as amended orally at the City Council hearing of December 27, 2016, are adopted.

**SECTION 2.** The amendment of the Comprehensive Plan Land Use Map as described above is hereby adopted.



PASSED AND ADOPTED on December 27, 2016.

---

Jim Sandager, Mayor pro tem

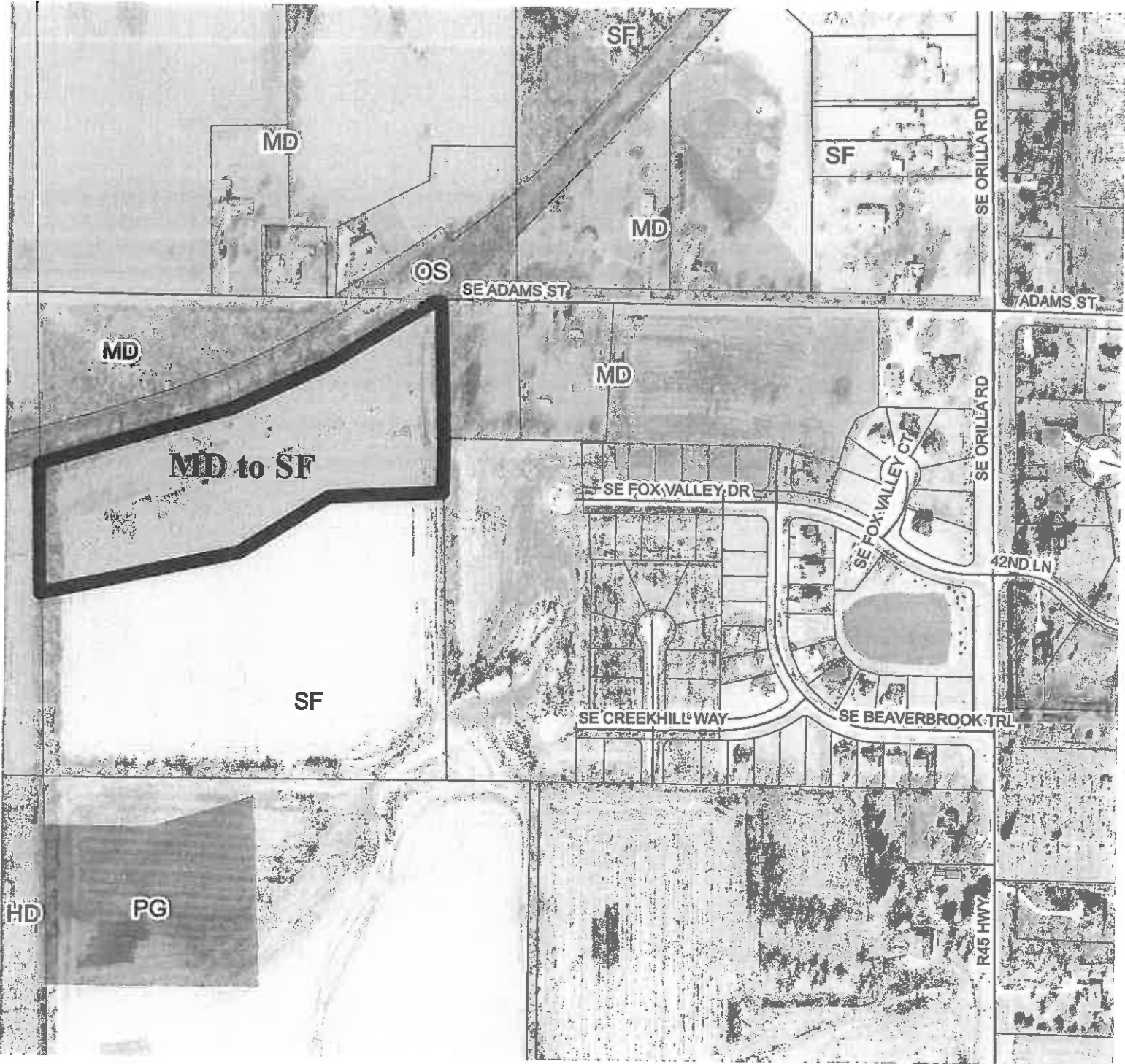
I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on December 27, 2016, by the following vote:

ATTEST:

---

Ryan T. Jacobson  
City Clerk

# Fox Valley Comprehensive Plan Land Use Amendment



Prepared by: B. Portz, Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, (515)222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9: ZONING, CHAPTER 4: ZONING DISTRICTS AND MAP**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**SECTION 1. AMENDMENT:** The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by rezoning the portions of the following legally described property as illustrated on attached Exhibit A from Medium Density Residential (RM-12) to Single Family Residential (R-1) in compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

**Legal Description**

**PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ SECTION OF 4-77-25 IN AND NOW FORMING A PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA.**

**SECTION 2. SAVINGS CLAUSE.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 3. VIOLATIONS AND PENALTIES.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in title 1, Chapter 4, Section 1 and Section 2 of the City Code of the City of West Des Moines, Iowa.

**SECTION 4. OTHER REMEDIES.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm, or corporation for violation of any section or subsection of this Ordinance.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Approved and passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Steven K. Gaer, Mayor

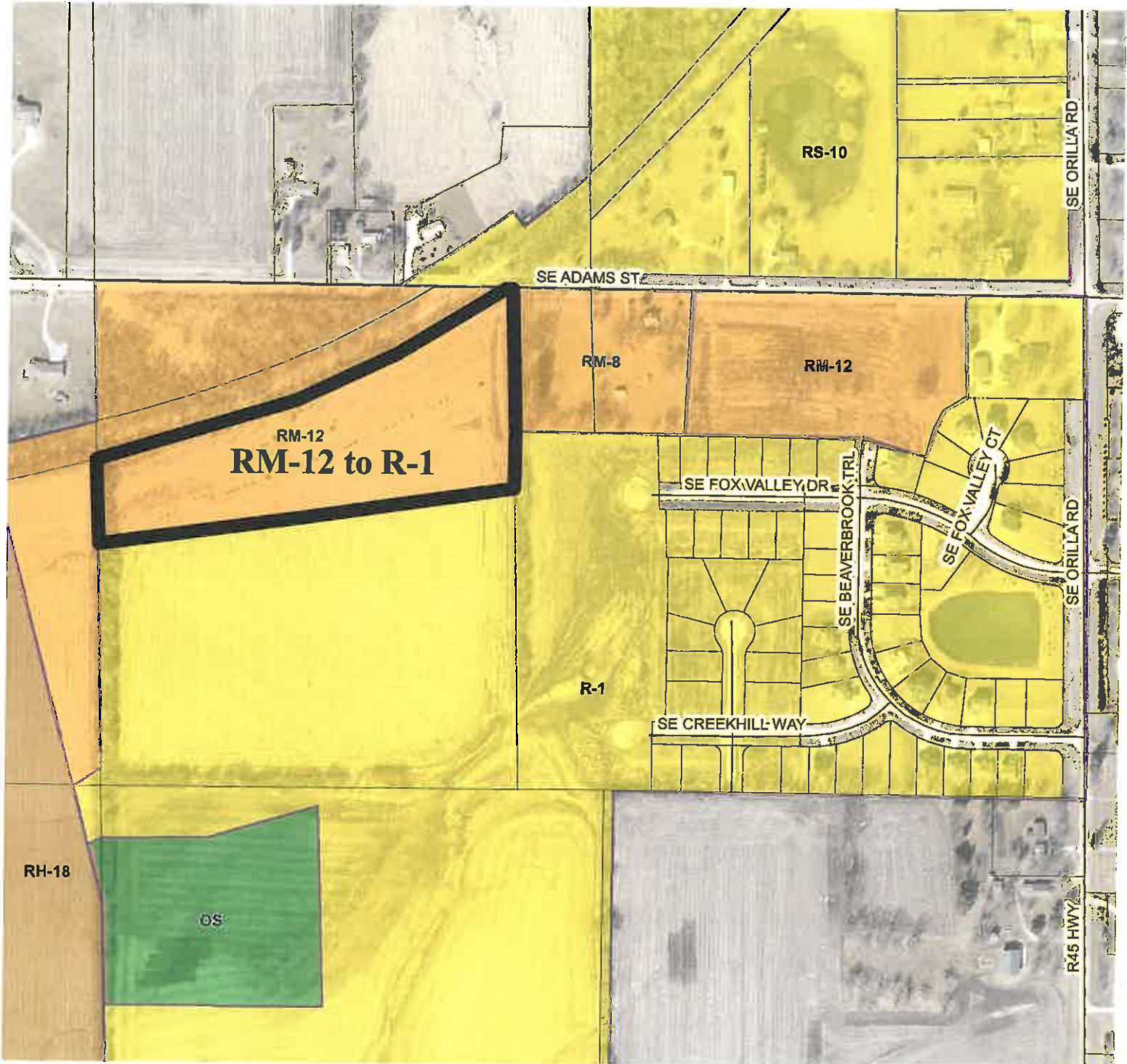
**ATTEST:**

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

# Fox Valley Rezoning Request



**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**ITEM:** Osmium Annexation - City Initiated

**DATE:** December 27, 2016

**RESOLUTION:** Approval of Voluntary Annexation

**FINANCIAL IMPACT:** Generally, as the area develops, costs should be anticipated for additional Fire, Police, Public Services, and EMS services. These costs would be offset through property taxes collected as development occurs. The extension of both sanitary sewer and water has been addressed through the establishment of Fee Districts. The public improvements depicted on Exhibit I that will occur as a result of Microsoft's Project Osmium will be paid through the property taxes collected from the Osmium site and the minimum assessment agreement that has been put into place to cover the bonds for those costs.

**BACKGROUND:** Microsoft is purchasing a 200-acre site just south of the current corporate limits of the City of West Des Moines on which they are proposing the construction of a 1.7 million square foot data center. Of the 200 acres, 160 acres are in Warren County and 40 acres are located in Madison County. In order to make a physical connection with the current City limits, the City is annexing the IDOT right of way along I-35 from the present City Limits to the south edge of the Microsoft project site. In addition to the IDOT right of way, staff is proposing annexation of a 23.43 acre parcel just north of Adams Street and an 80 acre parcel just south of Adams Street and adjoining the Microsoft site on the north. All of these parcels are all located in Warren County. Besides the Iowa Department of Transportation's right of way, there are three property owners, Microsoft, Vicky Haluska, and Colby Trust involved with the annexation. All parcels are consenting parcels. This is a 100 % voluntary annexation, see Exhibit II.

A breakdown of the ownership is as follows:

IDOT row	54.09 acres
Microsoft	160.00 acres
Colby Trust	99.55 acres
Vicky Haluska	<u>36.98 acres</u>
Total acreage	350.62 acres

Staff would note that at the time that the annexation was initiated Microsoft was not a property owner. Only recently have they closed on the 160-acre parcel previously owned by the Colby Trust. Their annexation application is attached.

The City of West Des Moines currently has an annexation agreement with the City of Cumming. All of the area that the City of West Des Moines is proposing to annex is in accordance with the annexation agreement. Because the Microsoft site directly abuts the City of Cumming's corporate limits on the south side of their site, and because if we would annex to the Cumming city limits we would create an urban island of unincorporated area to the east of I-35, the City of West Des Moines will annex 50 feet short of Cumming's City Limits so as not to form the urban island. This is consistent with past practices of City of West Des Moines in order to avoid creation of urban islands. This is also consistent with past practices of the City Development Board, the State agency tasked with reviewing and approving annexations.

- **NOTICING INFORMATION:** Attached hereto as Exhibit V is the noticing information for the annexation request. Notices were sent by certified mail to the following:

- All affected public utilities,
- Iowa Department of Transportation,
- Warren County Board of Supervisors,
- Madison County Board of Supervisors,
- City of Cumming,
- Norwalk School District, and
- Winterset School District

Notice of the December 27, 2016, hearing was published in the Madisonian on December 7, 2016, and the Indianola Record Herald on December 14, 2016. As a courtesy, staff sent notice of the December 27, 2016, hearing via regular mail to the property owners whom have petitioned for voluntary annexation into the City, as well as adjacent land owners to the annexation boundaries as required by State Code.

Also, in accordance with State Code, staff sent a list of property owners included in the annexation, a map of the boundaries, and the legal description of the annexation area (Exhibit III) to the Warren County and Madison County Auditors for verification of boundaries and ownership. Staff has received word from both Counties that the information is correct.

**OUTSTANDING ISSUES** (if any): There are no outstanding issues.

**RECOMMENDATION:** Staff recommends the adoption of the resolution approving the voluntary annexation as proposed.

**Lead Staff Member:** Clyde E. Evans, AICP, Community and Economic Development

**STAFF REVIEWS**

Department Director	Clyde E. Evans, Director, Community and Economic Development <i>CEV</i>
Appropriations/Finance	<i>[Signature]</i>
Legal	<i>[Signature]</i>
Agenda Acceptance	<i>[Signature]</i>

**PUBLICATION(S)** (if applicable)

Published In	Madisonian & Indianola Record Herald
Dates(s) Published	12-7-16 / 12-14-16

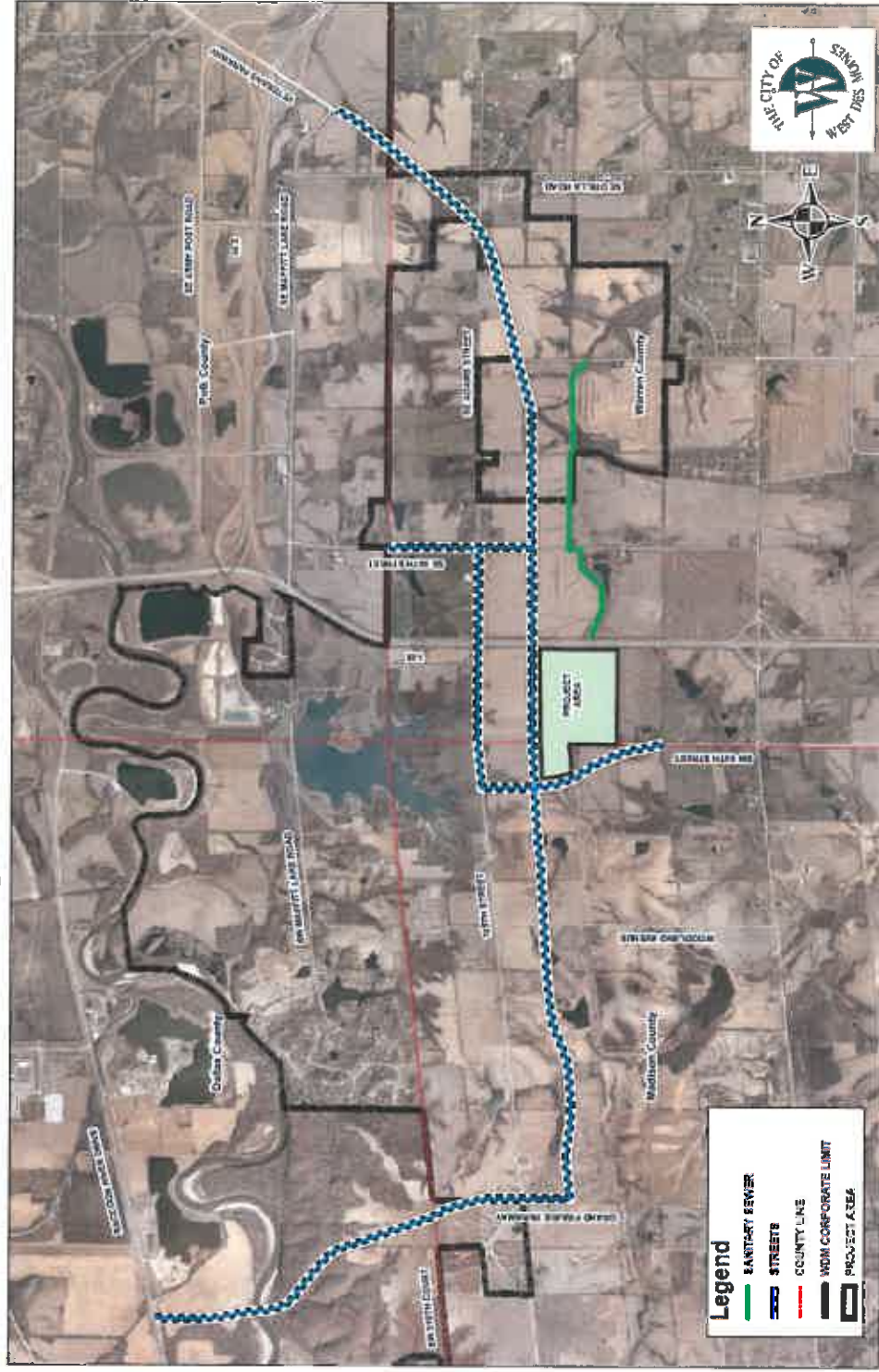
**SUBCOMMITTEE REVIEW** (if applicable)

Committee	
Date Reviewed	
Recommendation	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Attachments:**

- |             |  |
|-------------|--|
| Exhibit I   | Infrastructure Map   |
| Exhibit II  | Location map   |
| Exhibit III | Legal Description  |
| Exhibit IV  | Applications for Voluntary Annexation -<br>Consenting Property Owners List |
| Exhibit V   | Affidavit of Mailing / Noticing Information                                |
| Exhibit VI  | Resolution   |

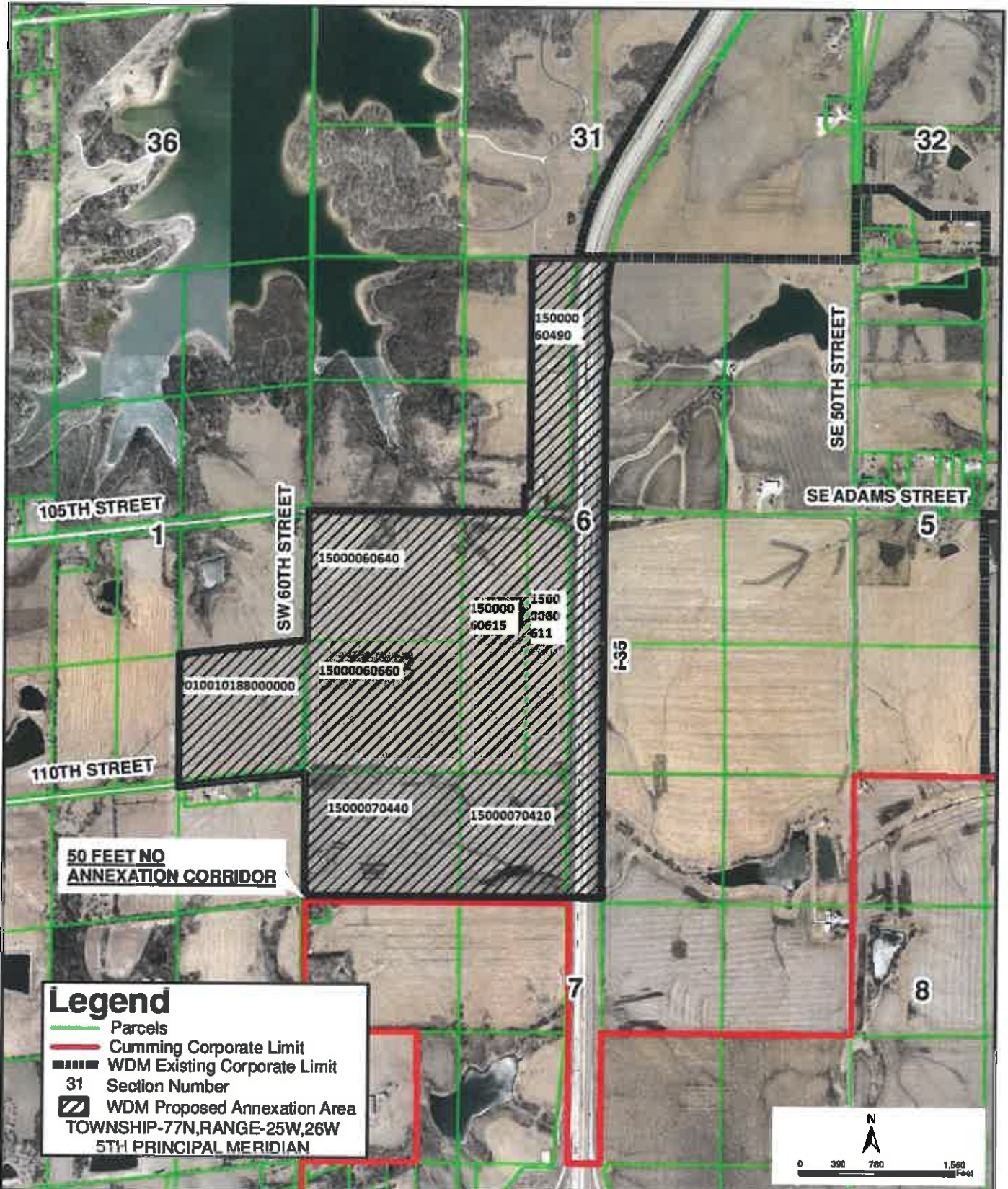
## Microsoft Osmium Project



- Microsoft's 3<sup>rd</sup> Data Center in West Des Moines
- 160 acres in Warren County
- 40 acres in Madison County
- 200 total acres
- Four phases of construction
- Each phase is a minimum of 425,250 square feet in size with an estimated building value of \$245,310,000 for each phase
- Total construction is 1,701,000 square feet with an total estimated building value of \$981,240,000







**Legend**

- Parcels
- Cumming Corporate Limit
- WDM Existing Corporate Limit
- 31 Section Number
- WDM Proposed Annexation Area

TOWNSHIP-77N,RANGE-25W,26W  
5TH PRINCIPAL MERIDIAN



**CITY OF WEST DES MOINES  
ENGINEERING SERVICES**  
4200 MILLS CIVIC PARKWAY  
WEST DES MOINES, IOWA 50285  
PH: 515.222.3475 FAX: 515.273.0603

PROJECT:	<b>OSMIUM PROPOSED ANNEXATION</b>		
LOCATION:	<b>WARREN AND MADISON COUNTIES</b>		
DRAWN BY:	REF	DATE:	11/03/2016
		SHT.	1 OF 1

**EXHIBIT A  
LEGAL DESCRIPTION  
OSMIUM DEVELOPMENT ANNEXATION  
CITY OF WEST DES MOINES**

TWO TRACTS OF LAND LOCATED SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, AND SECTIONS 6 AND 7 TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA, ARE INCLUDED IN AN AREA BEING PETITIONED FOR ANNEXATION INTO THE CITY OF WEST DES MOINES, IOWA, SAID TRACTS OF LAND BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

TRACT 1 – MADISON COUNTY

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 1, TO THE POINT OF BEGINNING.

TRACT 2 – WARREN COUNTY

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, TO A POINT 688.80 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO THE NORTH RIGHT OF WAY LINE OF ADAMS STREET, WITH SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO A POINT LOCATED 257.79 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH 90°00'00" EAST (ASSUMED BEARING), A DISTANCE OF 60.00 FEET;

THENCE NORTH 00°07'39" WEST (ASSUMED BEARING), A DISTANCE OF 2,339.66 FEET, TO THE NORTH LINE OF SAID SECTION 6;

THENCE EAST, ALONG THE NORTH LINE OF SAID SECTION 6, TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE WEST LINE OF SAID SECTION 7;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 7, TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 6, TO THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET (WARREN COUNTY);

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ADAMS STREET, TO THE POINT OF BEGINNING.



**APPLICATION FOR VOLUNTARY ANNEXATION**  
**City of West Des Moines**

The undersigned, Veronica A. Haluska and John O. Tank, owner(s) or authorized representative(s) of the owner(s) of all property legally described in "Exhibit A" attached hereto and by this reference made a part hereof, and as shown on the map "Exhibit B" attached hereto and by this reference made a part hereof, authorized to execute this application on behalf of Veronica A. Haluska and John O. Tank the owners(s) of the property legally described in "Exhibit A," respectfully **request the property be annexed and become a part of the City of West Des Moines, Iowa.**

This approval is contingent upon the sale of the Property to the buyer under an existing Purchase Agreement. If this sale does not close, this application may be withdrawn.

Property Owner(s): Veronica A. Haluska Date: OCTOBER 12, 2016  
Veronica A. Haluska  
John O. Tank Date: 10/12/2016  
John O. Tank

*Iowa Code Section 368.7 gives the landowner(s) consenting to voluntary annexation of their land the right to withdraw consent to annexation within three business days after the public hearing on the application to annex land unless this right is waived.*

*I hereby waive my right to withdraw consent to annexation within three business days after the public hearing on the application as evidenced by my signature below.*

Property Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_  
Veronica A. Haluska  
\_\_\_\_\_  
John O. Tank Date: \_\_\_\_\_

\*\*\*\*\*

- Attachments: Exhibit A: Legal Description of the property.  
Exhibit B: Map showing location of the property within the proposed annexation area.

The City of West Des Moines will provide the necessary attachments; however, the applicant may provide them instead.

**AFFIDAVIT OF MAILING**

**RE: ANNEXATION/PUBLIC HEARING NOTIFICATION: Osmium Voluntary Annexation**

STATE OF IOWA                    )  
  ) SS:  
COUNTY OF POLK                )

The undersigned, first being duly sworn, states that on the 7<sup>th</sup> day of December, 2016, he/she personally mailed to the named persons identified on the attached Exhibit 'V', a packet of information regarding a proposed voluntary annexation for territory in Warren and Madison Counties into the City of West Des Moines. Such mailing was done by certified mail, each such document being mailed in a sealed envelope with proper postage thereon, addressed to the said persons at their last known addresses.



SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of December, 2016.

*Christine Gordon*  
Notary Public - State of Iowa



	Last	First	Title/Business	Address	City	State	Zip	Certified Mail
Consultation Hearing	Becker, Mayor	Tom	City Council of the City of Cumming	PO Box 100	Cumming	IA	50061	7015-0640-0001-4423-7051
<b>Auditor</b>	Burhans Price Clifton	Heidi Aaron Robert	Madison County Board of Supervisors Madison County Bd of Supervisors Madison County Bd of Supervisors	112 N John Wayne Dr, PO Box 152 PO Box 152 PO Box 152	Winterset Winterset Winterset	IA	50273	7015-0640-0001-4423-7037 7015-0640-0001-4423-6993 7015-0640-0001-4423-7006
<b>Auditor</b>	VanderLinden McIntyre	Phil Traci	Warren County Board of Supervisors Warren County Board of Supervisors	301 N. Buxton Street, Ste. 202 301 N. Buxton Street, Ste. 202	Indianola Indianola	IA	50273 50125	7015-0640-0001-4423-6986 7015-0640-0001-4423-7044
<b>Township Trustees</b>	Shull Yordi Flinn Ridgway	Crystal Doug Dean Donald G. Jeff	Warren County Board of Supervisors, Chair Warren County Board of Supervisors Township Chair Township Chair	301 N. Buxton Street, Ste. 202 301 N. Buxton Street, Ste. 202 3177 Adams Street 1294 Timber Ridge Avenue	Indianola Indianola Cumming Van Meter	IA	50125 50125 50061 50261	7015-0640-0001-4423-6979 7015-0640-0001-4423-6972 7004-1350-0001-2052-2455 7015-0640-0001-4423-7020 7015-0640-0001-4423-7073
<b>Public Hearing</b>								
<b>City Clerk</b>	Jacobson	Ryan	City of West Des Moines	PO Box 65320	West Des Moines	IA	50265	Direct Delivery
<b>City</b>	Becker, Mayor	Tom	City Council of the City of Cumming	PO Box 100	Cumming	IA	50061	7016-0910-0001-8219-2638
<b>Schools</b>	Remy Meade Magee	Lisa Dr. Susi Duane	Superintendent: WDM Public Schools Superintendent: Winterset Community Schools Superintendent: Norwalk Community School D	3550 Mills Civic Pkwy PO Box 30 380 Wright Road	West Des Moines Winterset Norwalk	IA	50265 50273 50211	7016-0910-0001-8219-2845 7016-0910-0001-8219-2652 7016-0910-0001-8219-2669
<b>Auditor</b>	Denson Burhans Price Duff	Robert Heidi Aaron Robert	Des Moines Area Community College Madison County Board of Supervisors Madison County Bd of Supervisors Madison County Bd of Supervisors	2006 South Ankeny Blvd. 112 N John Wayne Dr, PO Box 152 PO Box 152 PO Box 152	Ankeny Winterset Winterset Winterset	IA	50023 50273 50273 50273	7016-0910-0001-8219-2676 7016-0910-0001-8219-2690 7016-0910-0001-8219-2706 7016-0910-0001-8219-2713
<b>Auditor</b>	VanderLinden McIntyre Shull	Traci Crystal Doug	Warren County Board of Supervisors Warren County Board of Supervisors Warren County Board of Supervisors, Chair	301 N. Buxton Street, Ste. 202 301 N. Buxton Street, Ste. 202 301 N. Buxton Street, Ste. 202	Indianola Indianola Indianola	IA	50125 50125 50125	7016-0910-0001-8219-2737 7016-0910-0001-8219-2744 7016-0910-0001-8219-2751
<b>Township Trustees</b>	Flinn	Dean	Warren County Board of Supervisors	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7016-0910-0001-8219-2768
<b>Utilities</b>	Ridgway Rippberger Wilson	Jeff Stan Diana	Township Chair Township Chair Warren Water District	3177 Adams Street 1294 Timber Ridge Avenue 1204 E. 2nd Avenue	Cumming Van Meter Indianola	IA	50061 50261 50125	7016-0910-0001-8219-2775 7016-0910-0001-8219-2782 7016-0910-0001-8219-2789
	Stowe Helkes Monaghan Probst	Bill Eric Jim Mike	Des Moines Water Works MidAmerican Energy Century Link Internet Services Mediacom	2201 George Flagg Parkway 10510 Douglas Avenue 2103 E. University Avenue 2205 Ingersoll Avenue	West Des Moines Des Moines Urbandale Des Moines	IA	50321 50322 50317 50312	Direct Delivery 7016-0910-0001-8219-2805 7016-0910-0001-8219-2812 7016-0910-0001-8219-2829
<b>MPO</b>	Ashby	Todd	Des Moines Area MPO	420 Watson Powell, Jr. Way, Ste. 200	Des Moines	IA	50309	7016-0910-0001-8219-2836
<b>DOT</b>	Iowa Dept of Transportation		c/o Row Division	800 Lincoln Ave.	Des Moines	IA	50010	
<b>Adjacent Landowners</b>	Flinn	Vernon	Flinn Farms, LLC	3711 SE 50th Street	Arnes	IA	50061	7016-0910-0001-8219-2850
	General Manufacturing Co.		c/o The Withern Group, Inc.	PO Box 1333, 8040 University Avenue	Cumming	IA	50061	Regular Mail
	Abild Higgins Koethe	Marjorie Barbara Lemar	Katherine Holworth	2280 20th Avenue 3392 105th Street	Des Moines Cumming	IA	50325 50061	Regular Mail Regular Mail
	Van Ginkel, III Spieker Deimerly	Joseph Chad & Leslie Nancy	Joseph G. Van Ginkel, III Revocable Trust	6000 Douglas Ave., Ste. 210 3378 110th Street 3392 110th Street 1138 N 60th Street	Urbandale Cumming Cumming Cumming	IA	50322 50061 50061 50061	Regular Mail Regular Mail Regular Mail Regular Mail
<b>Landowners</b>	Haluska	Vicky	Charles I. Cobly and Ruth Cobly Investment Trust c/o Vereonica A. Haluska & John O. Tank	1922 INGERSOLL AVE. 6581 University Ave. 86 East 4th Street #17	Cumming DES MOINES Windsor Heights	IA	50061 50309 50324	Regular Mail Regular Mail Regular Mail
	Williams	Kevin	Microsoft		New York City	NY	10003	Regular Mail
				Red West E - 5600 148th Ave. NE	Redmond	WA	98052	Regular Mail



## NOTICE OF ANNEXATION

The City of West Des Moines has received an application for Voluntary Annexation into the City for portions of Section 6 in Linn Township, Warren County and Section 1 in Lee Township, Madison County. Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., December 27, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider this application for voluntary annexation of contiguous parcels into the City of West Des Moines. In general, the proposed annexation encompasses 350.62 acres of land along the east right-of-way of Interstate 35 and generally south of SE Adams Street and north of the Cumming corporate limits.

The area is more specifically defined as follows:

*TWO TRACTS OF LAND LOCATED SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, AND SECTIONS 6 AND 7 TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA, ARE INCLUDED IN AN AREA BEING PETITIONED FOR ANNEXATION INTO THE CITY OF WEST DES MOINES, IOWA, SAID TRACTS OF LAND BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:*

### TRACT 1 – MADISON COUNTY

*BEGINNING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;*

*THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;*

*THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;*

*THENCE EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;*

*THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 1, TO THE POINT OF BEGINNING.*

### TRACT 2 – WARREN COUNTY

*COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;*

*THENCE EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, TO A POINT 688.80 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6;*

*THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO THE NORTH RIGHT OF WAY LINE OF ADAMS STREET, WITH SAID POINT BEING THE POINT OF BEGINNING;*

*THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO A POINT LOCATED 257.79 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6;*

*THENCE NORTH 90°00'00" EAST (ASSUMED BEARING), A DISTANCE OF 60.00 FEET;*

*THENCE NORTH 00°07'39" WEST (ASSUMED BEARING), A DISTANCE OF 2,339.66 FEET, TO THE NORTH LINE OF SAID SECTION 6;*

*THENCE EAST, ALONG THE NORTH LINE OF SAID SECTION 6, TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35;*

*THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;*

*THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7;*

*THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE WEST LINE OF SAID SECTION 7;*

*THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 7, TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;*

*THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 6, TO THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET (WARREN COUNTY);*

*THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ADAMS STREET, TO THE POINT OF BEGINNING.*

Additional information regarding the proposed annexation, including a map of the proposed annexation area may be obtained from Clyde Evans, Director, at the City of West Des Moines Community & Economic Development Department at (515) 273-0770.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing shall be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development Department, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50265-0320.

It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3600 to have accommodations provided.

Ryan T. Jacobson  
City Clerk

Published in the Madisonian on Wednesday, Dec. 7, 2016  
Published in the Indianola Record Herald on Wednesday, Dec. 14, 2016

Prepared by: C Evans, Community & Economic Dev, PO Box 65320 West Des Moines IA 50265-0320 (515) 273-0770  
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

## **RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF PROPERTY**

**WHEREAS**, the City of West Des Moines, State of Iowa, is a duly organized municipal corporation; and

**WHEREAS**, the City of West Des Moines, Iowa, has received an Application for Voluntary Annexation from the property owners of certain real estate under the ownership of said petitioners, located in Warren County and Madison County, Iowa, and shown on the map identified as Exhibit "B" attached hereto and made a part hereof and legally described as follows:

### **LEGAL DESCRIPTION**

See Exhibit "A" attached hereto and made a part hereof.

**WHEREAS**, such property collectively adjoins the City as required by Chapter 368, Code of Iowa, 2013;

**WHEREAS**, all required notification has been carried out pursuant to Chapter 368, Code of Iowa, 2013; and

**WHEREAS**, it is in the best interests of the City and public that said property be annexed to the City of West Des Moines, at this time; and

**NOW THEREFORE**, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

**SECTION 1.** The Applications for Voluntary Annexation are hereby approved and said property shown and described in Exhibit "A" and Exhibit "B" shall be annexed to the City of West Des Moines, Iowa, in accordance with Chapter 368, Code of Iowa, 2013, and such property shall hereinafter become and be part of the City of West Des Moines, Iowa.

**SECTION 2.** The Mayor and City Clerk are hereby authorized and directed to prepare and execute all documents necessary for this annexation and are directed to file the same with the City Development Board as required by the Code of Iowa.

**PASSED AND ADOPTED** on \_\_\_\_\_.

\_\_\_\_\_  
Jim Sandager  
Mayor Pro Tem

**ATTEST:**

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on \_\_\_\_\_, by the following vote:

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

**EXHIBIT A  
LEGAL DESCRIPTION  
OSMIUM DEVELOPMENT ANNEXATION  
CITY OF WEST DES MOINES**

TWO TRACTS OF LAND LOCATED SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, AND SECTIONS 6 AND 7 TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA, ARE INCLUDED IN AN AREA BEING PETITIONED FOR ANNEXATION INTO THE CITY OF WEST DES MOINES, IOWA, SAID TRACTS OF LAND BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

TRACT 1 – MADISON COUNTY

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 1, TO THE POINT OF BEGINNING.

TRACT 2 – WARREN COUNTY

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, TO A POINT 688.80 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH  $00^{\circ}11'34''$  WEST (ASSUMED BEARING), TO THE NORTH RIGHT OF WAY LINE OF ADAMS STREET, WITH SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH  $00^{\circ}11'34''$  WEST (ASSUMED BEARING), TO A POINT LOCATED 257.79 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH  $90^{\circ}00'00''$  EAST (ASSUMED BEARING), A DISTANCE OF 60.00 FEET;

THENCE NORTH  $00^{\circ}07'39''$  WEST (ASSUMED BEARING), A DISTANCE OF 2,339.66 FEET, TO THE NORTH LINE OF SAID SECTION 6;

THENCE EAST, ALONG THE NORTH LINE OF SAID SECTION 6, TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

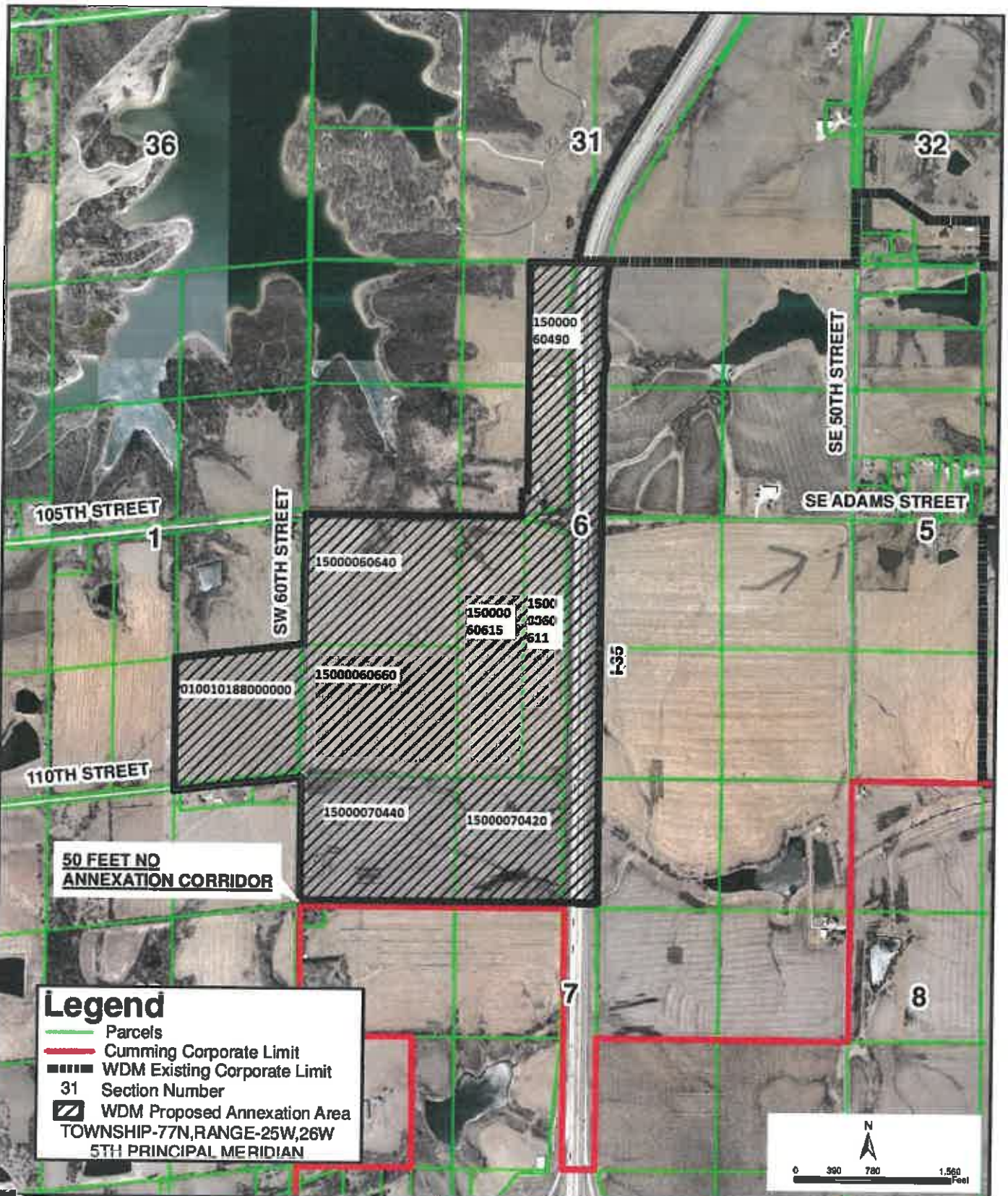
THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE WEST LINE OF SAID SECTION 7;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 7, TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 6, TO THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET (WARREN COUNTY);

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ADAMS STREET, TO THE POINT OF BEGINNING.



**Legend**

- Parcels
- Cumming Corporate Limit
- WDM Existing Corporate Limit
- 31 Section Number
- WDM Proposed Annexation Area

TOWNSHIP-77N, RANGE-25W, 26W  
5TH PRINCIPAL MERIDIAN



**CITY OF WEST DES MOINES  
ENGINEERING SERVICES**  
4200 MILLS CIVIC PARKWAY  
WEST DES MOINES, IOWA 50265  
PH: 515.222.3475 FAX: 515.273.0608

PROJECT:	<b>OSMIUM PROPOSED ANNEXATION</b>		
LOCATION:	<b>WARREN AND MADISON COUNTIES</b>		
DRAWN BY: REF	DATE: 11/03/2016	SHT. 1 OF 1	

**CITY OF WEST DES MOINES  
MEMORANDUM**

**TO:** Mayor Gaer and Member of the City Council

**FROM:** Kevin Wilde, Sign and Zoning Administrator

**DATE:** December 27, 2016

**RE:** Item # 6d: Amendment to City Code - Title 7 (Public Ways and Property) and Title 9 (Zoning), Chapter 10 (Performance Standards) and Chapter 18 (Signs) - Adopt New Regulations for the Placement of Signs within the Corporate City Limits - City Initiated

At the December 19, 2016 meeting, the Plan and Zoning Commission voted to continue the public hearing on the proposed amendment to January 30, 2017. Concerns were voiced by Commission members that there had not been enough time to review the details of the lengthy ordinance and they felt that there needed to be more outreach into the community to solicit input on the proposal. Staff is requesting that the City Council continue this item to an unknown date to allow ample time for input and discussion at the Plan and Zoning Commission. Staff will republish notice of the date for the hearing before the City Council once a recommendation from the Plan and Zoning Commission has been received.

**Staff Recommendation:** Defer the public hearing for the amendment to City Code to a date uncertain.

- c. Tom Hadden, City Manager  
Dick Scieszinski, City Attorney  
Lynne Twedt, Development Services Director



**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**6(e)**

**DATE: December 27, 2016**

**ITEM:**

Public Hearing (5:35 p.m.)  
Grand Avenue West Segment 6F Sewer Extension

**FINANCIAL IMPACT:**

The engineering estimate of construction cost was estimated to be \$932,052.00 for the Grand Avenue West Segment 6F Sewer Extension. There were fourteen (14) bids submitted with the low bid of \$590,949.10 being submitted by Valley Plumbing Company, Inc. of Clive, Iowa. Payments will be made from budgeted account no. 640.000.000.5250.490 with the ultimate funding intended to come from Sewer Fee Revenues.

**BACKGROUND:**

The Grand Avenue West Segment 6F Sewer Extension is located within the Grand Avenue West Sanitary Sewer Connection Fee District. The proposed sanitary sewer is being constructed to accommodate the proposed Westport subdivision located northwest of the intersection of Mills Civic Parkway & Wendover Road. Coordination between projects has taken place.

This Public Hearing is on the matter of adoption of Plans, Specifications, Form of Contract, and Estimate of Cost for the Grand Avenue West Segment 6F Sewer Extension. Upon completion of the Public Hearing, a Resolution should be passed adopting the Plans and Specifications, Form of Contract, Estimate of Cost, Waving Irregularities, and Awarding the Contract to Valley Plumbing Company, Inc.

The bids received contained one irregularity where the low bidder had a mathematical error on the extended price of one bid item. The irregularity is noted on the bid tabulation. The irregularity did not impact the low bid. If approved this project will start in the near future. The entire project is anticipated to be completed by December 1, 2017.

No Public Services meeting was held in advance of this meeting and no emails were distributed to the Public Services Subcommittee.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs for Grand Avenue West Segment 6F Sewer Extension;
- Motion receiving and filing Report of Bids;
- Resolution waiving bid irregularities and awarding the construction contract to Valley Plumbing Company, Inc.

**Lead Staff Member: Duane C. Wittstock, P.E., L.S., City Engineer**

**STAFF REVIEWS**

Department Director	Duane C. Wittstock, P.E., L.S., City Engineer
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	Richard Scieszinski, City Attorney <i>RS</i>
Agenda Acceptance	<i>W</i>

**PUBLICATION(S) (if applicable)**

Published In	Des Moines Register
Dates(s) Published	December 16, 2016

**SUBCOMMITTEE REVIEW (if applicable)**

Committee				
Date Reviewed				
Recommendation	<table border="1"> <tr> <td>Yes</td> <td>No</td> <td>Split</td> </tr> </table>	Yes	No	Split
Yes	No	Split		

**RESOLUTION APPROVING ADOPTING PLANS, SPECIFICATIONS, FORM OF  
CONTRACT, AND ESTIMATE OF COST**

**WHEREAS**, on November 28, 2016, Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**Grand Avenue West Segment 6F Sewer Extension  
Project No. 0510-074-2015**

and,

**WHEREAS**, notice of hearing on Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvements were published as required by law;

therefore,

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES**, that the Plans, Specifications, Form of Contract, and Estimate of Costs for said Public Improvement are hereby approved.

**PASSED AND APPROVED** on this 27<sup>th</sup> day of **December, 2016**.

\_\_\_\_\_  
Jim Sandager, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

**RESOLUTION APPROVING THE AWARDING OF A CONTRACT**

**WHEREAS**, the City Council of the City of West Des Moines has heretofore directed advertisement for bids for the following described public improvement:

**Grand Avenue West Segment 6F Sewer Extension  
Project No. 0510-074-2015**

and,

**WHEREAS**, bids have been received and opened by the City Clerk and placed on file by the City Council; and,

**WHEREAS**, an irregularity was noted on one of the bids that was received; and,

**WHEREAS**, the irregularity noted was not substantive in nature; and,

**WHEREAS**, the bid of Valley Plumbing Company, Inc., in the amount of \$590,949.10 was the lowest responsible bid received for said public improvement;

therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, waives the irregularity in the bids received.

**BE IT FURTHER RESOLVED** that a contract for the Grand Avenue West Segment 6F Sewer Extension, is hereby awarded to Valley Plumbing Company, Inc., in the amount of \$590,949.10 and the bond of said bidder for the project is hereby fixed in the same amount.

**BE IT FURTHER RESOLVED** that the City Engineer is authorized and directed to return bid bond(s) and/or check(s) to any unsuccessful bidder.

**BE IT FURTHER RESOLVED** that work on said project may commence as soon as the final contract and bond have been approved by the City Engineer and have been signed by the City Clerk and after the contractor is given a written notice to proceed by the City Engineer.

**PASSED AND ADOPTED** on this 27<sup>th</sup> day of **December, 2016**.

\_\_\_\_\_  
Jim Sandager, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

**BID TABULATION**  
**WEST DES MOINES, IOWA**  
**GRAND AVENUE WEST SEGMENT 6F SEWER EXTENSION**  
**PROJECT NO. 0510-074-2015**

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	Valley Plumbing Co., Inc. 15201 Hickman Rd Clive, IA 50325		McAninch Corporation 4001 Delaware Ave Des Moines, IA 50313		The Underground Company, LTD 12245 Dakota St. Carlisle, IA 50047		Vanderpool Construction, Inc. 1100 N. 14th Street Indianola, IA 50125	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1	15" Sanitary Sewer in Place	LF	3,851	75.00 \$	288,825.00 \$ 299,750.50	97.30 \$	374,702.30 \$	82.00 \$	315,782.00 \$	82.10 \$	316,167.10
2	8" Sanitary Sewer in Place	LF	5	64.80	324.00	168.25	841.25	64.00	320.00	300.00	1,500.00
3	15" Sanitary Sewer Tunnelled in Place	LF	183	371.00	67,893.00	238.95	43,727.85	319.00	58,377.00	530.00	96,990.00
4	Manhole - Type SW-301 - 48"	EA	14	5,796.00	81,144.00	5,150.00	72,100.00	7,000.00	98,000.00	6,510.00	91,140.00
5	Manhole - Type SW-303 - 48"	EA	3	3,952.00	11,856.00	3,930.00	11,790.00	7,000.00	21,000.00	4,750.00	14,250.00
6	Connection to Existing Manhole	EA	1	5,370.00	5,370.00	10,020.00	10,020.00	8,000.00	8,000.00	6,000.00	6,000.00
7	6" Wye/Riser	EA	24	640.00	15,360.00	419.75	10,074.00	1,000.00	24,000.00	1,215.00	29,160.00
8	6" Sewer Service Pipe	LF	908	28.00	25,424.00 26,150.40	28.60	25,968.80	30.00	27,240.00	38.65	35,094.20
9	24" CMP	LF	30	66.50	1,995.00	113.75	3,412.50	109.00	3,270.00	77.00	2,310.00
10	Rip-Rap	TONS	50	71.40	3,570.00	52.35	2,617.50	75.00	3,750.00	58.00	2,900.00
11	Class A Roadstone	TONS	30	32.40	972.00	40.35	1,210.50	27.00	810.00	20.00	600.00
12	Seeding	ACRE	3	1,068.00	3,204.00	1,940.00	5,820.00	1,800.00	5,400.00	1,985.00	5,955.00
13	Field Tile	LF	100	85.00	8,500.00	17.65	1,765.00	20.00	2,000.00	26.75	2,675.00
14	Video Inspection	LF	4,034	3.00	12,102.00	1.72	6,938.48	2.50	10,085.00	1.75	7,059.50
15	Erosion Control	LS	1	13,984.50	13,984.50	5,980.00	5,980.00	5,600.00	5,600.00	6,115.00	6,115.00
16	Clearing and Grubbing	LS	1	11,889.60	11,889.60	22,335.00	22,335.00	12,000.00	12,000.00	12,000.00	12,000.00
17	Fence Removal and Replacement	LF	880	15.50	13,640.00	9.75	8,580.00	12.85	11,308.00	13.40	11,792.00
18	Construction Staking	LS	1	13,903.00	13,903.00	4,490.00	4,490.00	7,000.00	7,000.00	4,600.20	4,600.20
19	Traffic Control	LS	1	10,993.00	10,993.00	2,558.82	2,558.82	1,058.00	1,058.00	15,500.00	15,500.00
<b>TOTAL BID</b>					<b>\$590,949.10</b>		<b>\$614,932.00</b>		<b>\$615,000.00</b>		<b>\$661,808.00</b>
					<b>\$598,881.00</b>						
					<b>\$598,882.00</b>						

**BID TABULATION**  
**WEST DES MOINES, IOWA**  
**GRAND AVENUE WEST SEGMENT 6F SEWER EXTENSION**  
**PROJECT NO. 0510-074-2015**

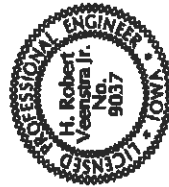
1. Construct the Grand Avenue West Segment 6F Sewer Extension for the following unit and lump sum prices:			Groff Excavating, Inc. 803 East State Street Toledo, IA 52342		Elder Corporation 5088 E University Avenue Des Moines, IA 50327		Rognes Corp. 720 SW Goodwin St Ankeny, IA 50023		Priority Excavating, LLC 9500 Hickman Rd; Ste 101 Clive, IA 50325		
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1	15" Sanitary Sewer in Place	LF	3,851	\$ 90.00	\$ 346,590.00	\$ 100.00	\$ 385,100.00	\$ 130.00	\$ 500,630.00	\$ 97.00	\$ 373,547.00
2	8" Sanitary Sewer in Place	LF	5	100.00	500.00	73.00	365.00	110.00	550.00	125.00	625.00
3	15" Sanitary Sewer Tunneler in Place	LF	183	485.00	88,755.00	400.00	73,200.00	2.00	366.00	500.00	91,500.00
4	Manhole - Type SW-301 - 48"	EA	14	5,200.00	72,800.00	6,900.00	96,600.00	5,000.00	70,000.00	10,000.00	140,000.00
5	Manhole - Type SW-303 - 48"	EA	3	4,750.00	14,250.00	6,900.00	20,700.00	5,500.00	16,500.00	10,000.00	30,000.00
6	Connection to Existing Manhole	EA	1	8,000.00	8,000.00	7,100.00	7,100.00	2,900.00	2,900.00	46,000.00	46,000.00
7	6" Wye/Riser	EA	24	250.00	6,000.00	740.00	17,760.00	850.00	20,400.00	500.00	12,000.00
8	6" Sewer Service Pipe	LF	908	40.00	36,320.00	50.50	45,854.00	55.00	49,940.00	30.00	27,240.00
9	24" CMP	LF	30	65.00	1,950.00	132.50	3,975.00	35.00	1,050.00	100.00	3,000.00
10	Rip-Rap	TONS	50	50.00	2,500.00	58.00	2,900.00	68.00	3,400.00	85.00	4,250.00
11	Class A Roadstone	TONS	30	30.00	900.00	23.50	705.00	23.50	705.00	25.00	750.00
12	Seeding	ACRE	3	3,650.00	10,950.00	2,000.00	6,000.00	1,750.00	5,250.00	600.00	1,800.00
13	Field Tile	LF	100	10.00	1,000.00	26.75	2,675.00	12.00	1,200.00	15.00	1,500.00
14	Video Inspection	LF	4,034	2.35	9,479.90	4.35	17,547.90	3.00	12,102.00	3.00	12,102.00
15	Erosion Control	LS	1	5,000.00	5,000.00	6,100.00	6,100.00	7,500.00	7,500.00	13,000.00	13,000.00
16	Clearing and Grubbing	LS	1	18,000.00	18,000.00	12,000.00	12,000.00	10,000.00	10,000.00	35,000.00	35,000.00
17	Fence Removal and Replacement	LF	880	12.50	11,000.00	13.50	11,880.00	13.00	11,440.00	10.00	8,800.00
18	Construction Staking	LS	1	44,500.00	44,500.00	6,900.00	6,900.00	4,450.00	4,450.00	15,000.00	15,000.00
19	Traffic Control	LS	1	2,000.00	2,000.00	2,900.00	2,900.00	2,800.00	2,800.00	8,000.00	8,000.00
<b>TOTAL BID (Items 1-19)</b>					<b>\$680,494.90</b>		<b>\$720,261.90</b>		<b>\$721,183.00</b>		<b>\$824,114.00</b>

**BID TABULATION**  
**WEST DES MOINES, IOWA**  
**GRAND AVENUE WEST SEGMENT 6F SEWER EXTENSION**  
**PROJECT NO. 0510-074-2015**

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	J&K Contracting, LLC 1307 E. Lincoln Way Ames, IA 50010		K.E. Builders 1133 155th Street Boone, IA 50036		Gator Excavating, Inc. 3100 SE Mielche Drive Grimes, IA 50111		S&F Underground, Inc. 603 Pentrose St. Grinnell, IA 50112	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1. Construct the Grand Avenue West Segment 6F Sewer Extension for the following unit and lump sum prices:											
1	15" Sanitary Sewer in Place	LF	3,851	\$ 127.00	\$ 489,077.00	\$ 110.00	\$ 423,610.00	\$ 102.00	\$ 392,802.00	\$ 114.00	\$ 439,014.00
2	8" Sanitary Sewer in Place	LF	5	200.00	1,000.00	70.00	350.00	140.00	700.00	166.50	832.50
3	15" Sanitary Sewer Tunnelled in Place	LF	183	325.00	59,475.00	550.00	100,650.00	603.00	110,349.00	388.00	71,004.00
4	Manhole - Type SW-301 - 48"	EA	14	6,250.00	87,500.00	5,800.00	81,200.00	6,564.00	91,896.00	7,300.00	102,200.00
5	Manhole - Type SW-303 - 48"	EA	3	6,250.00	18,750.00	5,000.00	15,000.00	10,644.00	31,932.00	8,000.00	24,000.00
6	Connection to Existing Manhole	EA	1	10,000.00	10,000.00	3,000.00	3,000.00	61,277.00	61,277.00	6,000.00	6,000.00
7	6" Wye/Riser	EA	24	1,500.00	36,000.00	800.00	19,200.00	1,265.00	30,360.00	1,500.00	36,000.00
8	6" Sewer Service Pipe	LF	908	40.00	36,320.00	50.00	45,400.00	46.00	41,768.00	95.00	86,260.00
9	24" CMP	LF	30	80.00	2,400.00	55.00	1,650.00	122.00	3,660.00	172.50	5,175.00
10	Rip-Rap	TONS	50	70.00	3,500.00	45.00	2,250.00	75.00	3,750.00	60.00	3,000.00
11	Class A Roadstone	TONS	30	28.00	840.00	35.00	1,050.00	28.00	840.00	23.00	690.00
12	Seeding	ACRE	3	2,500.00	7,500.00	6,000.00	18,000.00	1,950.00	5,850.00	1,750.00	5,250.00
13	Field Title	LF	100	20.00	2,000.00	25.00	2,500.00	41.00	4,100.00	41.00	4,100.00
14	Video Inspection	LF	4,034	2.00	8,068.00	2.50	10,085.00	4.00	16,136.00	1.90	7,664.60
15	Erosion Control	LS	1	7,800.00	7,800.00	20,000.00	20,000.00	7,662.00	7,662.00	17,500.00	17,500.00
16	Clearing and Grubbing	LS	1	41,968.00	41,968.00	40,000.00	40,000.00	14,555.00	14,555.00	17,300.00	17,300.00
17	Fence Removal and Replacement	LF	880	13.00	11,440.00	25.00	22,000.00	15.00	13,200.00	13.00	11,440.00
18	Construction Staking	LS	1	4,700.00	4,700.00	20,000.00	20,000.00	9,225.00	9,225.00	2,650.00	2,650.00
19	Traffic Control	LS	1	2,800.00	2,800.00	6,000.00	6,000.00	2,717.00	2,717.00	33,200.00	33,200.00
<b>TOTAL BID (Items 1-19)</b>				<b>\$631,138.00</b>		<b>\$631,945.00</b>		<b>\$842,779.00</b>		<b>\$897,130.10</b>	

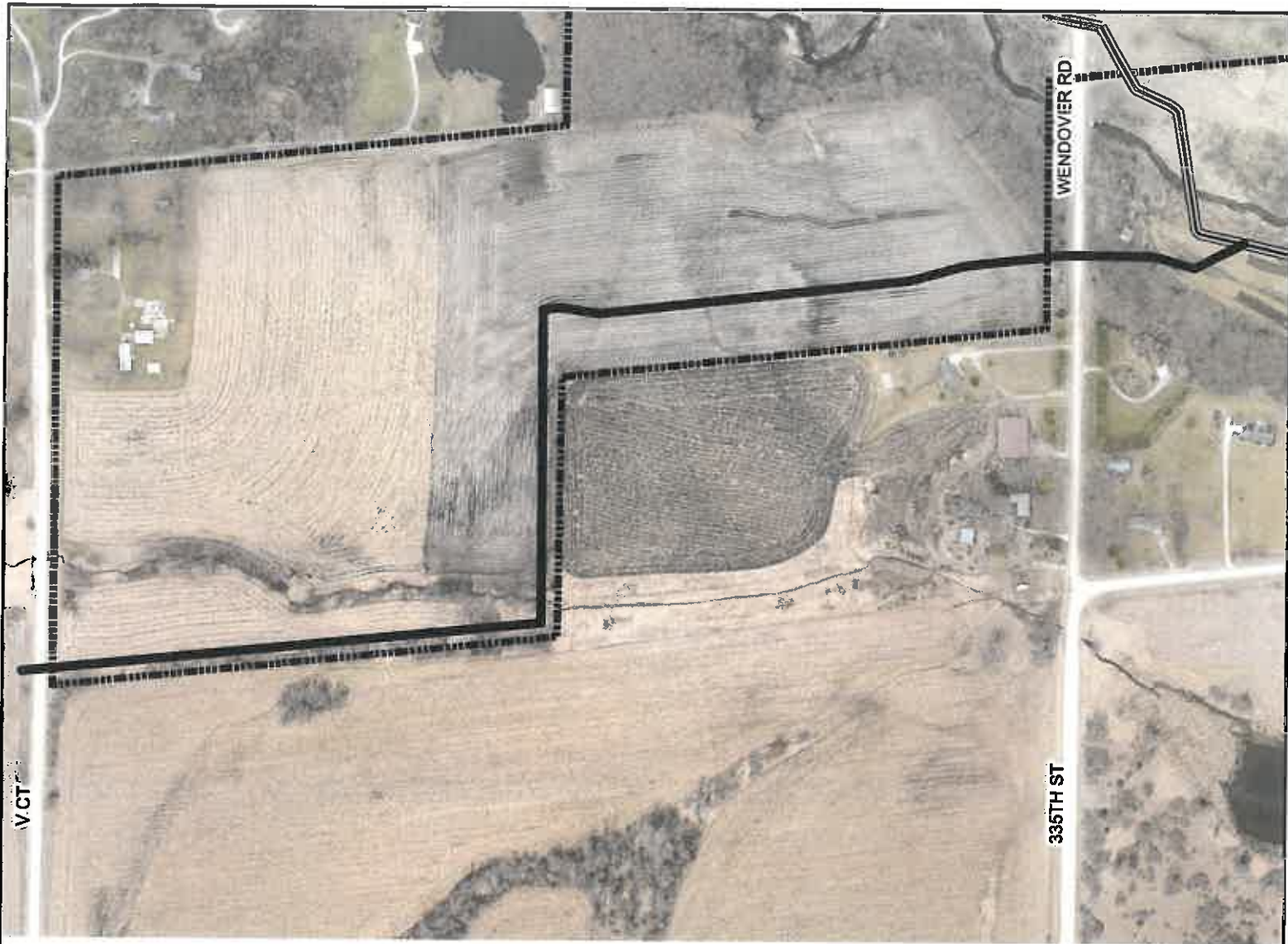
**BID TABULATION**  
**WEST DES MOINES, IOWA**  
**GRAND AVENUE WEST SEGMENT 6F SEWER EXTENSION**  
**PROJECT NO. 0510-074-2015**

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	Raccoon Valley Contractors, LLC 520 SE Prairie Park Lane Waukee, IA 50263		Hallbrook Excavating 4807 SE Rio Court Ankeny, IA 50021	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1	15" Sanitary Sewer in Place	LF	3,851	\$ 185.00	\$ 712,435.00	\$ 155.00	\$ 596,905.00
2	8" Sanitary Sewer in Place	LF	5	169.00	845.00	100.00	500.00
3	15" Sanitary Sewer Tunnelled in Place	LF	183	50.00	9,150.00	675.00	123,525.00
4	Manhole - Type SW-301 - 48"	EA	14	9,000.00	126,000.00	5,000.00	70,000.00
5	Manhole - Type SW-303 - 48"	EA	3	3,000.00	9,000.00	5,000.00	15,000.00
6	Connection to Existing Manhole	EA	1	1,000.00	1,000.00	18,500.00	18,500.00
7	6" Wye/Riser	EA	24	1,000.00	24,000.00	2,000.00	48,000.00
8	6" Sewer Service Pipe	LF	908	20.00	18,160.00	40.00	36,320.00
9	24" CMP	LF	30	85.00	2,550.00	95.00	2,850.00
10	Rip-Rap	TONS	50	88.00	4,400.00	75.00	3,750.00
11	Class A Roadstone	TONS	30	33.00	990.00	35.00	1,050.00
12	Seeding	ACRE	3	890.00	2,670.00	1,500.00	4,500.00
13	Field Tile	LF	100	15.00	1,500.00	32.00	3,200.00
14	Video Inspection	LF	4,034	3.00	12,102.00	4.00	16,136.00
15	Erosion Control	LS	1	12,000.00	12,000.00	15,000.00	15,000.00
16	Clearing and Grubbing	LS	1	38,500.00	38,500.00	15,000.00	15,000.00
17	Fence Removal and Replacement	LF	880	15.00	13,200.00	12.00	10,560.00
18	Construction Staking	LS	1	6,000.00	6,000.00	9,500.00	9,500.00
19	Traffic Control	LS	1	2,000.00	2,000.00	30,000.00	30,000.00
<b>TOTAL BID (Items 1-19)</b>					<b>\$996,502.00</b>		<b>\$1,020,296.00</b>

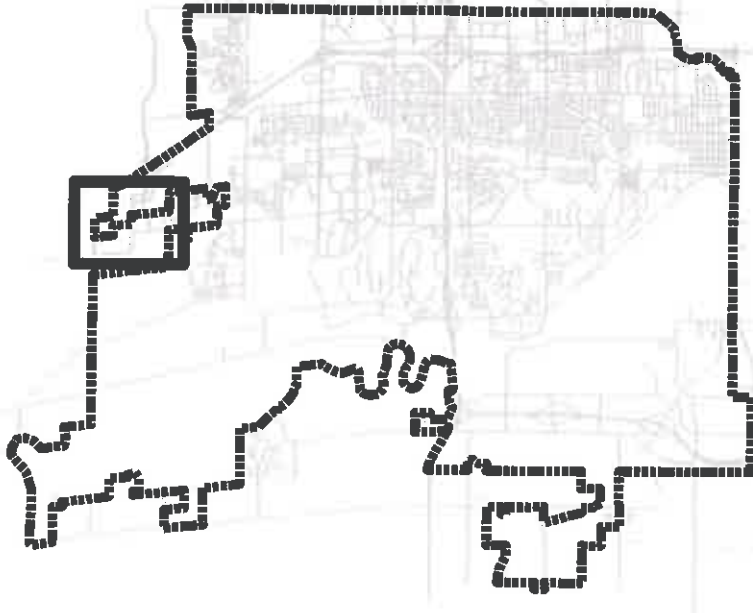


I hereby certify that this is a true tabulation of bids received on December 21, 2016 by the City of West Des Moines, Iowa.

H. Robert Veenstra Jr., P.E.  
Iowa License No. 9037  
My license renewal date is December 31, 2018



**VICINITY MAP**



**LEGEND**

- PROJECT LOCATION
- EXISTING SEWER



PROJECT:

**Grand Avenue West Segment 6F Sewer Extension**

LOCATION:

**335th Street & Wendover Road**

DRAWN BY: JDR

DATE: 11/17/2016

PROJECT: 0510-074-2015

SHT. 1 of 1



CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

DATE: December 27, 2016

**ITEM:**

Public Hearing (5:35 p.m.)  
Public Safety Station 21 HVAC Improvements

**FINANCIAL IMPACT:**

The engineering estimate of construction cost was estimated to be \$880,000.00 for the Public Safety Station 21 HVAC Improvements. There was one (1) bid submitted in the amount of \$1,178,300.00 by Woodruff Construction, LLC of Ames, Iowa. Payments for the work could be made from budgeted account no. 500.000.000.5250.490 with the ultimate funding intended to come from General Obligation Bonds.

**BACKGROUND:**

The Project consists of the replacement of the mechanical systems serving the normally occupied areas of Public Safety Station 21 located at 3421 Ashworth Road.

This Public Hearing is on the matter of adoption of Plans, Specifications, Form of Contract, and Estimate of Cost for the Public Safety Station 21 HVAC Improvements. Upon completion of the Public Hearing, a Resolution should be passed adopting the Plans and Specifications, Form of Contract, Estimate of Cost.

Staff is recommending that Council conduct the public hearing, receive and file the report of bids and then defer action regarding the award of a construction contract to the regular Council meeting of January 9, 2107. In the interim staff will formulate a recommended course of action regarding the contract award.

No Public Services meeting was held in advance of this meeting and no emails were distributed to the Public Services Subcommittee.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs for Public Safety Station 21 HVAC Improvements;
- Motion receiving and filing Report of Bids;
- Resolution deferring award of the contract to the regular Council meeting of January 9, 2107.

**Lead Staff Member:** Duane C. Wittstock, P.E., L.S., City Engineer

**STAFF REVIEWS**

Department Director	Duane C. Wittstock, P.E., L.S., City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

Published In	Des Moines Register
Dates(s) Published	December 16, 2016

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**RESOLUTION APPROVING ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST**

**WHEREAS**, on November 28, 2016, Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**Public Safety Station 21 HVAC Improvements  
Project No. 0510-058-2015**

and,

**WHEREAS**, notice of hearing on Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvements were published as required by law;

therefore,

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES**, that the Plans, Specifications, Form of Contract, and Estimate of Costs for said Public Improvement are hereby approved.

**PASSED AND APPROVED** on this 27<sup>th</sup> day of **December, 2016**.

---

Jim Sandager, Mayor Pro Tem

ATTEST:

---

Ryan T. Jacobson, City Clerk

**RESOLUTION DEFERRING THE AWARD OF THE CONTRACT**

**WHEREAS**, the City Council of the City of West Des Moines has heretofore directed advertisement for bids for the following described public improvement:

**Public Safety Station 21 HVAC Improvements  
Project No. 0510-058-2015**

and,

**WHEREAS**, one bid was received and opened by the City Clerk and placed on file by the City Council; and,

**WHEREAS**, the bid of Woodruff Construction, LLC in the amount of \$1,178,300.00 was the lowest responsible bid received for said public improvement;

**WHEREAS**, the bid received was in excess of the estimated amount of the contract provided by the Architect;

**WHEREAS**, the City wishes to further deliberate and consider their options regarding the award of the contract;

therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that Council action for the contract for the Public Safety Station 21 HVAC Improvements, is hereby deferred until the regular Council meeting of January 9, 2017.

**PASSED AND ADOPTED** on this 27<sup>th</sup> day of **December, 2016**.

\_\_\_\_\_  
Jim Sandager, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk



RESOURCE  
CONSULTING  
ENGINEERS LLC

# City of West Des Moines Public Safety Station 21 HVAC Improvements

Bid Tabulation Form

12/21/2016

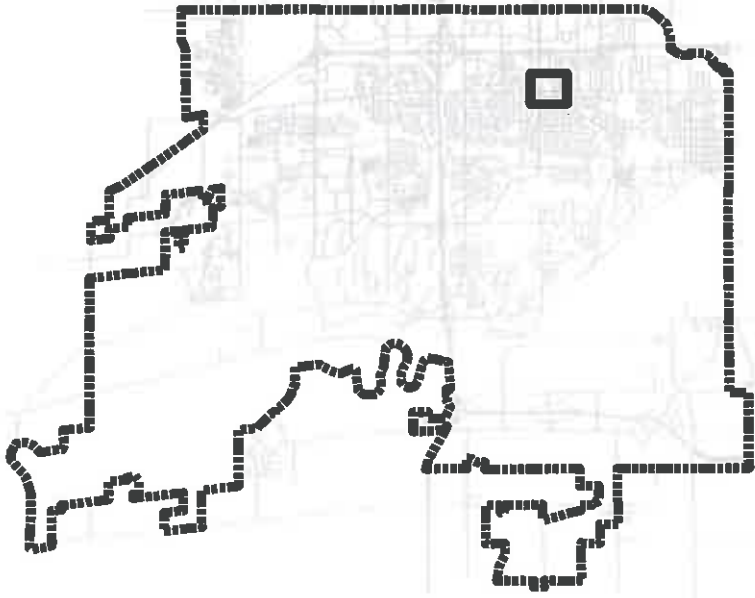
Bidder	Addendum #1 Acknowledged	Addendum #2 Acknowledged	Addendum #3 Acknowledged	Bid Bond Present	Bidder Status Form Present	Base Bid	Alternate #1	Notes
Woodruff Construction	X	X	X	X	X	\$ 1,178,300.00	NONE	

Notes:





**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT: **Public Safety Station 21 HVAC Improvements**

LOCATION: **Valley West Drive & Ashworth Road**

DRAWN BY: JDR

DATE: 11/7/2016

PROJECT: 0510-058-2015

SHT. 1 of 1

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

Date: December 27, 2016

**ITEM:** Westport Plat 1, 33346 V Court – Subdivide property into 55 lots for single family development, 5 public street lots, and 4 outlots – Westport Development LLC – PP-003107-2016

**RESOLUTION: Approval of Preliminary Plat**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Westport Development, LLC, represented by Eric Cannon of Snyder & Associates, Inc., is requesting approval of a Preliminary Plat for approximately 63.4 acres located at 33346 V Court. As a part of Plat 1, the applicant proposes to subdivide the property into 55 lots for single family development, 5 lots for public streets, 1 outlot for parkland dedication, 1 outlot for greenway dedication, 1 outlot for storm water detention, and 1 outlot for future development. Phase 2 of the project on the western half will include 81 additional single family lots.

**Plan and Zoning Commission Action:**

Vote: 6-0 approval, with Commissioner Brown absent.

Date: December 19, 2016

Motion: Adopt a resolution recommending the City Council approve the Preliminary Plat Request

**OUTSTANDING ISSUES:** There are no outstanding staff issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions. Staff would note that two adjacent property owners have expressed concern regarding storm water management and flow of water from this site and the potential impact to their existing pond; and concern with the removal of trees opening up views into and from their properties. Staff informed them of the City's requirement for Storm Water Management Plans and that the rate of release from this property cannot be changed. Staff also informed the property owners that the developer was putting a portion of the property into a conservation easement which would restrict the placement of structures, but any details of tree preservation have not yet been determined. It was explained that the City does not have tree preservation requirements. Measures to limit tree removal is up to the developer and future property owners. Staff informed the neighboring property owners that whether or not fence row plantings are kept is typically up to the new property owner. Staff suggested that the property owners contact the developer's Civil Engineer to discuss their concerns. At the writing of this staff report, it was unknown whether or not those discussions had occurred and whether their concerns were adequately addressed. City staff has reviewed and is comfortable with the Storm Water Management Plan submitted for the development. Since the City has no tree preservation requirements, staff did not feel that knowing the details of the conservation easement at this time was necessary in order for the plat to proceed.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee - *Development & Planning: June 18, 2015 & June 27, 2016*
- Staff Review and Comment
  - *Mills Civic Parkway & Wendover Road Paving*
  - *Outlots*
  - *Conservation Easement*
  - *Temporary Turnarounds*
- Comprehensive Plan Consistency
- Findings
- Staff Recommendation and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the Preliminary Plat to subdivide the property into 55 lots for single family development, 5 public street lots and 4 outlots subject to the applicant meeting all City Code requirements and the following:

1. No combustible construction or storage shall occur on the Westport Plat 1 designated property until the necessary streets and water mains are installed to provide access and water for use by emergency services.
2. The applicant acknowledging that the associated Final plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits, for any lot within the plat.
3. The applicant receiving City approval of Public Improvement Construction Plans for any public improvements prior to implementation. Additionally, the applicant acknowledging that public improvements must be constructed and accepted by the City prior to issuance of any occupancy permits, including temporary occupancy permits for any dwelling within the plat.

Lead Staff Member: Brian Portz, AICP 

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

Published In	NA
Date(s) Published	
Letter sent to surrounding property owners	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	June 18, 2015 & June 27, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Plan and Zoning Commission Communication
  - Attachment A  Plan and Zoning Commission Resolution
  - Exhibit A  Conditions of Approval
  - Attachment B  City Location Map
  - Attachment C  Location Map
  - Attachment D  Preliminary Plat
- Exhibit II - City Council Resolution
  - Exhibit A  Conditions of Approval

**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION COMMUNICATION**

**Meeting Date:** December 19, 2016

**Item:** Westport Plat 1, 33346 V Court – Subdivide property into 55 lots for single family development, 5 public street lots, and 4 outlots – Westport Development LLC – PP-003107-2016

**Requested Action:** Approval of Preliminary Plat

**Case Advisor:** Brian Portz, AICP *BP*

**Applicant's Request:** The applicant, Westport Development, LLC, represented by Eric Cannon of Snyder & Associates, Inc., is requesting approval of a Preliminary Plat for approximately 63.4 acres located at 33346 V Court. As a part of Plat 1, the applicant proposes to subdivide the property into 55 lots for single family development, 5 lots for public streets, 1 outlot for parkland dedication, 1 outlot for greenway dedication, 1 outlot for storm water detention, and 1 outlot for future development. Phase 2 of the project on the western half will include 81 additional single family lots.

**History:** The property is undeveloped. The property was annexed into the City at the request of the applicant in early 2015. The property has not been previously platted. In September 2015, a Comprehensive Plan Amendment and rezoning was approved to allow for single family development of this property.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on June 18, 2015 to discuss possibly allowing construction of an asphalt overlay over Mills Civic Pkwy from where paving stops to Wendover Road and then north into the entrance of the Westport development to provide the required paved access to the site. This would be a temporary road and as adjoining properties develop be replaced with an urban cross-section installed per City standards. Both Council members indicated support of the temporary paving with the applicant working with the City regarding the construction and road maintenance agreements.

The preliminary plat was discussed at the June 27, 2016 Development & Planning City Council Subcommittee meeting as an informational item only; the Subcommittee was supportive of the development.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would note the following:

- **Mills Civic Parkway & Wendover Road Paving:** As noted above in the City Council Subcommittee discussion, the applicant is proposing construction of an concrete overlay over Mills Civic Pkwy from where paving stops to Wendover Road and then north on Wendover Road into the entrance of the Westport development to provide the required paved access to the site. No additional right-of-way will be acquired with this overlay construction. The applicant has submitted construction documents to the City Engineering Services Department for the overlay of the existing gravel on Mills Civic Parkway and Wendover Road. The construction documents will be reviewed and approved by the City Council at a later date.
- **Outlots:** Outlots are proposed as a part of this plat. One of the outlots, Outlot W, is reserved for greenway to be dedicated to the City and is located along the creek on the north side of the subdivision. Outlot X, on the western portion of the site, is reserved for future single family development. A concept plan for the western portion of the site shows an additional 81 single family lots to be developed with phase 2 of the project. Outlot Y is reserved for parkland that will be dedicated to the City. This parkland outlot is located on the southwest corner of the development. Outlot Z is the proposed storm water detention area for the development. This is located on the southern portion of the site.



- **Conservation Easement:** A conservation easement will be located on the northern portion of lots 2-9. This area is delineated on the plat to preserve the natural landscape of this area of the property, which includes a dense timber area. No structures may be built within the conservation easement, except that fences are permitted.
- **Temporary Turnarounds:** Temporary gravel turnarounds will be located at the dead end of Westport Drive, Brookdale Drive, and Gentile Flats Avenue until such time that these streets are extended in the future. The turnarounds will be sized such that public works vehicles and emergency vehicles can turnaround without having to back up. Temporary easements will be executed in conjunction with the final plat.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**Findings:** This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Staff Recommendation And Conditions Of Approval:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Preliminary Plat to create 55 lots for single family development, 5 lots for public streets, and 4 outlots, subject to the applicant meeting all City Code requirements and the following:

1. No combustible construction or storage shall occur on the Westport Plat 1 designated property until the necessary streets and water mains are installed to provide access and water for use by emergency services.

2. The applicant acknowledging that the associated Final plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits, for any lot within the plat.
3. The applicant receiving City approval of Public Improvement Construction Plans for any public improvements prior to implementation. Additionally, the applicant acknowledging that public improvements must be constructed and accepted by the City prior to issuance of any occupancy permits, including temporary occupancy permits for any dwelling within the plat.

**Property Owner/Applicant:** Westport Development, LLC  
P.O. Box 373  
Johnston, IA 50131  
Attn: Willis Van Zee  
[Mx483@aol.com](mailto:Mx483@aol.com)

**Applicant's Representatives:** Snyder & Associates, Inc.  
2727 SW Snyder Boulevard  
Ankeny, IA 50023  
Attn: Eric Cannon  
[ecannon@snyder-associates.com](mailto:ecannon@snyder-associates.com)

**Attachments:**

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Conditions of Approval
- Attachment B - City Location Map
- Attachment C - Location Map
- Attachment D - Preliminary Plat

RESOLUTION NO. PZC-16-080

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE A PRELIMINARY PLAT TO SUBDIVIDE PROPERTY INTO 55 LOTS FOR SINGLE FAMILY DEVELOPMENT, 5 LOTS FOR PUBLIC STREETS, AND 4 OUTLOTS**

**WHEREAS**, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Westport Development, LLC, has requested approval for a Preliminary Plat (PP-003107-2016) to create 55 single family residential lots, 5 lots for public streets, 1 outlot for parkland dedication, 1 outlot for greenway dedication, 1 outlot for storm water detention, and 1 outlot for future development on that 63.4 acre site located at 33346 V Court;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;


**WHEREAS**, on December 19, 2016, this Commission held a duly-noticed public meeting to consider the application for a Preliminary Plat;

**NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

SECTION 1. The findings, for approval, in the staff report or as amended orally at the Plan and Zoning Commission meeting are adopted.

SECTION 2. The Preliminary Plat (PP-003107-2016) to subdivide the property into 55 single family residential lots, 5 lots for public streets, and 4 outlots, is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report including conditions added at the meeting, and attached hereto as Exhibit "A." Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on December 19, 2016.

  
Craig Erickson, Chairperson  
Plan and Zoning Commission


ATTEST:

  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 19, 2016, by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth  
NAYS: -0-  
ABSTENTIONS: -0-  
ABSENT: Brown

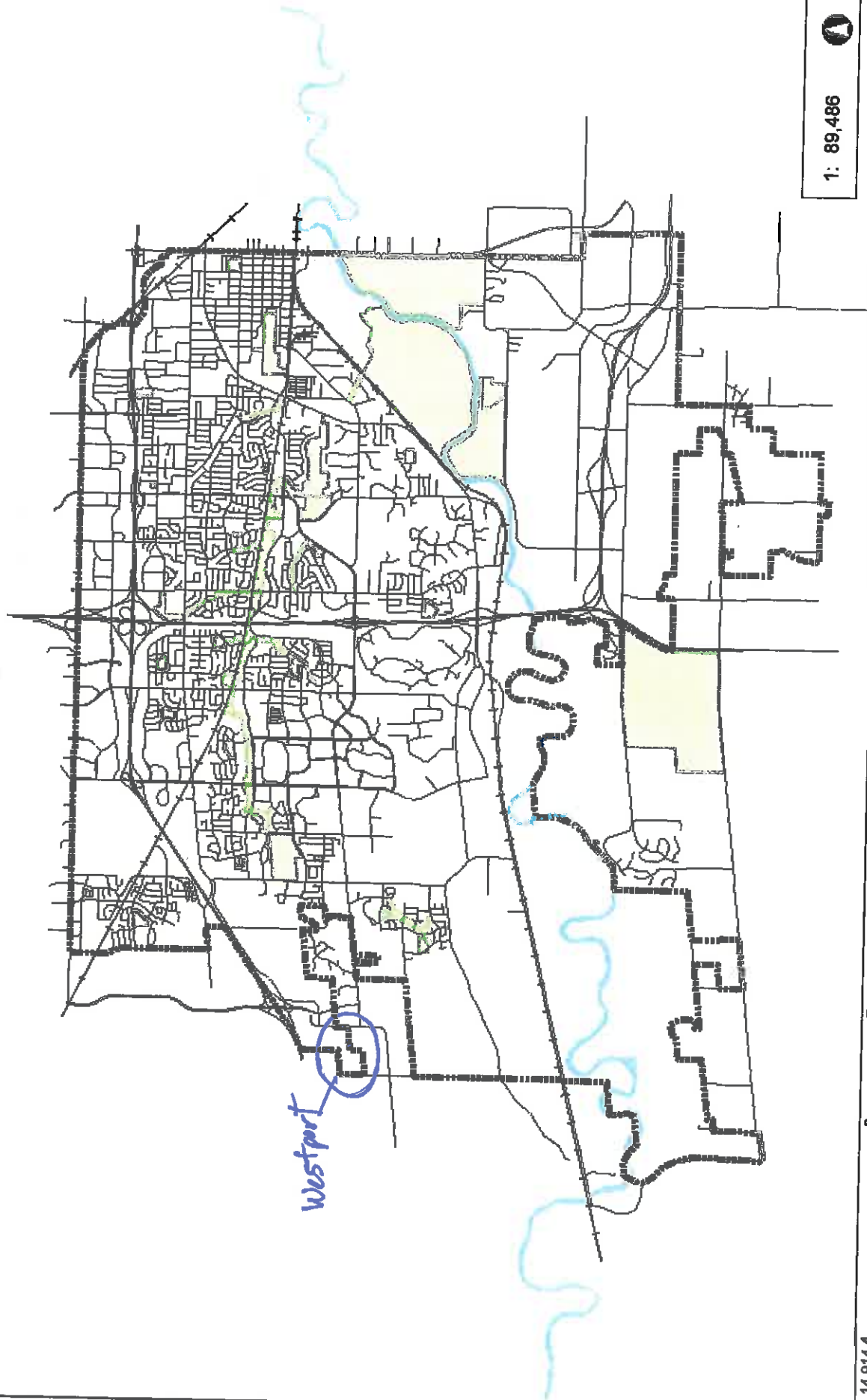
ATTEST:

  
Recording Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**

1. No combustible construction or storage shall occur on the Westport Plat 1 designated property until the necessary streets and water mains are installed to provide access and water for use by emergency services.
2. The applicant acknowledging that the associated Final plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits, for any lot within the plat.
3. The applicant receiving City approval of Public Improvement Construction Plans for any public improvements prior to implementation. Additionally, the applicant acknowledging that public improvements must be constructed and accepted by the City prior to issuance of any occupancy permits, including temporary occupancy permits for any dwelling within the plat.

# Location Map



1: 89,486



14,914.4

7,457.19

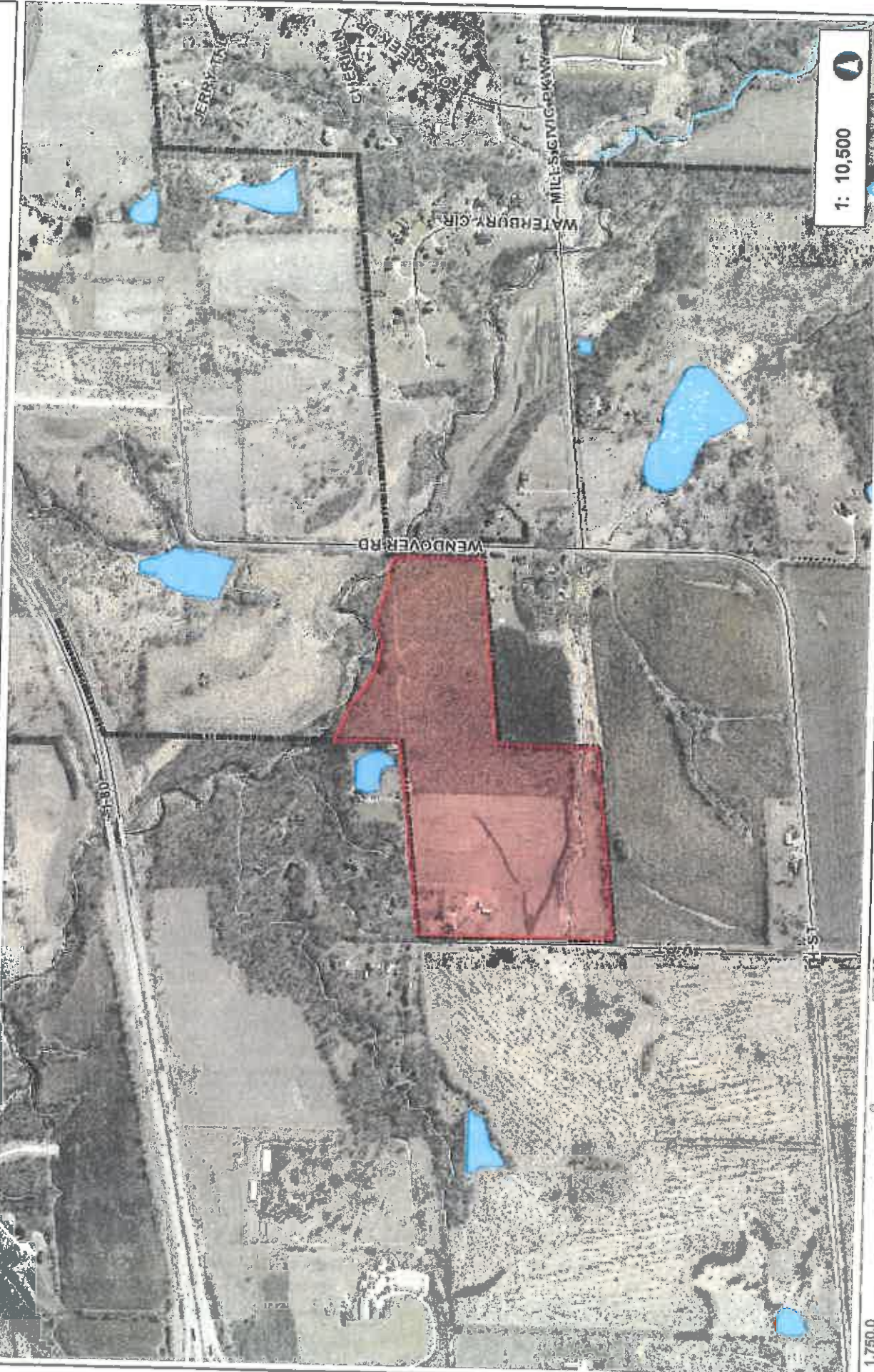
14,914.4 Feet

NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet  
 © City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# Westport



1: 10,500



NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet  
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# WESTPORT PLAT 1

## PRELIMINARY PLAT

ATTACHMENT D

### LEGEND

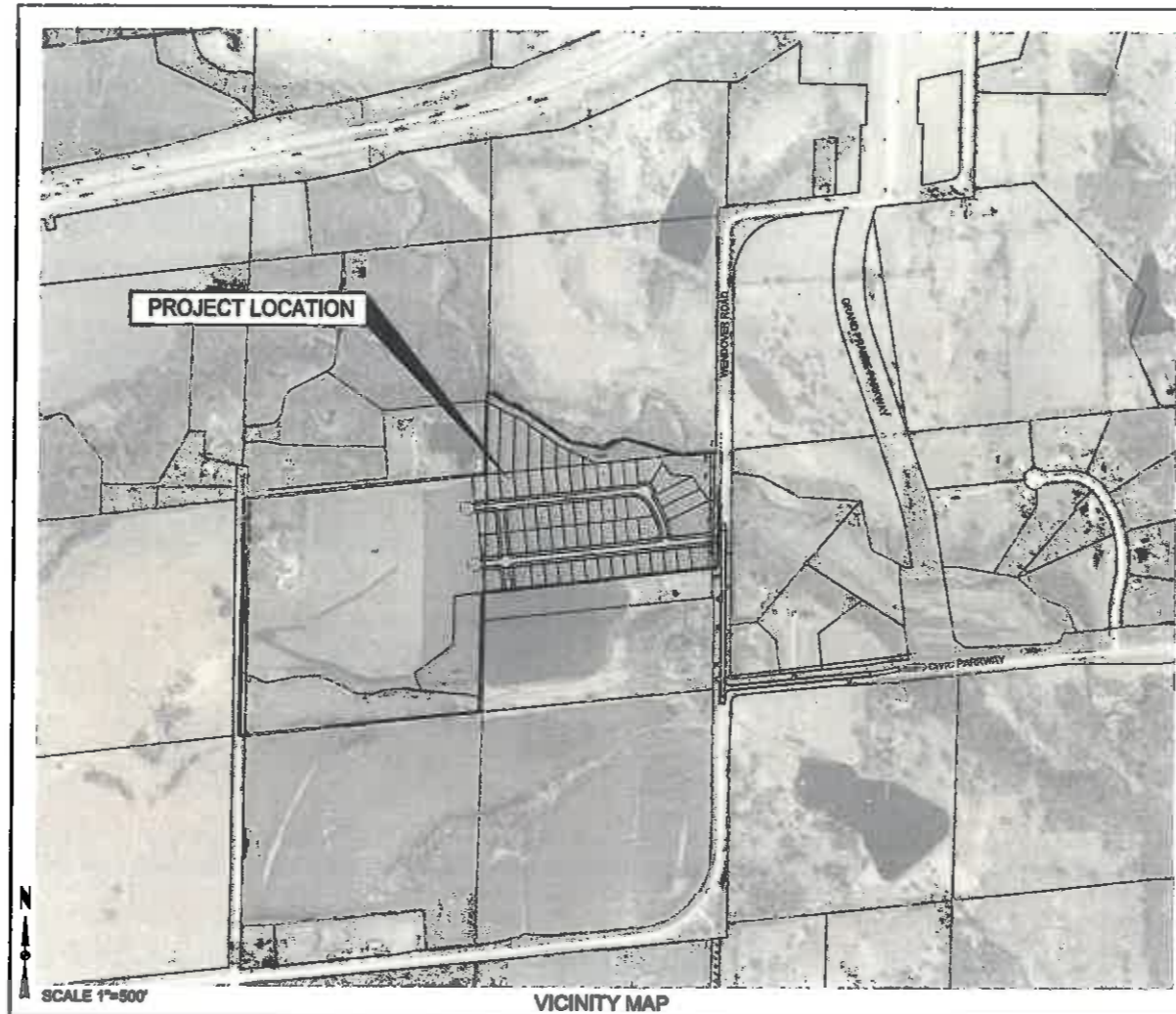
Features	Existing	Proposed
Spot Elevation	93.0	93.0
Contour Elevation	93	93
Fence (Barbed, Field, Hog)	-x-x-	-x-x-
Fence (Chain Link)	-x-x-	-x-x-
Fence (Wood)	-x-x-	-x-x-
Fence (Silt)	-x-x-	-x-x-
Tree Line	-x-x-	-x-x-
Tree Stump	-x-x-	-x-x-
Deciduous Tree \ Shrub	(Symbol)	(Symbol)
Coniferous Tree \ Shrub	(Symbol)	(Symbol)
Communication		
Overhead Communication	-C(x)-	-C-
Fiber Optic	-FO(x)-	-FO-
Underground Electric	-E(x)-	-E-
Overhead Electric	-OE(x)-	-OE-
Gas Main with Size	-4" G(x)-	-4" G-
High Pressure Gas Main with Size	-4" HPG(x)-	-4" HPG-
Water Main with Size	-8" W(x)-	-8" W-
Sanitary Sewer with Size	-8" S(x)-	-8" S-
Duct Bank	-DUCT(x)-	-DUCT-
Test Hole Location for SUE w/ID	(Symbol)	(Symbol)

(x) Denotes the survey quality service level for utilities

Sanitary Manhole	12" ST	12" ST
Storm Sewer with Size	(Symbol)	(Symbol)
Storm Manhole	(Symbol)	(Symbol)
Single Storm Sewer Intake	(Symbol)	(Symbol)
Double Storm Sewer Intake	(Symbol)	(Symbol)
Fire Hydrant	(Symbol)	(Symbol)
Fire Hydrant on Building	(Symbol)	(Symbol)
Water Main Valve	(Symbol)	(Symbol)
Water Service Valve	(Symbol)	(Symbol)
Well	(Symbol)	(Symbol)
Utility Pole	(Symbol)	(Symbol)
Guy Anchor	(Symbol)	(Symbol)
Utility Pole with Light	(Symbol)	(Symbol)
Utility Pole with Transformer	(Symbol)	(Symbol)
Street Light	(Symbol)	(Symbol)
Yard Light	(Symbol)	(Symbol)
Electric Box	(Symbol)	(Symbol)
Electric Transformer	(Symbol)	(Symbol)
Traffic Sign	(Symbol)	(Symbol)
Communication Pedestal	(Symbol)	(Symbol)
Communication Manhole	(Symbol)	(Symbol)
Communication Handhole	(Symbol)	(Symbol)
Fiber Optic Manhole	(Symbol)	(Symbol)
Fiber Optic Handhole	(Symbol)	(Symbol)
Gas Valve	(Symbol)	(Symbol)
Gas Manhole	(Symbol)	(Symbol)
Gas Apparatus	(Symbol)	(Symbol)
Fence Post or Guard Post	(Symbol)	(Symbol)
Underground Storage Tank	(Symbol)	(Symbol)
Above Ground Storage Tank	(Symbol)	(Symbol)
Sign	(Symbol)	(Symbol)
Satellite Dish	(Symbol)	(Symbol)
Mailbox	(Symbol)	(Symbol)
Soil Boring	(Symbol)	(Symbol)

### LEGEND

Survey	Found	Set
Section Corner	(Symbol)	(Symbol)
1/2" Rebar, Cap # 11579 (Unless Otherwise Noted)	(Symbol)	(Symbol)
ROW Marker	(Symbol)	(Symbol)
ROW Rail	(Symbol)	(Symbol)
Control Point	(Symbol)	(Symbol)
Bench Mark	(Symbol)	(Symbol)
Platted Distance	(Symbol)	(Symbol)
Measured Bearing & Distance	(Symbol)	(Symbol)
Recorded As	(Symbol)	(Symbol)
Deed Distance	(Symbol)	(Symbol)
Calculated Distance	(Symbol)	(Symbol)
Minimum Protection Elevation	(Symbol)	(Symbol)
Centerline	(Symbol)	(Symbol)
Section Line	(Symbol)	(Symbol)
1/4 Section Line	(Symbol)	(Symbol)
1/4 1/4 Section Line	(Symbol)	(Symbol)
Easement Line	(Symbol)	(Symbol)



### PLAT DESCRIPTION

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (W1/2 SW1/4 NW1/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. AND THE EAST HALF OF THE SOUTHWEST 1/4 OF THE NORTHWEST QUARTER (E1/2 SW1/4 NW1/4) AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (N1/2 SE1/4 NW1/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. AND A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4 NW1/4; THENCE S 00°00' W, 131.5 FEET TO THE SOUTHEAST CORNER OF SAID NE1/4 NW1/4; THENCE S 84°35' W, 226.0 FEET ON THE SOUTH LINE OF SAID NE1/4 NW1/4 TO THE POINT OF BEGINNING; THENCE S 84°35' W, 106.8 FEET TO THE SOUTHWEST CORNER OF SAID NE1/4 NW1/4; THENCE N 01°41' W, 468.0 FEET ON THE WEST LINE OF SAID NE1/4 NW1/4; THENCE S 60°55' E, 155.8 FEET; THENCE S 55°52' E, 116.0 FEET; THENCE S 55°04' E, 287.3 FEET; THENCE S 79°21' E, 195.0 FEET; THENCE N 63°19' E, 124.2 FEET; THENCE S 74°09' E, 348.3 FEET TO THE POINT OF BEGINNING.

### OWNER

WESTPORT DEVELOPMENT, LLC.  
P.O. BOX 573  
JOHNSTON, IA 50131  
CONTACT: WILLIS VAN ZEE  
PHONE: 515-480-4560

### ENGINEER

SNYDER & ASSOCIATES, INC.  
2727 SNYDER BLVD  
P.O. BOX 1159  
ANKENY, IA 50023  
CONTACT: ERIC CANNON  
515-964-2020

### COMPREHENSIVE PLAN LAND USE

EXISTING: SINGLE FAMILY RESIDENTIAL  
PROPOSED: SINGLE FAMILY RESIDENTIAL

### ZONING

EXISTING: R-1 SINGLE FAMILY RESIDENTIAL  
PROPOSED: R-1 SINGLE FAMILY RESIDENTIAL

### BULK REGULATIONS (R-1 DISTRICT)

MINIMUM LOT AREA = 7,500 SF  
MINIMUM LOT WIDTH = 80' (Measured at Building Setback Line)  
(Corner Lots Require an additional 25' of width at Building Setback Line)  
FRONT YARD SETBACK = 30'  
REAR YARD SETBACK = 35'  
SIDE YARD SETBACK = 7' Minimum (15' Total)

### BENCHMARKS

CITY OF WEST DES MOINES (WDM) #095  
BRASS DISK 1.1 MILES WEST OF INTERSECTION OF 88TH STREET AND 335TH STREET, (DALLAS COUNTY), TOP OF SOUTHWEST CONCRETE BRIDGE RAIL ON BRIDGE OVER FOX CREEK.  
ELEVATION - WDM DATUM=107.68 FEET (NAVD88=881.69 FEET)  
NORTHING:567621.611  
EASTING:1544673.022

CITY OF WEST DES MOINES (WDM) #130  
STANDARD BENCHMARK SOUTHWEST CORNER OF BOONEVILLE ROAD AND "V" PLACE, 3 FEET NORTH OF SOUTH RIGHT-OF-WAY FENCE ON BOONEVILLE ROAD AND IN LINE WITH EAST EDGE OF "V" PLACE, WEST SIDE OF FIELD ENTRANCE.  
ELEVATION - WDM DATUM=99.85 FEET (NAVD88=873.86 FEET)  
NORTHING:559767.987  
EASTING:1540020.283

BM31  
NORTHING: 567379.451  
EASTING: 1542797.397  
ELEVATION: 906.975

BM32  
NORTHING: 568756.239  
EASTING: 1542758.270  
ELEVATION: 882.855

BM33  
NORTHING: 567182.809  
EASTING: 1540068.717  
ELEVATION: 950.606

BM34  
NORTHING: 568418.257  
EASTING: 1540050.764  
ELEVATION: 971.244

### NOTES

SEE SHEET 2 of 13 FOR GENERAL NOTES WEST DES MOINES PN# PP-003107-2016

### INDEX OF SHEETS

1. TITLE SHEET
2. GENERAL NOTES AND PROJECT INFORMATION
3. TYPICAL SECTIONS
4. OVERALL SITE LAYOUT PLAN
- 5-6. LAYOUT PLAN
- 7-8. UTILITY PLAN
- 9-10. GRADING AND EROSION CONTROL PLAN
11. WENDOVER ROAD TEMPORARY PAVING AND UTILITY PLAN
12. MILLS CIVIC PARKWAY TEMPORARY PAVING
13. PLANTING PLAN



MARK	REVISION	DATE	BY
4	REVISED AS PER CITY COMMENTS	12/15/16	KMM
3	REVISED AS PER CITY COMMENTS	12/07/16	JWM
2	REVISED AS PER CITY COMMENTS	11/22/16	JWM
1	REVISED AS PER CITY COMMENTS	11/04/16	JWM

Checked By: EDC  
Scale: 1"=500'  
Engineer: KMM  
Technician: JWM  
Date: 10-06-16  
Field Bk: Pjc

WEST DES MOINES, IA  
2727 S.W. SNYDER BLVD.  
ANKENY, IOWA 50023  
515-964-2020 | www.snyder-associates.com

WESTPORT PLAT 1  
PRELIMINARY PLAT - TITLE SHEET  
SNYDER & ASSOCIATES, INC.

Project No: 116.0830  
Sheet 1 of 13

I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

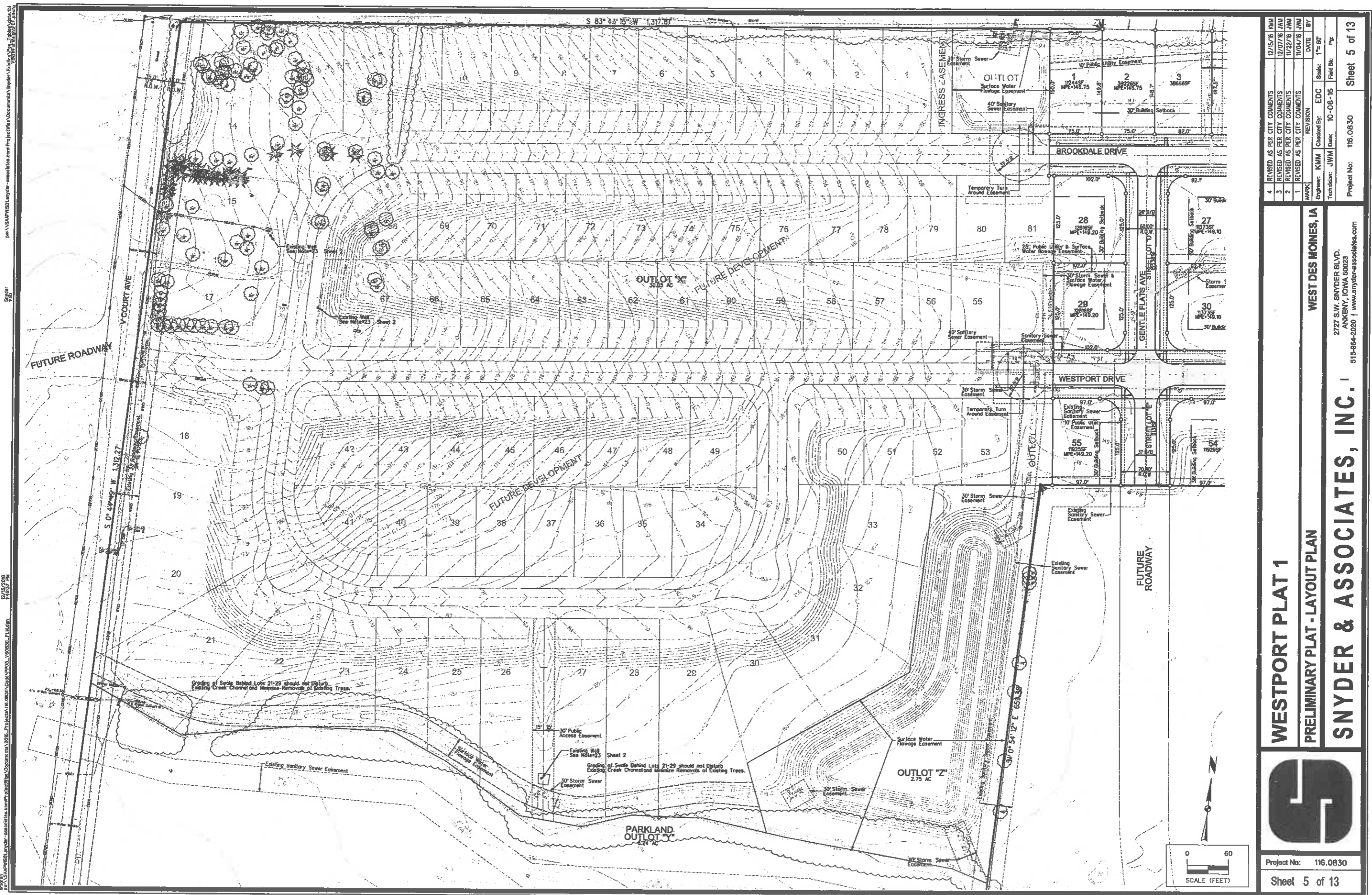
Eric D. Cannon, P.E. Date  
License Number: 18954  
My License Renewal Date is December 31, 2017  
Pages or sheets covered by this seal:











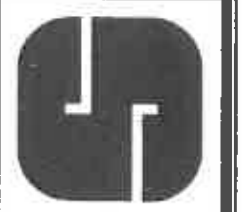
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 Date: 10-06-16  
 Scale: 1"=60'  
 Field Bk: Fig.

MARK	REVISION	DATE	BY
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3	REVISED AS PER CITY COMMENTS	12/07/16	JWM
2	REVISED AS PER CITY COMMENTS	11/22/16	JWM
1	REVISED AS PER CITY COMMENTS	11/04/16	JWM

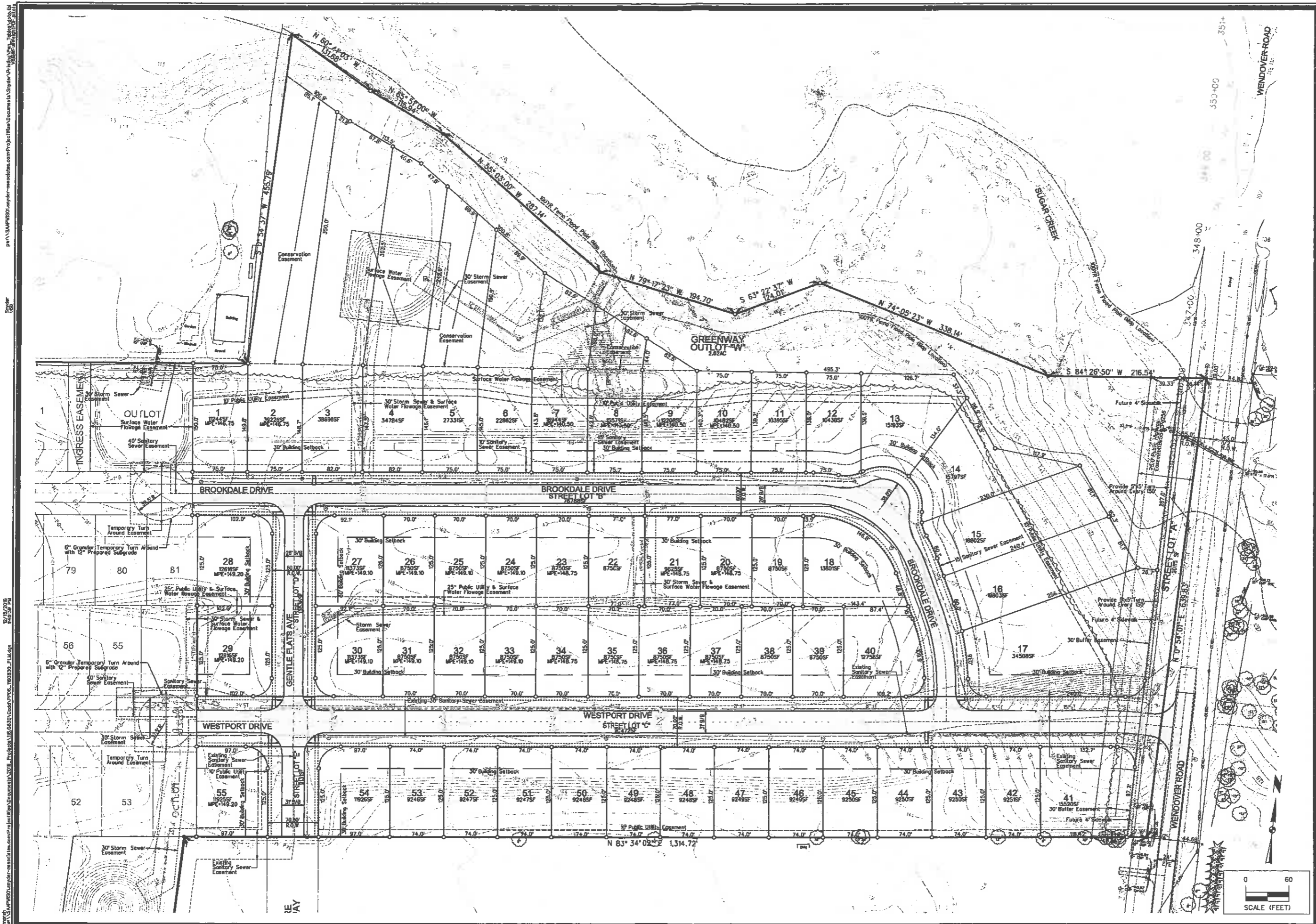
Engineer: KMM  
 Checked By: EDC  
 Scale: 1"=60'  
 Technician: JWM  
 Date: 10-06-16  
 Field Bk: Fig.

Project No: 116.0830  
 Sheet 5 of 13

**WESTPORT PLAT 1**  
**PRELIMINARY PLAT - LAYOUT PLAN**  
**SNYDER & ASSOCIATES, INC.**



Project No: 116.0830  
 Sheet 5 of 13



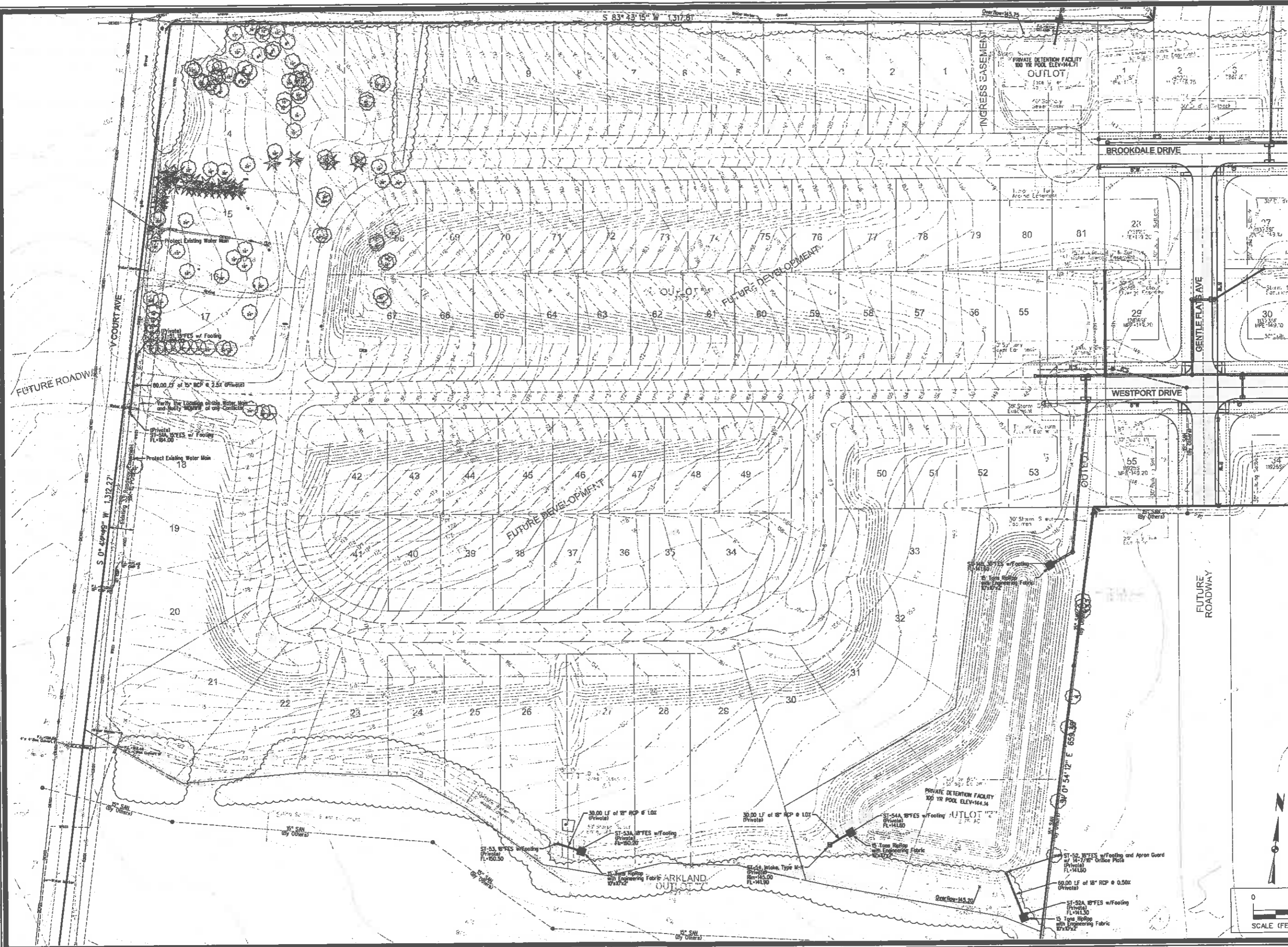
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3	REVISED AS PER CITY COMMENTS	12/07/16	JWM
2	REVISED AS PER CITY COMMENTS	11/22/16	JWM
1	REVISED AS PER CITY COMMENTS	11/04/16	JWM

Engineer: KJM  
 Checked By: EDC  
 Technician: JWM  
 Date: 10-06-16  
 Project No: 116.0830

**WESTPORT PLAT 1**  
**PRELIMINARY PLAT - LAYOUT PLAN**  
**SNYDER & ASSOCIATES, INC.**  
 2727 S.W. SNYDER BLVD.  
 ANKENY, IOWA 50023  
 515-964-2020 | www.snyder-associates.com

  
 Project No: 116.0830  
 Sheet 6 of 13



MARK	REVISION	DATE	BY
4	REVISED AS PER CITY COMMENTS	12/15/16	KAM
3	REVISED AS PER CITY COMMENTS	12/07/16	JWM
2	REVISED AS PER CITY COMMENTS	11/22/16	JWM
1	REVISED AS PER CITY COMMENTS	11/04/16	JWM

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Checked By: EDC  
Scale: 1"=60'  
Technician: JWM  
Date: 10-06-16  
Field Bk: Pg.

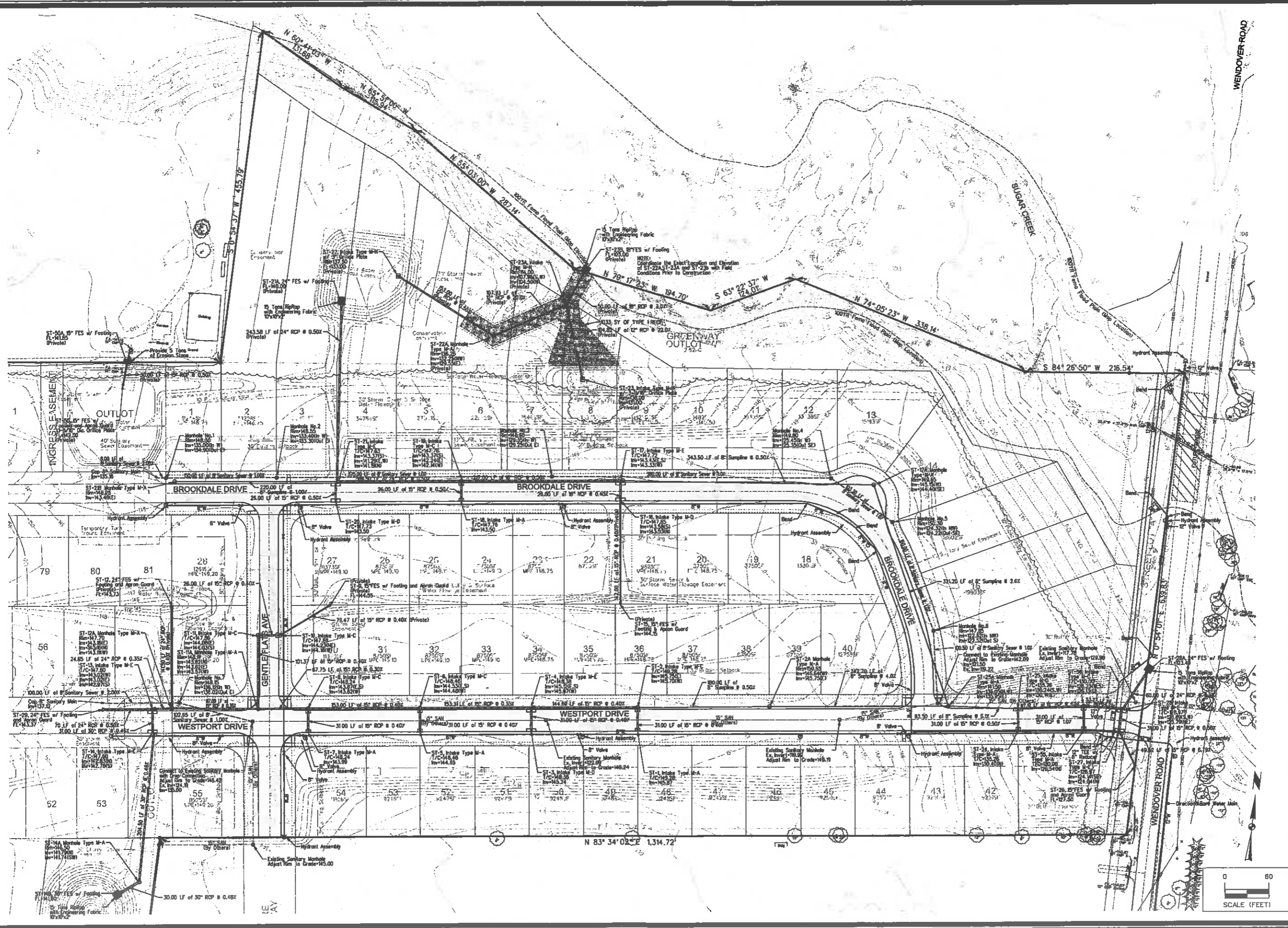
WEST DES MOINES, IA  
Project No: 116.0830  
Sheet 7 of 13

WESTPORT PLAT 1  
PRELIMINARY PLAT - UTILITY PLAN

SNYDER & ASSOCIATES, INC.  
2727 S.W. SNYDER BLVD.  
ANKENY, IOWA 50023  
515-964-2020 | www.snyder-associates.com

Project No: 116.0830  
Sheet 7 of 13

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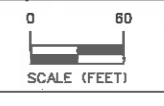
MARK	REVISION	DATE	BY
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3	REVISED AS PER CITY COMMENTS	12/07/16	JWM
2	REVISED AS PER CITY COMMENTS	11/22/16	JWM
1	REVISED AS PER CITY COMMENTS	11/04/16	JWM

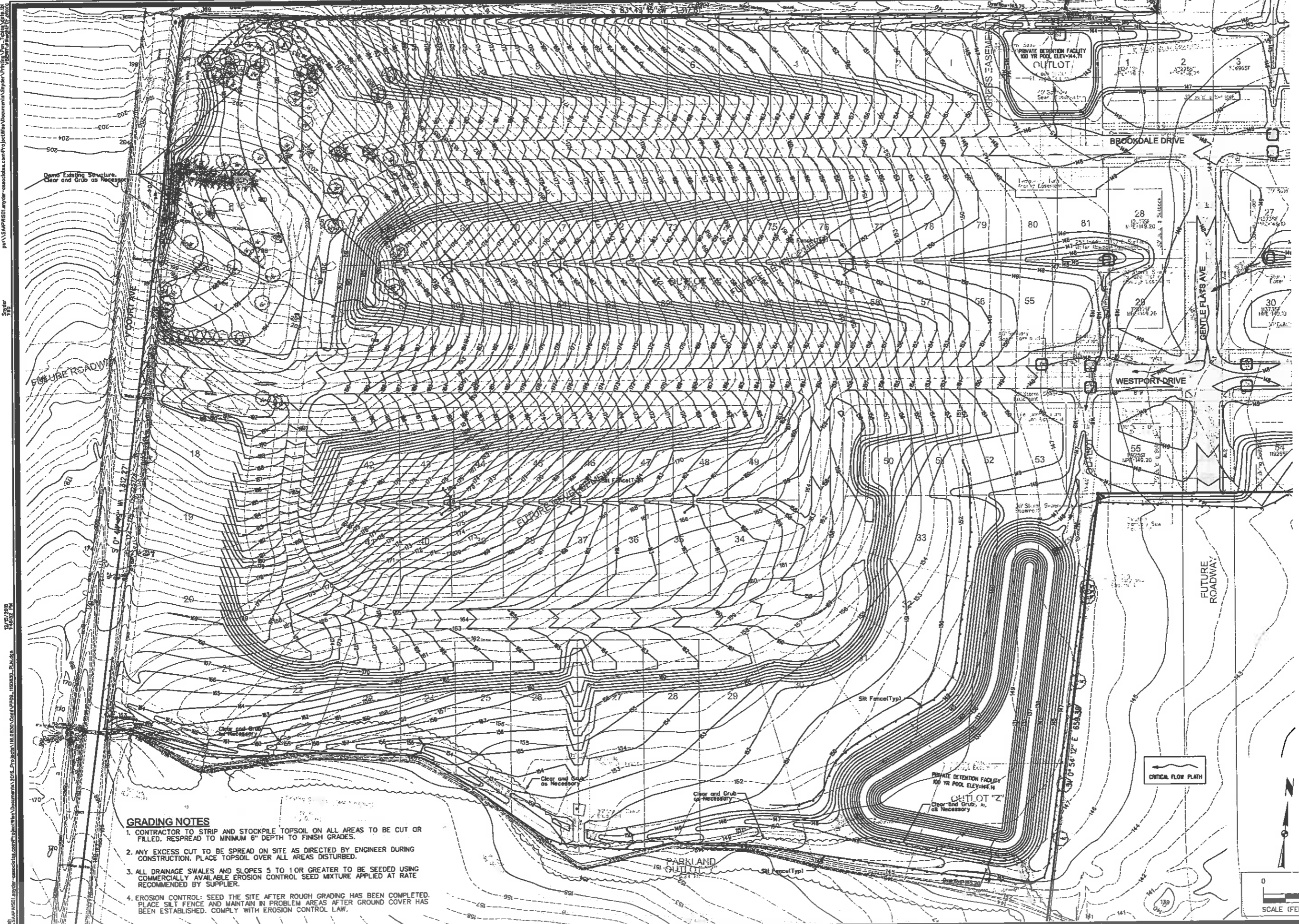
Engineer: KMM  
 Checked By: EDC  
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 Technician: JWM  
 Date: 10-06-16  
 Field Bk: Pg.  
 Project No: 116.0830  
 Sheet 8 of 13

**WESTPORT PLAT 1**  
**PRELIMINARY PLAT - UTILITY PLAN**  
**SNYDER & ASSOCIATES, INC.**

2727 S.W. SNYDER BLVD.  
 ANKENY, IOWA 50023  
 515-964-2020 | www.snyder-associates.com

Project No: 116.0830  
 Sheet 8 of 13






4	REVISED AS PER CITY COMMENTS	12/15/15	KMM
3	REVISED AS PER CITY COMMENTS	12/07/15	JWM
2	REVISED AS PER CITY COMMENTS	11/22/15	JWM
1	REVISED AS PER CITY COMMENTS	11/04/15	JWM
	MARK	REVISION	DATE
	Engineer: KMM	Checked By: EDC	Scale: 1" = 80'
	Township: JWM	Date: 10-06-15	Field Bk
	Project No: 116.0830		Sheet 9 of 13

**WESTPORT PLAT 1**

**PRELIMINARY PLAT - GRADING AND EROSION CONTROL PLAN**

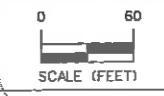
**SNYDER & ASSOCIATES, INC.**

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515-964-2020 | www.snyder-associates.com



Project No: 116.0830

Sheet 9 of 13

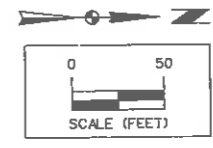
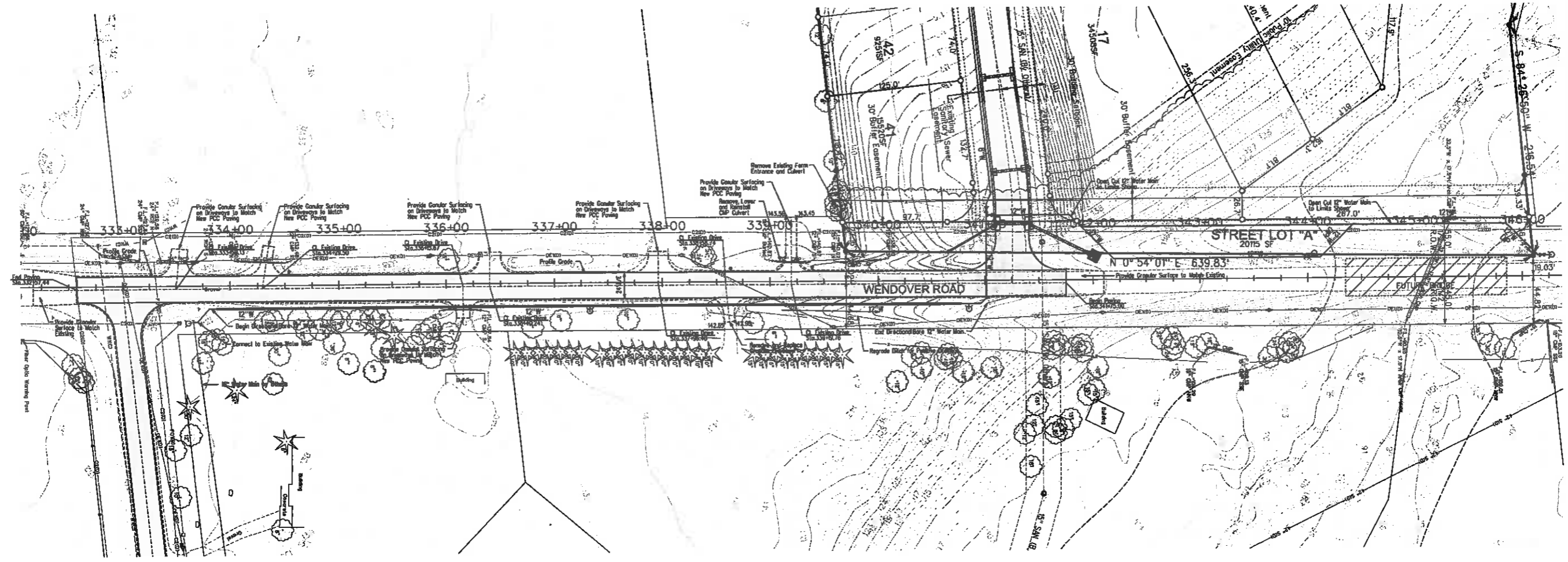


CRITICAL FLOW PLATH





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 User: jmm  
 Plot: 116.0830\_P1.dwg  
 Path: I:\Projects\116.0830\116.0830\_Prel\116.0830\_P1.dwg  
 Title: WESTPORT PLAT 1



**WESTPORT PLAT 1**

PRELIMINARY PLAT - WENDOOVER RD TEMPORARY PAVING AND UTILITY PLAN WEST DES MOINES, IA

**SNYDER & ASSOCIATES, INC.**

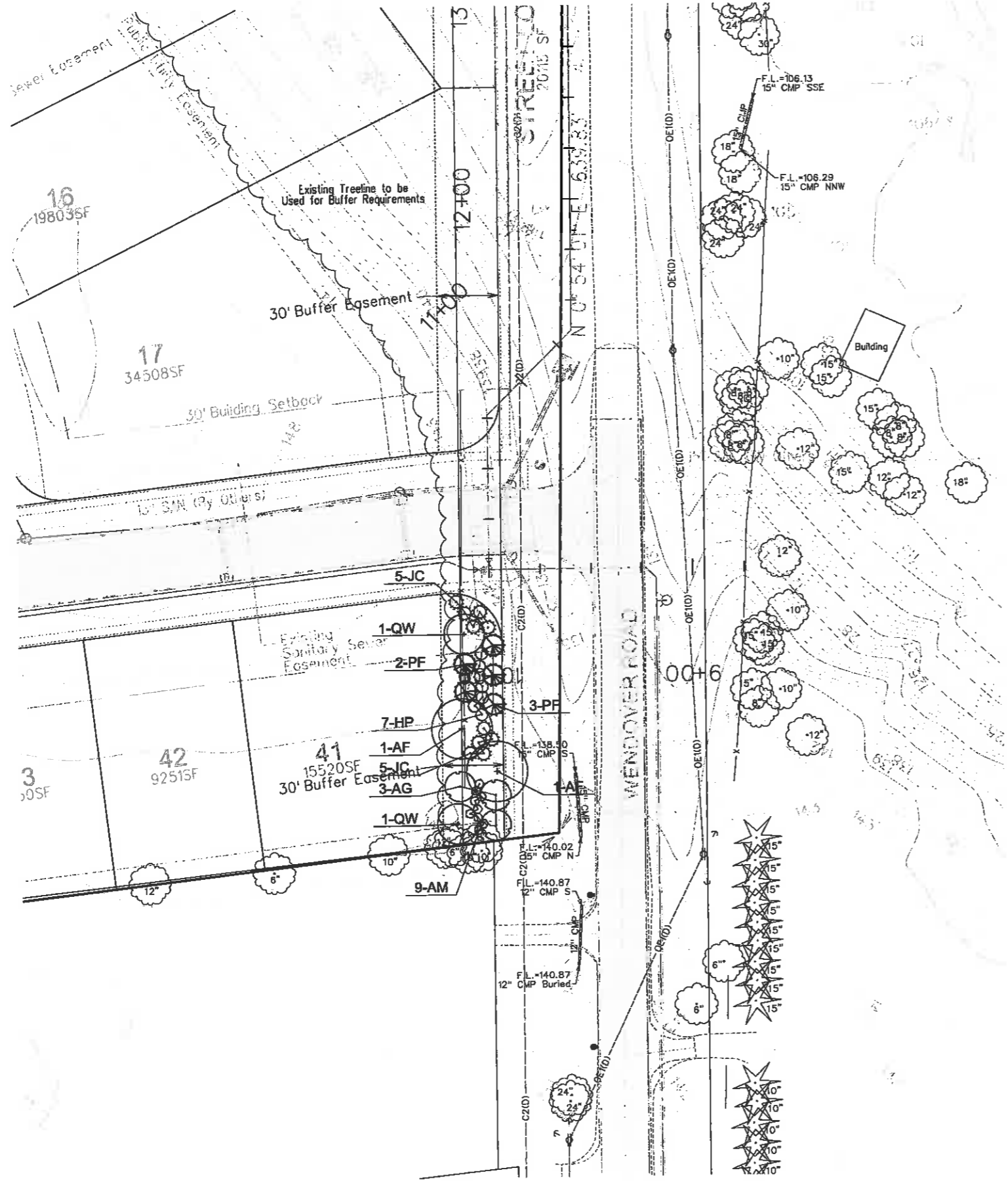
2727 S.W. SNYDER BLVD.  
 ANKENY, IOWA 50023  
 515-964-2020 | www.snyder-associates.com

MARK	REVISION	DATE	BY
4	REVISED AS PER CITY COMMENTS	12/15/16	KMM
3	REVISED AS PER CITY COMMENTS	12/07/16	JWM
2	REVISED AS PER CITY COMMENTS	11/22/16	JWM
1	REVISED AS PER CITY COMMENTS	11/04/16	JWM

Engineer: KMM Checked By: EDC Scale: 1"=60'  
 Technician: JWM Date: 10-06-16 Field Bk: Pg.  
 Project No: 116.0830 Sheet 11 of 13



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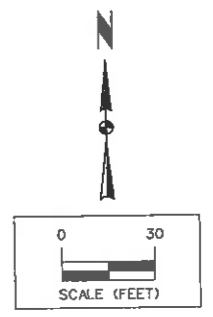


**LANDSCAPE REQUIREMENTS AND CALCULATIONS**  
 (LANDSCAPE CALCULATIONS BASED UPON CITY OF WEST DES MOINES ZONING CODE REQUIREMENTS)

**BUFFER REQUIREMENT: 30' WIDE BUFFER**  
 1 OVERSTORY OR EVERGREEN TREE, 2 UNDERSTORY TREES, AND 6 SHRUBS PER 35 LF OF BUFFER = 1 PLANT UNIT  
  
**WEST PROPERTY LINE: 123 LF/35 LF = 4.1 PLANT UNITS**  
 4 OVERSTORY OR EVERGREEN TREES (4 PROVIDED)  
 8 UNDERSTORY TREES (8 PROVIDED)  
 25 SHRUBS (26 PROVIDED)

**PLANT SCHEDULE**

	KEY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
CANOPY TREES	AF	Acer x freemanii 'Senna Glen'	SIENNA GLEN FREEMAN MAPLE	2"	B&B
	QW	Quercus x warei 'Lond'	REGAL PRINCE OAK	2"	B&B
ORNAMENTAL TREES	AG	Amelanchier x grandiflora 'Autumn Brilliance'	AUTUMN BRILLIANCE SERVICEBERRY	6' HT.	B&B
	PF	Pinus flexilis 'Vanderwolf's'	VANDERWOLFS LIMBER PINE	6' HT.	B&B
SHRUBS	AM	Aronia melanocarpa 'Merton'	IROQUOIS BEAUTY BLACK CHOKEBERRY	18" HL.	CONT. (4' O.C.)
	HP	Hydrangea paniculata 'Vanilla Strawberry'	VANILLA STRAWBERRY HYDRANGEA	24" HL.	CONT. (6' O.C.)
	JC	Juniperus chinensis 'Gold Lace'	GOLD LACE JUNIPER	24" HL.	CONT. (6' O.C.)



WEST DES MOINES, IA

WESTPORT PLAT 1

PRELIMINARY PLAT - PLANTING PLAN

**SNYDER & ASSOCIATES, INC.**

2727 S.W. SNYDER BLVD.  
 ANKENY, IOWA 50023  
 515-964-2020 | www.snyder-associates.com

Project No: 116.0830

Sheet 13 of 13

12/15/16 KMM

12/07/16 JWM

11/22/16 JWM

11/04/16 JWM

DATE BY

4 REVISED AS PER CITY COMMENTS

3 REVISED AS PER CITY COMMENTS

2 REVISED AS PER CITY COMMENTS

1 REVISED AS PER CITY COMMENTS

DATE BY

Engineer: KMM

Checked By: EDC

Scale: 1"=30'

Technician: JWM

Date: 10-06-16

Field Bk: Pg.

Prepared by: B. Portz, City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620; When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING THE PRELIMINARY PLAT (PP-003107-2016) TO SUBDIVIDE THE PROPERTY INTO 55 LOTS FOR SINGLE FAMILY DEVELOPMENT, FIVE PUBLIC STREET LOTS, AND FOUR OUTLOTS**

**WHEREAS**, pursuant to the provisions of Title 10, Subdivision Regulations, and Title 9, Zoning Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Westport Development, LLC, has requested approval for a Preliminary Plat (PP-003107-2016) for that 63.4 acre site located at 33346 V Court for the purpose of subdividing the property into 55 single family residential lots, five public street lots, and four outlots;

**Legal Description of Property**

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (W 1/2 SW 1/4 NW 1/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5th P.M., DALLAS COUNTY, IOWA.

AND

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (E 1/2 SW 1/4 NW 1/4) AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (N 1/2 SE 1/4 NW 1/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5th P.M., DALLAS COUNTY, IOWA.

AND

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE 1/4 NW 1/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5th P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE 1/4 NW 1/4; THENCE S 00°00' W, 1311.5 FEET TO THE SOUTHEAST CORNER OF SAID NE 1/4 NW 1/4; THENCE S 84°35' W, 226.0 FEET ON THE SOUTH LINE OF SAID NE 1/4 NW 1/4, TO THE POINT OF BEGINNING; THENCE S 84°35' W, 1106.8 FEET TO THE SOUTHWEST CORNER OF SAID NE 1/4 NW 1/4; THENCE N 01°41" W, 468.0 FEET ON THE WEST LINE OF SAID NE 1/4 NW 1/4; THENCE S 60°55' E, 155.8 FEET; THENCE S 65°52' E, 116.0 FEET; THENCE S 55°04' E, 287.3 FEET; THENCE S 79°21' E, 195.0 FEET; THENCE N 63°19' E 124.2 FEET; THENCE S 74°09' E, 348.3 FEET TO THE POINT OF BEGINNING.

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on December 19, 2016, the Plan and Zoning Commission did recommend to the City Council approval of the Preliminary Plat (PP-003107-2016);

**WHEREAS**, on, December 27, 2016, this City Council held a duly-noticed meeting to consider the application for Preliminary Plat (PP-003107-2016);

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The finding of consistency with the Comprehensive Plan as stated in the staff report, dated December 27, 2016, or as amended orally at the City Council meeting of December 27, 2016, are adopted.

**SECTION 2.** Preliminary Plat (PP-003107-2016) to subdivide the property into 55 single family residential lots, five public street lots, and four outlots is approved, subject to compliance with all the conditions in the staff report, dated December 27, 2016, including conditions added at the Hearing, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on December 27, 2016.

\_\_\_\_\_  
Jim Sandager  
Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on December 27, 2016, by the following vote:

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

1. No combustible construction or storage shall occur on the Westport Plat 1 designated property until the necessary streets and water mains are installed to provide access and water for use by emergency services.
2. The applicant acknowledging that the associated Final plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits, for any lot within the plat.
3. The applicant receiving City approval of Public Improvement Construction Plans for any public improvements prior to implementation. Additionally, the applicant acknowledging that public improvements must be constructed and accepted by the City prior to issuance of any occupancy permits, including temporary occupancy permits for any dwelling within the plat.

CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

DATE: December 27, 2016

**ITEM:** Reed Warehouse, 1611 Fuller Road – Construction of a 5,940 sq. ft. warehouse for vehicle storage – Kendall Reed – SP-003247-2016

**RESOLUTION:** Approval of Site Plan for Construction of 5,940 Sq. Ft. Warehouse building

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** Kendell Reed is requesting approval of a site plan to construct a 5,940 sq. ft. warehouse for vehicle storage at 1611 Fuller Road (see Exhibit I - Attachment B – Location Map, Attachment C – Site Plan, and Attachment D – Elevations \*updated since the Plan & Zoning Commission).

**Plan and Zoning Commission Action:**

Vote: 6-0 approval, Commissioner Brown being absent

Date: December 19, 2016

Motion: Adopt a resolution recommending the City Council approve the site plan

**OUTSTANDING ISSUES:** There are no outstanding issues.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant’s Request
- History
- City Council Subcommittee – *Development and Planning (August 8, 2016)*
- Staff Review and Comments
  - *Street Light Payment*
  - *Architecture Elevation*
- Comprehensive Plan Consistency
- Findings
- Staff Recommendation and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council adopt a resolution to approve a Site Plan for construction of a 5,940 sq. ft. warehouse building at 1611 Fuller Road, subject to the applicant meeting all City Code requirements and the following:

1. Continue to work with staff to address outstanding comments, prior to release of a building permit (\* *This condition of approval has been met since the Plan & Zoning Commission meeting*).
2. Submit proof of payment to MidAmerican Energy for street lights, prior to release of building permit.

Lead Staff Member: Kara Tragesser, AICP

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

Published In	N/A
Date(s) Published	
Letter sent to surrounding property owners	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning Subcommittee		
Date Reviewed	August 8, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Plan and Zoning Commission Communication
  - Attachment A - Plan and Zoning Commission Resolution
  - Exhibit A - Conditions of Approval
  - Attachment B - Location Map
  - Attachment C - Site Plan
  - Attachment D - Elevations
- Exhibit II - City Council Resolution
  - Exhibit A - Conditions of Approval
  - Exhibit B - Legal Description



**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION COMMUNICATION**

**Meeting Date:** December 19, 2016

**Item:** Reed Warehouse, 1611 Fuller Road – Construction of a 5,940 sq. ft. warehouse for vehicle storage – Kendall Reed – SP-003247-2016

**Requested Action:** Approval of Site Plan

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** Kendell Reed is requesting approval of a site plan to construct a 5,940 sq. ft. warehouse for vehicle storage at 1611 Fuller Road (see Attachment B – Location Map and Attachment C – Site Plan).

**History:** The property is undeveloped. The zoning of the property is Business Park. A grading plan to grade the site after fill dirt was placed on the site was approved by the Plan & Zoning Commission on August 19, 2016. On November 2, 2016, the Board of Adjustment approved a variance of 10 feet of the required 50 ft. side yard (north) building setback and a 10 ft. variance of the required 50 ft. front (south) yard building setback.

**City Council Subcommittee:** This item was presented to the Development & Planning City Council Subcommittee at their August 8, 2016, meeting; the Subcommittee supported the project.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff notes the following:

**Street Light Payment:** As part of the development of parcels, street lights are required to be paid for through Mid-American Energy as part of the review process. This usually occurs prior to the project moving forward for Plan & Zoning Commission review. In this case, there is a four week gap in meeting dates with the next available Commission meeting on January 16, 2017; with this item likely to be paid prior to that date, hence staff is bringing this application forward on the December 19, 2016 meeting with payment as a condition of approval.

**Architecture Elevation:** Staff still is working with the applicant's architectural representative on minor comments regarding architecture. The Business Park zoning district has higher expectations for architecture than the industrial districts where warehousing is more common. Staff generally is supportive of the architecture presented (see Attachment D – Architectural Elevations), but would like to continue to work with the applicant and his representative on such things as materials and minor details.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**Findings:** This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.

3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Staff Recommendation and Conditions of Approval:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve the site plan to allow construction of a 5,940 sq. ft. warehouse at 1611 Fuller road, subject to the applicant meeting all City Code requirements and the following:

1. Continue to work with staff to address outstanding comments, prior to release of a building permit.
2. Submit proof of payment to MidAmerican Energy for street lights, prior to release of building permit.

**Owner**                    Kendall Reed  
                                   3500 Brookview Drive  
                                   West Des Moines IA 50265

**Applicant:**             Jamie Hatch  
                                   CHS-Services  
                                   545 Highway 6  
                                   Waukee IA 50263

**Applicant Rep:**        Patrick Shepard  
                                   Civil Engineering Consultants  
                                   2400 86th Street Unit 12  
                                   Des Moines IA 50322  
                                   515-276-4884  
                                   Shepard@ceclac.com

**ATTACHMENTS:**

- |              |   |                                       |
|--------------|---|---------------------------------------|
| Attachment A | - | Plan and Zoning Commission Resolution |
| Exhibit A    |   | - Conditions of Approval              |
| Attachment B | - | Location Map                          |
| Attachment C | - | Site Plan                             |
| Attachment D | - | Elevations                            |

RESOLUTION NO. PZC-16-081

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE SITE PLAN (SP-003247-2016) FOR THE REED WAREHOUSE AT 1611 FULLER ROAD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Kendell Read, requests approval of a site plan to allow the construction of a 5,940 sq. ft. warehouse building on property located at 1611 Fuller Road;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on December 19, 2016, this Commission held a duly-noticed meeting to consider the site plan application;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated December 19, 2016, or as amended orally at the Plan and Zoning Commission hearing of December 19, 2016, are adopted.

SECTION 2. The Site Plan (SP-003247-2016) to allow construction of a 5,940 sq. ft. warehouse is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated December 19, 2016, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on December 19, 2016.

  
Craig Erickson, Chair  
Plan and Zoning Commission

ATTEST:

  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 19, 2016, by the following vote:

- AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth
- NAYS: -0-
- ABSTENTIONS: -0-
- ABSENT: Brown

ATTEST:

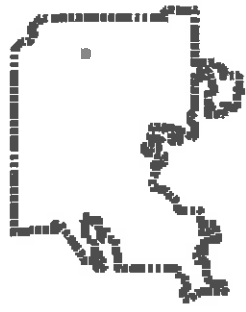
  
Recording Secretary

**Exhibit A**  
**Conditions of Approval**

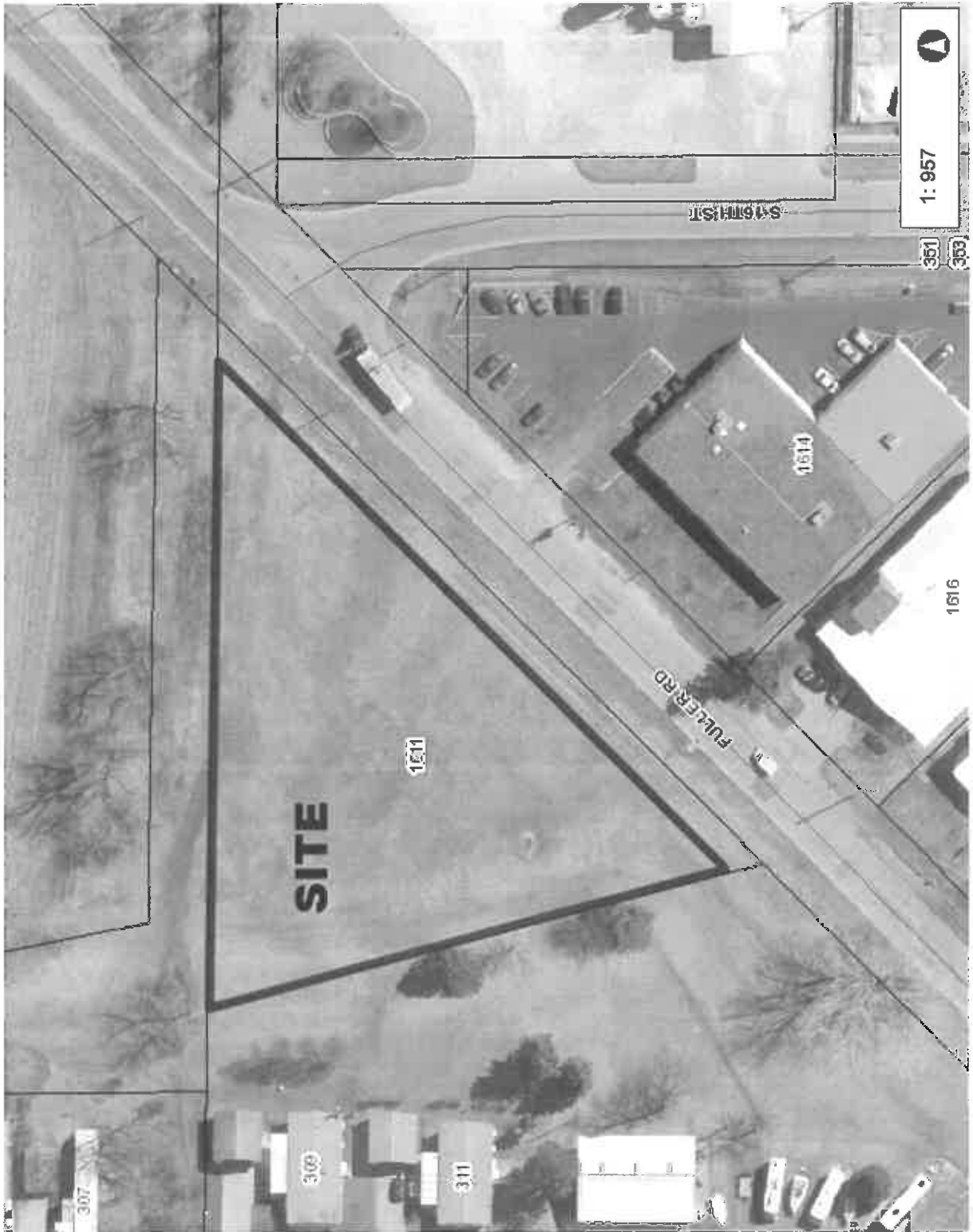
1. Continue to work with staff to address outstanding comments, prior to release of a building permit.
2. Submit proof of payment to MidAmerican Energy for street lights, prior to release of building permit.



# 1611 Fuller Road Reed Warehouse



- Legend**
- Parcels
  - Parks
  - Greenways



1: 957

159.4 0 79.72 159.4 Feet

**Disclaimer:** The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**















Prepared by: KTragesser City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING THE SITE PLAN (SP-003247-2016) TO CONSTRUCT A 5,940 SQ. FT. WAREHOUSE BUILDING AT 1611 FULLER ROAD**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq. of the West Des Moines Municipal Code, Kendell Reed requests approval for a site plan to construct a 5,940 square foot warehouse building on property locally known as 1611 Fuller Road and legally described as:

**Legal Description of Property**

See Exhibit B

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on December 19, 2016, the Plan and Zoning Commission recommend to the City Council approval of the Site Plan; and

**WHEREAS**, on December 27, 2016, this City Council held a duly-noticed meeting to consider the application for a Site Plan to construct a 5,940 sq. ft. warehouse building at 1611 Fuller Road;

**WHEREAS**, the address of 1611 Fuller Road is assigned to this parcel;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings, for approval, in the staff report for the site plan, or as amended orally at the City Council meeting on this date, are adopted.

**SECTION 2.** The Site Plan (SP-003247-2016) for construction of a 5,940 sq. ft. warehouse is approved, subject to compliance with all the conditions in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on December 27, 2016.

---

Jim Sandager, Mayor Pro-Tem

**ATTEST:**

---

Ryan T. Jacobson  
City Clerk

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

1. Continue to work with staff to address outstanding comments, prior to release of a building permit.
2. Submit proof of payment to MidAmerican Energy for street lights, prior to release of building permit.

**EXHIBIT B  
LEGAL DESCRIPTION**

A PARCEL OF LAND IN LOTS 1 AND 2, BENNETT ACRES, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SE CORNER OF SAID LOT 2, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF FULLER ROAD; THENCE N15°28'52"W, 19.50' FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE N15°28'52"W, 292.76 FEET TO A POINT ON SAID LOT 1; THENCE S69°25'09"E, 357.95 FEET ALONG SAID NORTH LINE TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF FULLER ROAD; THENCE S45°04'08"W, 390.96 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 1.15 ACRES.

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**Date: December 27, 2016**

**ITEM:** Parcel 17-133 Deer Hunter's Run Plat 2, adjacent to 36861 Hunters Point Van Meter – Approval of a Plat of Survey to divide Outlot Y into two parcels – NW 77 JV (Vista Real Estate) – (POS-003296-2016)

**RESOLUTION: Approval and Release of Plat-of-Survey**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, NW 77 JV, represented by Chuck Bishop of Bishop Engineering, is requesting approval of a Plat-of-Survey to split Outlot Y of Deer Hunter's Run to separate the lake area of the plat from the rest of the outlot. This is an extraterritorial review as the subdivision is outside the City's corporate limit and within two miles of the corporate limit where the City has review of subdivisions (see Exhibit I – Location Map and Exhibit II – Plat of Survey).

**CITY COUNCIL SUBCOMMITTEE:** This project was presented to the Development and Planning Subcommittee on November 28, 2016. The Subcommittee had no comments on the proposed plat of survey.

**OUTSTANDING ISSUES:** There are no outstanding issues.

**COMPREHENSIVE PLAN CONSISTENCY:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the Parcel 17-133 Deer Hunter's Run Plat 2 to subdivide Outlot Y Deer Hunter's Run Plat 2 into two parcels; subject to the applicant complying with all applicable City Code requirements.

Lead Staff Member: Kara Tragesser, AICP 

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

Published In	n/a
Date(s) Published	n/a
Letter sent to surrounding property owners	n/a

**SUBCOMMITTEE REVIEW (if applicable)**

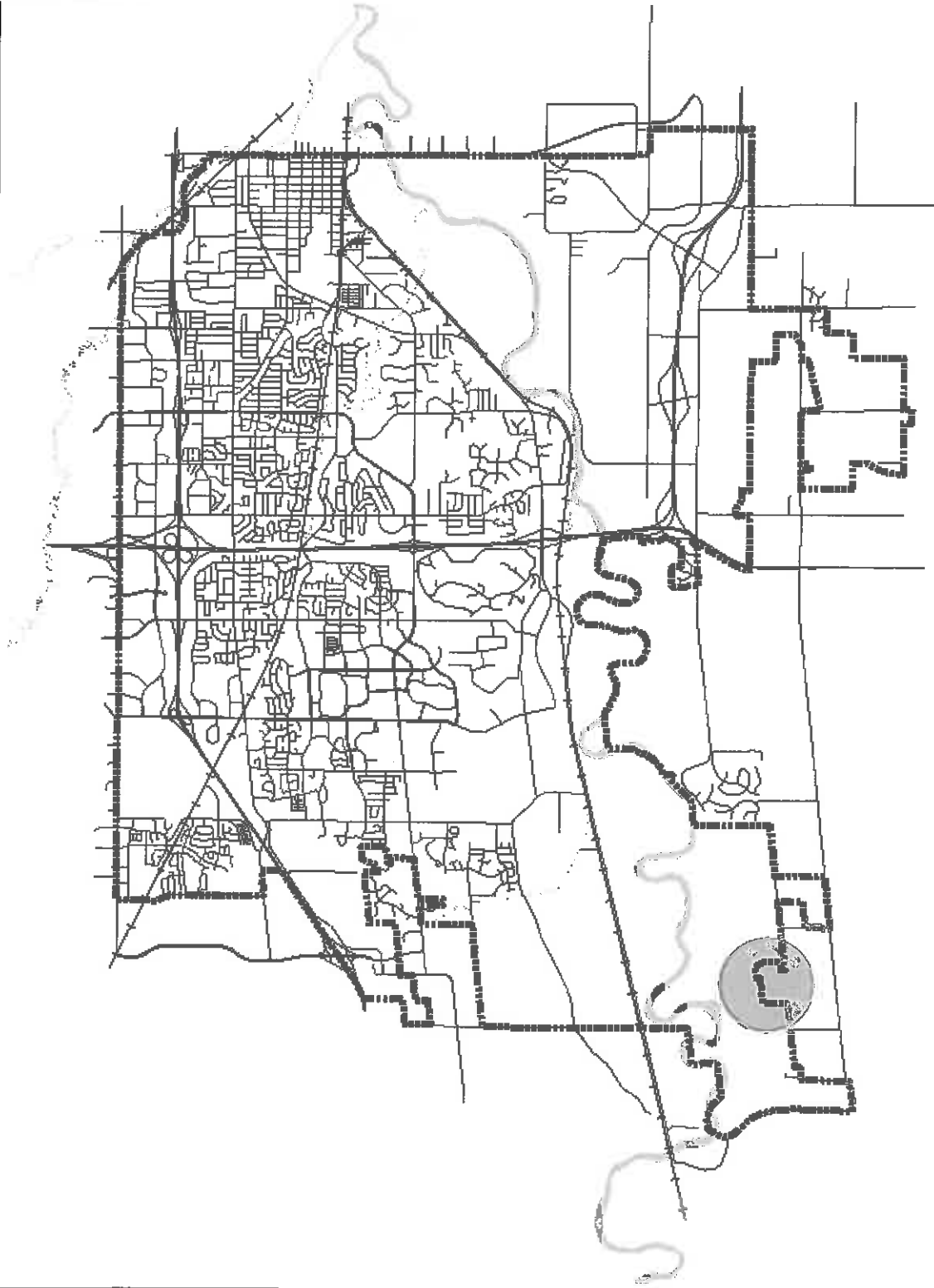
Committee	Development & Planning		
Date Reviewed	November 28, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Location Map
- Exhibit II - Plat-of-Survey
- Exhibit III - Resolution: Approval and Release of Plat-of-Survey



# Deer Hunter's Run Location Map



1: 93,904

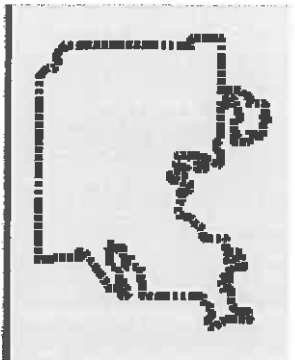


NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet  
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend





Prepared by: KTragesser City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING AND RELEASING PARCEL 17-133 DEER HUNTER'S RUN PLAT 2 PLAT-OF-SURVEY (POS-003296-2016) FOR THE PURPOSE OF DIVIDING OUTLOT Y INTO TWO PARCELS**

**WHEREAS**, pursuant to the provisions of Title 10, Subdivision Regulations and Title 9, Zoning Chapter 1 et seq, of the West Des Moines Municipal Code, NW 77 JV, has requested approval for a Plat-of-Survey (POS-003296-2016) to divide Outlot Y Deer Hunter's Run Plat 2 into two parcels;

Legal Descriptions  
See Exhibit B

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

**WHEREAS**, on December 27, 2016, this City Council held a duly-noticed meeting to consider the application for Plat-of-Survey and;

**WHEREAS**, the West Des Moines City Council adopted a resolution which approved the Plat-of-Survey at their meeting on December 27, 2016, subject to any conditions of approval, and;

**WHEREAS**, there are no public improvements required of this plat, and;

**WHEREAS**, there are no public easements being established with this plat;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings of consistency with the Comprehensive Plan as stated in the staff report, or as amended orally at the City Council meeting, are adopted.

**SECTION 2.** Parcel 17-133 Deer Hunter's Run Plat 2 Plat-of-Survey, is approved, subject to compliance with all the conditions in the staff report for this meeting, including conditions added at the meeting, if any, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**SECTION 3.** This resolution does release the Plat-of-Survey for recordation. The City Council of West Des Moines directs the City Clerk to release said Plat-of-Survey for recordation in accordance with said City Council approval of the Plat-of-Survey on December 27, 2016, and Roll Call No. \_\_\_\_\_

**CERTIFICATE**

I, Ryan T. Jacobson, City Clerk for said City, hereby certify that at a meeting of the City Council of said City of West Des Moines, held on December 27, 2016, among other proceedings, Roll Call No. \_\_\_\_\_ approved said plat on December 27, 2016, and released said Plat-of-Survey for recordation.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

**IN WITNESS WHEREOF**, I have hereunto set my hand this 27<sup>th</sup> day of December 2016

\_\_\_\_\_  
Jim Sandager, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

**EXHIBIT A:  
CONDITIONS OF APPROVAL**

No conditions of approval.

**EXHIBIT B:**  
**Legal Description**

**PROPERTY DESCRIPTION:**

PARCEL 17-133

AN IRREGULAR SHAPED PORTION OF OUTLOT Y, DEER HUNTER'S RUN PLAT TWO, AN OFFICIAL PLAT, DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN SAID DEER HUNTER'S RUN PLAT TWO; THENCE S00°34'45"W, A DISTANCE OF 284.50 FEET; THENCE S41°19'58"W, A DISTANCE OF 256.20 FEET; THENCE S10°35'04"W, A DISTANCE OF 249.83 FEET; THENCE S84°54'56"W, A DISTANCE OF 100.15 FEET; THENCE N05°00'03"W, A DISTANCE OF 285.11 FEET; THENCE S84°56'08"W, A DISTANCE OF 204.08 FEET; THENCE N45°03'39"E, A DISTANCE OF 484.16 FEET; THENCE N00°00'03"W, A DISTANCE OF 200.31 FEET; THENCE N83°22'04"E, A DISTANCE OF 349.45 FEET; THENCE S00°30'13"W, A DISTANCE OF 69.47 FEET; THENCE S71°31'48"W, A DISTANCE OF 151.14 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 4.63 ACRES.

**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

Date: December 27, 2016

**ITEM:** Grand Valley, NE corner of S 35<sup>th</sup> Street and Grand Avenue - Amend the Grand Valley PUD to modify PUD parcel boundaries - Russell Ver Ploeg (CRVP, LC) - ZC-003316-2016

**MOTION:** Refer to Plan and Zoning Commission

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Bob Gibson of Civil Design Advantage, on behalf of Russ Ver Ploeg of CVRP, L.C., is requesting to amend the Grand Valley Planned Unit Development (PUD) on the 34.5 acres located at the northeast corner of S 35<sup>th</sup> Street and Grand Avenue to modify boundaries of the PUD parcels to allow for the addition of 10 single family lots to the development and adjust the detention pond configuration.

At this time the petitioner is requesting the City Council initiate the rezoning request and refer it to the Plan and Zoning Commission for their review and recommendation. The initiation of the rezoning request by the City Council does not indicate support or opposition to the rezoning request pending on this site. The initiation of the request responds to the due process rights of the petitioner.

**RECOMMENDATION:** Staff recommends initiation of the Rezoning Request and forwarding it to the Plan and Zoning Commission for their review and recommendation.

Lead Staff Member: J. Bradley Munford

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

**PUBLICATION(S) (if applicable)**

Published In	n/a
Date(s) Published	n/a
Letter sent to surrounding property owners	n/a

**SUBCOMMITTEE REVIEW (if applicable)**

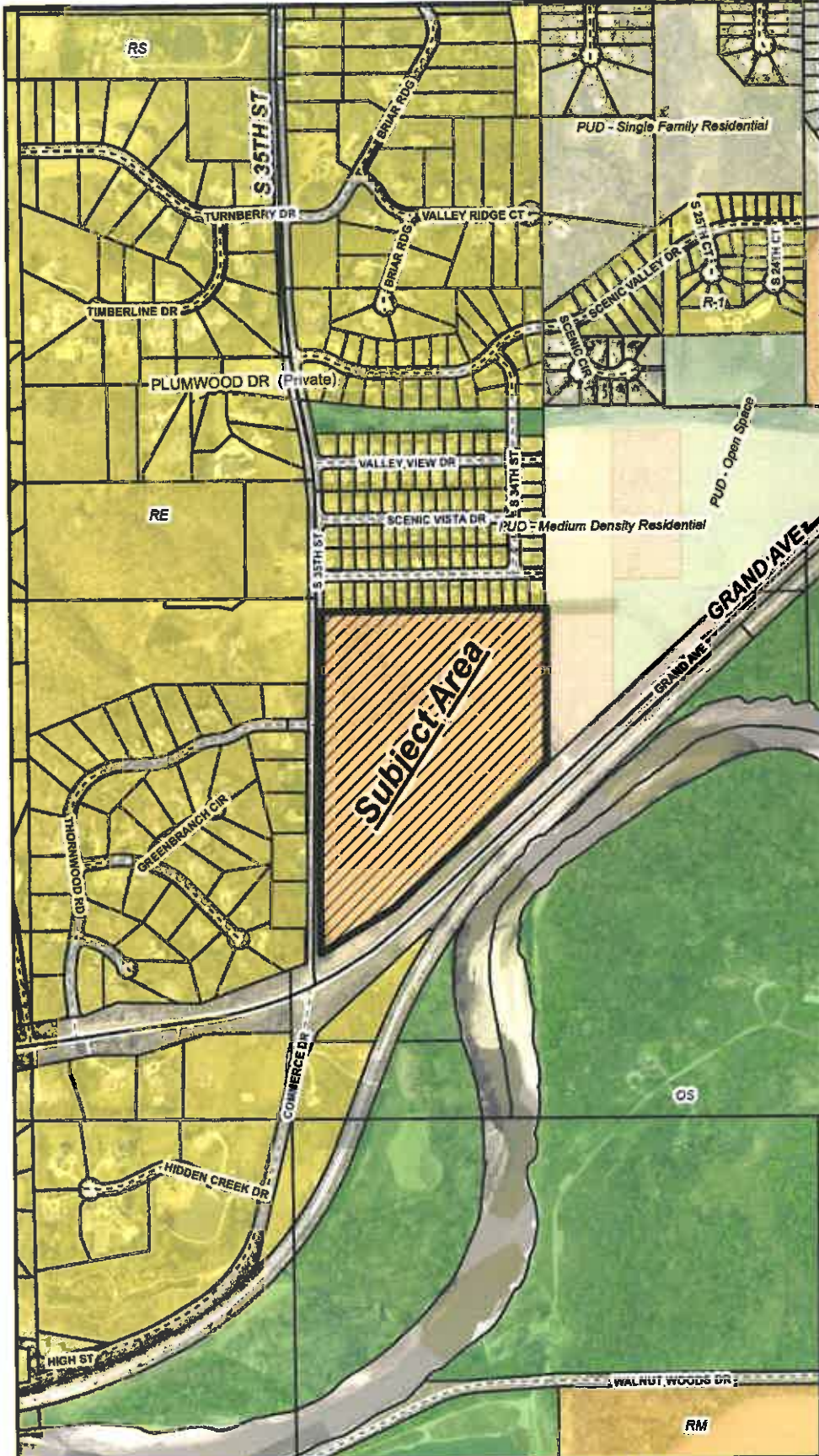
Committee	n/a		
Date Reviewed	n/a		
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

Exhibit I - Location Map



**Exhibit 1  
Location Map  
Grand Valley PUD**



**Legend**

- City Limits
- Unzoned
- Open Space/Agriculture (OS)
- Residential Estate (RE)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Single-Family - Commerce Residential (SF-CR)
- Single-Family - Valley Junction Residential (SF-VJ)
- Manufactured Housing (MH)
- Residential Medium-Density (RM)
- Residential High-Density (RH)
- Neighborhood Commercial (NC)
- Convenience Commercial (CVC)
- Valley Junction Historic Business (VJHB)
- Valley Junction Commercial (VJC)
- Community Commercial (CMC)
- Support Commercial (SC)
- Regional Commercial (RC)
- Office (OF)
- Professional Commerce Park (PCF)
- Warehouse Retail (WR)
- Business Park (BP)
- Valley Junction Light Industrial (VJLI)
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space
- PUD - Single Family Residential
- PUD - Medium Density Residential
- PUD - High Density Residential
- PUD - Business and Commercial
- PUD - Office
- PUD - Industrial



**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

ITEM: 2017 West Des Moines Water Works Budget

DATE: December 27, 2016

**FINANCIAL IMPACT:** Water, estimated at \$125,000 retail is supplied to all city buildings, parks, median irrigation and city projects at no cost to the City of West Des Moines.

**BACKGROUND:** This request is for the City Council to receive and file West Des Moines Water Works' Operating and Capital Budget for 2017.

The budget for calendar year 2017 was approved by The Water Works Board of Trustees during its December 8, 2016, meeting, after a public hearing was held.


The Water Works Capital Improvements Budget begins on page 12 of the budget document.

**OUTSTANDING ISSUES** (if any):

**RECOMMENDATION:** The City Council receive and file the 2017 Water Works Budget and Capital Improvements Program.

**Lead Staff Member:** Paula Meyer, Finance Manager and Treasurer, WDMWW

**STAFF REVIEWS**

Department Director	Diana Wilson, General Manager, WDMWW	
Appropriations/Finance	Paula Meyer <i>fm</i>	
Legal		
Agenda Acceptance	<i>RTJ</i>	

**PUBLICATION(S)** (if applicable)

Published In	Des Moines Register
Dates(s) Published	November 28, 2016

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance and Audit		
Date Reviewed	September 29, 2016		
Recommendation	Yes	No	Split

# **BUDGET FOR CALENDAR YEAR 2017**

**West Des Moines Water Works**

**West Des Moines, Iowa**

Approved December 8, 2016  
The Board of Trustees  
West Des Moines Water Works

By   
Diana J. Wilson  
General Manager and Secretary

## COMMENTS ABOUT ENTRIES ON PAGE 1

Metered Water Sales (14000-011)	We anticipate selling 2.16 billion gallons of water during 2017. A 2% adjustment to the commodity water rate and 10% adjustment to the irrigation water rate is planned.
Basic Service Charge (14050-011)	The Basic Service Charge is designed to cover the cost of depreciating meters according to the manufacturer's recommended life span, and also to cover the cost of meter reading labor and equipment. A 1.5% adjustment is planned for domestic meters size 5/8" and 3/4". Larger sized meters will have various adjustments to cover costs.
Water Supply Connection Fees (14200-011)	Development has been increasing through 2016, and we believe this will continue in 2017. The current Water Supply Connection Fee schedule, in part, calls for a fee of \$700 per dwelling or commercial occupancy unit.
Connection Fees - South and Southwest Area Water Connection Fee Districts  (14230-011)	These entries are an estimate of possible development projects which could occur in these areas, depending upon the interest of the development community.  In the South Area Water Connection Fee District development began in 2013. We expect additional development to continue in this area.
 (14231-011)	The Southwest Area Water Connection Fee District will continue to develop due to the I-80 and Alice's Road/105 <sup>th</sup> Street interchange.
Rental Income (14700-011)	Rental Income is the income received from the rental of space on water towers for cell phone providers.
Developer Contributed Water Mains (15500-011)	This is a non-cash item, and is historically estimated at a low amount.

REVENUE					Revenue
Account	Source of Revenue	Accrual Basis Actual Revenue 2015	Accrual Basis Budget 2016	Accrual Basis Anticipated Revenue 2016	Accrual Basis Budget 2017
14000-011	Metered Water Sales	\$ 9,021,508	\$ 10,403,320	\$ 10,395,000	\$ 10,829,515
14050-011	Basic Service Charge	1,180,145	1,188,890	1,253,280	1,315,944
14100-011	Bulk Water Sales	30,854	44,310	24,300	25,515
14150-011	Material Sales to Others	100,165	76,000	75,000	75,750
14200-011	Water Supply Connection Fees	517,288	550,000	510,000	510,000
14230-011	South Area Water Connection Fee District	-	503,755	0	310,000
14231-011	SW Area Water Connection Fee District	173,330	326,855	5,500	205,000
14232-011	Pheasant Ridge Capital Fees	1,804	8,000	38,730	46,855
14300-011	Construction Inspection Fees	29,705	15,000	39,000	39,000
14400-011	Labor	46,201	25,000	40,720	40,720
14550-011	Laboratory Testing Fees	6,170	4,000	4,930	4,930
14600-011	Miscellaneous	27,072	15,000	28,500	28,500
14700-011	Rental Income	141,990	175,000	150,375	175,000
14751-011	EPA Grant	193,813	0	0	0
14800-011	Interest on Investments	65,070	62,500	64,380	66,000
14900-011	Sanitary Sewer Service Collection Fees	51,683	52,015	52,710	53,240
14910-011	Stormwater Management Collection Fees	72,712	72,940	73,960	74,700
14950-011	Solid Waste Service Collection Fees	47,435	48,320	47,845	49,330
15000-011	Late Payment Charges	40,002	35,950	33,000	33,330
15100-011	Non-Payment Penalties	60,816	57,550	63,100	63,730
15110-011	Shared Water Tower - Unearned Revenue Recognized	40,468	40,470	40,468	40,468
15350-011	Special Assessment Payments - 60th Street Assessments	12,479	0	1,000	0
15500-011	Developer Contributed Water Mains	665,117	100,000	100,000	100,000
15600-011	Bond Premium Amortization	69,094	69,095	69,095	69,095
<b>TOTAL REVENUE</b>		<b>\$ 12,594,921</b>	<b>\$ 13,873,770</b>	<b>\$ 13,110,893</b>	<b>\$ 14,156,722</b>

## COMMENTS ABOUT ENTRIES ON PAGE 2

Salaries and Wages  
(16000)

The budget includes a 3% pay increase on January 1, 2017 for all permanent full-time employees. Those employees that have not reached the top of their pay grade will receive step increases July 1, 2017 in accordance with the union agreement and the employee handbook. There are 35 full time positions included in the budget for 2017.

Employee Fitness Incentive  
Program & Achievement  
Program (16150 and 16560)

The Employee Incentive Programs (Fitness and Achievement Recognition) are recommended for continuation in 2017, with estimated amounts shown.

Consulting Fees – Engineering,  
Auditing and Legal  
(17050)

This item includes the audit fees and all legal fees. Engineering consulting fees not related to capital projects are also included in this category.

OPERATING EXPENSES					
<i>Summary of All Departments</i>				Operating Expenses	
Account	Object of Expense	Accrual Basis Actual Expense 2015	Accrual Basis Budget 2016	Accrual Basis Anticipated Expense 2016	Accrual Basis Budget 2017
<b>Payroll and Employee Benefits</b>					
16000	Salaries, Wages and Trustees' Compensation	\$ 2,532,729	\$ 2,594,200	\$ 2,547,442	\$ 2,702,560
16050	Temporary Help	57,984	0	28,757	0
16100	Overtime	122,336	116,810	136,725	128,040
16150	Employee Fitness Incentive Program	5,519	6,500	6,500	6,500
16200	Water Works' Share - FICA	194,896	207,890	205,339	216,541
16300	Water Works' Share - IPERS moved to Pension Expense in 2015	0	242,674	239,696	252,773
16320	Accrued Sick Leave Expense	0	4,500	3,000	3,000
16330	Other Postemployment Benefits Expense	35,182	38,640	38,640	40,000
16340	GASB 68 Pension Expense	261,281	150,000	150,000	100,000
16350	Water Works' Share - Deferred Compensation	10,200	10,000	10,000	10,000
16400	Group Health and Life Insurance	400,792	418,690	405,160	425,410
16500	Allowances	15,745	15,020	13,960	15,020
16560	Employee Achievement Recognition Program	6,836	7,200	7,200	7,200
<b>Commodities and Services</b>					
16600	Economic Development Expense	50,000	50,000	50,000	0
16800	Advertising and Legal Publications	32,611	22,400	22,400	23,072
16850	Cost of Materials Sold	69,024	58,500	57,700	58,500
16900	Collection Expense	1,810	1,600	1,600	1,600
17000	Consulting Fees - IDNR and Water Quality Testing	20,414	25,000	19,650	25,000
17040	Consulting Fees - Safety	98	2,200	200	1,000
17050	Consulting Fees - Engineering, Accounting and Legal	73,691	120,000	75,000	205,000
17060	Consulting Fees - Issuance of Bonds	0	50,000	15,000	0
17070	Data Processing - Maintenance and Consulting Fees	83,292	106,000	103,000	106,915
17100	Dues and Memberships	15,923	8,500	8,500	8,500
17120	IDNR Operation Permit	800	7,000	8,180	8,344

### COMMENTS ABOUT ENTRIES ON PAGE 3

Data Processing –Maintenance &  
Consulting Fees  
(17070)

Water Works data processing maintenance & consulting fees, including:  
-Phone and internet support provided by the City of West Des Moines.  
-Software maintenance agreements for accounting, meter reading, mapping, vehicle maintenance and backflow cross connection control.  
-Server maintenance, firewall and virus protection software maintenance, and backup software maintenance.

Dues and Memberships  
(17100)

This entry provides for payment of the utility's memberships in the American Water Works Association, the American Water Works Association Research Foundation, the Iowa Association of Water Agencies and the Iowa Association of Municipal Utilities.

Maintenance – Buildings and  
Structures  
(17500)

Included in the \$195,000 budgeted for these activities are these specific items:

Maintain shallow wells as needed	\$ 55,000 (Water Treatment)
Maintain deep wells as needed	\$ 40,000 (Water Treatment)
Other Building Maintenance	<u>\$ 100,000</u> (All Departments)
Total	\$ 195,000

Depreciation  
(18800)

Accrual budgeting requires that depreciation be shown, as follows:

Water Treatment	\$1,480,000
Water Distribution	\$1,650,000
Customer Service & Finance	<u>\$ 70,000</u>
Total	\$3,200,000

Purchased Water  
(19600, 19610, 19620, 19630,  
19640, 19650, and 19660)

West Des Moines Water Works purchased 8.973 MGD in treatment plant capacity from Des Moines Water Works between 1993 and 2006, and entered in to the current Wholesale Water Service Master Agreement in 2005

Summary of All Departments		Operating Expenses			
Account	Object of Expense	Accrual Basis Actual Expense 2015	Accrual Basis Budget 2016	Accrual Basis Anticipated Expense 2016	Accrual Basis Budget 2017
17200	Property and Other Insurance	\$ 129,290	\$ 131,574	\$ 128,050	\$ 134,150
17300	Postage and Shipping	86,123	80,000	83,100	85,660
17400	Printing	41,706	42,000	42,000	43,260
17500	Maintenance - Buildings and Structures	222,806	200,000	245,000	195,000
17600	Maintenance - Vehicles and Equipment	239,521	300,900	275,900	361,000
17700	Maintenance - Water Distribution System	91,153	110,000	130,000	180,000
17800	Communication	24,172	22,300	22,350	22,823
17900	Continuing Education and Travel	12,296	17,570	11,650	17,570
18000	Electricity	439,573	530,860	510,300	535,610
18100	Natural Gas	6,641	11,618	6,985	7,127
18300	Bad Debts	4,183	4,950	5,570	5,681
18800	Depreciation	2,883,825	3,090,000	3,090,000	3,200,000
19500	Maintenance - Grounds	22,761	28,500	33,620	34,509
19600	Purchased Water - Elm Street	136,166	241,220	412,500	163,399
19610	Purchased Water - Westside 88th & University	697,272	854,480	406,800	447,480
19620	Purchased Water - Westside O & M	62,178	60,115	64,000	67,200
19630	Purchased Water - 92nd & University	87,054	114,800	54,500	59,950
19640	Purchased Water - Grand & Glen Oaks	2,049	75,000	36,000	75,000
19650	Purchased Water - 88th Street	179,363	124,200	707,500	778,250
19660	Purchased Water - Maffitt Lake Dr	1,793	990	2,500	2,152
19670	Purchased Water - S 22nd St	55,145	62,200	66,200	85,000
19700	Minor Equipment	8,771	7,970	8,470	8,864
19800	Miscellaneous Commodities	3,219	4,525	6,750	6,825
19850	Water Works' Share - Iowa One Call System	10,589	11,000	12,070	12,311
19900	Vehicles and Equipment - Fuel	24,390	47,780	30,450	31,713
19950	Lock Box Charges	48,060	45,940	45,000	52,000
21000	Office Supplies	7,377	9,905	7,300	7,630



**COMMENTS ABOUT ENTRIES ON PAGE 4**

Lime Residuals Removal  
(Lagoons)  
(20150)

It is anticipated that the contractor that hauls residuals from the Lagoons will be available to us in 2017. We propose spending \$50,000 in 2017 to remove lime from the lagoon where it was deposited years ago, and to begin lowering of the south well field road.

Lime, Soda Ash, Coagulant,  
Carbon Dioxide, Salt and  
Other Chemicals  
(20200 – 20600)

Price increases are estimated at approximately 3% for lime, and other chemicals. Lime hauling expense is projected to increase by 2%.

Debt Service - Interest  
(22084 through 22099)

These entries provide for interest payments on Water Revenue Bonds and on the 2016 SRF loan.

Bonds shown as "Des Moines Water Works" have been issued by Des Moines Water Works and the amounts shown represent West Des Moines Water Works' share of the bond issues.

Account	Object of Expense	Accrual Basis Actual Expense 2015	Accrual Basis Budget 2016	Accrual Basis Anticipated Expense 2016	Accrual Basis Budget 2017
<b>Water Treatment Chemicals and Laboratory Supplies</b>					
20150	Lime Residuals Removal (Lagoons)	\$ 49,257	\$ 50,000	\$ 50,000	\$ 50,000
20160	Lime Residuals Hauling (Press)	122,919	170,000	170,000	173,400
20200	Lime	256,385	286,500	275,000	295,095
20300	Soda Ash	30,974	43,750	32,000	45,063
20400	Coagulant	7,124	13,660	9,300	14,070
20500	Carbon Dioxide	22,783	27,860	27,500	28,696
20550	Salt	5,204	6,390	5,500	6,582
20600	Other Chemicals	12,725	20,220	15,900	20,827
20750	Sodium Hypo-Chlorite	53,347	68,440	53,800	70,493
20800	Laboratory Supplies	19,903	15,190	17,565	15,646
Sub-totals - Operating Expenses		\$ 10,099,260	\$ 11,195,731	\$ 11,254,779	\$ 11,685,009
<b>Debt Service - Interest</b>					
22087	2011 DMWW Refunding Bonds - WDMWW Share - Treatment Plant Capacity 6.323 MGD	51,940	33,351	33,351	12,244
22086	2012 DMWW Refunding Bonds - WDMWW Share - Treatment Plant capacity 2 MGD	82,108	76,544	76,544	69,786
22098	2012 Water Revenue Bonds	185,313	166,200	166,200	144,000
22099	2013 Water Revenue Bonds	103,500	97,450	97,450	91,225
22097	2016 Water Revenue Bonds	0	160,000	0	47,800
22096	City TIF Water Main Reimbursement	0	81,200	0	0
Sub totals - Interest		\$ 422,861	\$ 614,745	\$ 373,545	\$ 365,055
<b>Totals - Operating Expenses Plus Interest on Debt</b>					
Operating Expenses		\$ 10,099,260	\$ 11,195,731	\$ 11,254,779	\$ 11,685,009
Interest		\$ 422,861	\$ 614,745	\$ 373,545	\$ 365,055
<b>Totals - Operating Expenses Plus Interest on Debt</b>		\$ 10,522,121	\$ 11,810,476	\$ 11,628,324	\$ 12,050,064

Water Treatment Plant Operation and Maintenance			Operating Expenses		
Account	Object of Expense	Accrual Basis Actual Expense 2015	Accrual Basis Budget 2016	Accrual Basis Anticipated Expense 2016	Accrual Basis Budget 2017
<b>Payroll and Employee Benefits</b>					
16000-021	Salaries and Wages	\$ 761,017	\$ 772,650	\$ 765,342	\$ 805,155
16100-021	Overtime	60,630	50,000	60,725	60,725
16200-021	Water Works' Share - FICA	60,344	62,933	\$ 63,194	\$ 66,240
16300-021	Water Works' Share - IPERS moved to Pension Expense in 2015	0	73,463	73,768	77,323
16320-021	Accrued Sick Leave Expense	0	1,000	1,000	1,000
16350-021	Water Works' Share - Deferred Compensation	2,000	2,000	2,000	2,000
16400-021	Group Health and Life Insurance	136,313	139,820	138,960	145,900
16500-021	Allowances	3,512	3,000	2,200	3,000
<b>Commodities and Services</b>					
17000-021	Consulting Fees - IDNR and Water Quality Testing	20,414	25,000	19,650	25,000
17040-021	Consulting Fees - Safety	98	2,200	200	1,000
17070-021	Data Processing - Maintenance and Consulting Fees	15,343	22,000	22,000	22,000
17120-021	IDNR Operation Permit	800	7,000	8,180	8,344
17200-021	Property and Other Insurance	66,638	73,144	63,780	68,593
17300-021	Postage and Shipping	488	1,500	600	700
17500-021	Maintenance - Buildings and Structures	186,757	150,000	200,000	150,000
17600-021	Maintenance - Vehicles and Equipment	177,363	225,000	200,000	285,000
17800-021	Communication	12,195	10,500	10,555	10,715
17900-021	Continuing Education and Travel	3,825	3,570	3,350	3,570
18000-021	Electricity	349,319	420,200	395,000	420,200
18100-021	Natural Gas	6,250	10,736	6,400	6,530
18800-021	Depreciation	1,116,480	1,450,000	1,450,000	1,480,000
19500-021	Maintenance - Grounds	17,718	22,000	27,460	28,009

Account	Object of Expense	Accrual Basis Actual Expense 2015	Accrual Basis Budget 2016	Accrual Basis Anticipated Expense 2016	Accrual Basis Budget 2017
19600-021	Purchased Water - Elm Street	\$ 136,166	\$ 241,220	\$ 412,500	163,399
19610-021	Purchased Water - Westside 88th & University	697,272	854,480	406,800	447,480
19620-021	Purchased Water - Westside O & M	62,178	60,115	64,000	67,200
19630-021	Purchased Water - 92nd & University	87,054	114,800	54,500	59,950
19640-021	Purchased Water - Grand & Glen Oaks	2,049	75,000	36,000	75,000
19650-021	Purchased Water - 88th Street	179,363	124,200	707,500	778,250
19660-021	Purchased Water - Maffitt Lake Dr	1,793	990	2,500	2,152
19670-021	Purchased Water - S 22nd St	55,145	62,200	66,200	85,000
19700-021	Minor Equipment	1,197	1,500	1,250	1,500
19800-021	Miscellaneous Commodities	474	1,500	1,550	1,500
19900-021	Vehicles and Equipment - Fuel	2,835	7,960	2,300	3,000
20100-021	Office Supplies	2,934	2,800	2,500	2,800
Water Treatment Chemicals and Laboratory Supplies					
20150-021	Lime Residuals Removal (Lagoons)	49,257	50,000	50,000	50,000
20160-021	Lime Residuals Hauling (Press)	122,919	170,000	170,000	173,400
20200-021	Lime	256,385	286,500	275,000	295,095
20300-021	Soda Ash	30,974	43,750	32,000	45,063
20400-021	Coagulant	7,124	13,660	9,300	14,070
20500-021	Carbon Dioxide	22,783	27,860	27,500	28,696
20550-021	Salt	5,204	6,390	5,500	6,582
20575-021	Sodium Hypo-Chlorite	53,347	68,440	53,800	70,493
20600-021	Other Chemicals	12,725	20,220	15,900	20,827
20800-021	Laboratory Supplies	19,903	15,190	17,565	15,646
<b>Water Treatment Department Totals</b>		<b>\$ 4,806,585</b>	<b>\$ 5,776,491</b>	<b>\$ 5,928,529</b>	<b>\$ 6,078,105</b>

Water Distribution		Operating Expenses			
Account	Object of Expense	Accrual Basis Actual Expense 2015	Accrual Basis Budget 2016	Accrual Basis Anticipated Expense 2016	Accrual Basis Budget 2017
<b>Payroll and Employee Benefits</b>					
16000-051	Salaries and Wages	\$ 879,785	\$ 932,350	\$ 920,600	\$ 971,825
16100-051	Overtime	46,775	50,000	50,000	50,000
16200-051	Water Works' Share - FICA	65,853	75,150	\$ 74,251	\$ 78,170
16300-051	Water Works' Share - IPERS	0	87,724	86,675	91,249
16320-051	Accrued Sick Leave Expense	0	1,000	1,000	1,000
16350-051	Water Works' Share - Deferred Compensation	3,000	3,000	3,000	3,000
16400-051	Group Health and Life Insurance	166,201	171,200	171,000	179,550
16500-051	Allowances	7,243	7,500	7,500	7,500
<b>Commodities and Services</b>					
17070-051	Data Processing - Maintenance and Consulting Fees	25,801	30,500	30,500	31,415
17200-051	Property and Other Insurance	36,018	36,800	37,670	38,425
17300-051	Postage and Shipping	522	500	500	500
17500-051	Maintenance - Buildings and Structures	22,784	30,000	30,000	30,000
17600-051	Maintenance - Vehicles and Equipment	46,822	62,000	62,000	62,000
17700-051	Maintenance - Water Distribution System	91,153	110,000	130,000	180,000
17800-051	Communication	7,258	6,350	7,195	7,340
17900-051	Continuing Education and Travel	4,639	5,000	4,800	5,000
18000-051	Electricity	84,757	104,500	109,800	109,800
18100-051	Natural Gas	363	792	545	556
18800-051	Depreciation	1,716,015	1,570,000	1,570,000	1,650,000
19500-051	Maintenance - Grounds	5,043	6,500	6,160	6,500
19700-051	Minor Equipment	5,335	3,900	4,720	4,814
19800-051	Miscellaneous Commodities	792	825	700	825
19850-051	Water Works' Share - Iowa One Call System	10,589	11,000	12,070	12,311
19900-051	Vehicles and Equipment - Fuel	14,912	29,360	15,500	15,810
20100-051	Office Supplies	1,077	3,295	1,000	1,020
<b>Distribution Department Totals</b>		<b>\$ 3,242,537</b>	<b>\$ 3,339,246</b>	<b>\$ 3,337,185</b>	<b>\$ 3,538,610</b>

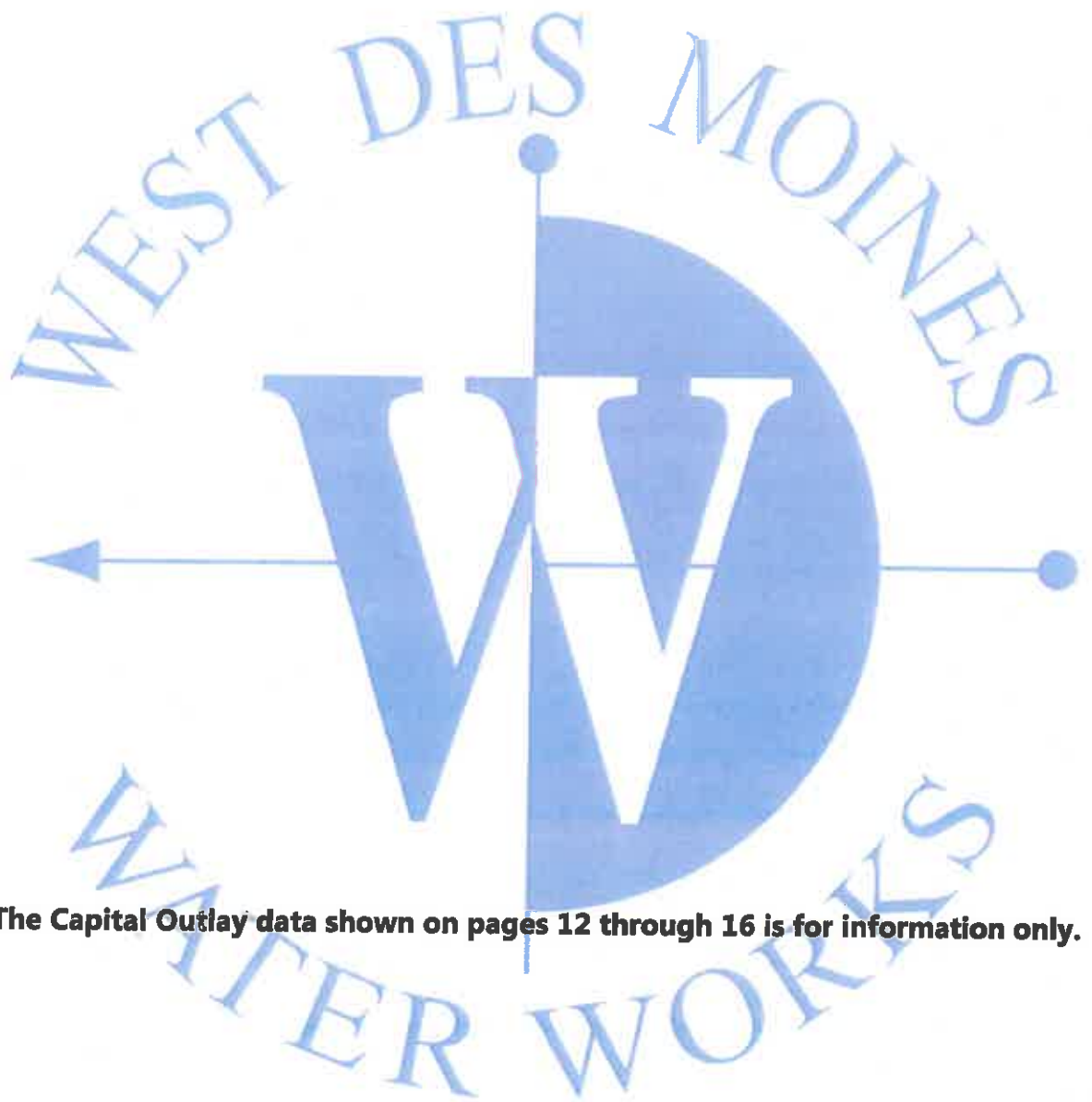
<b>Customer Service and Finance</b>				<b>Operating Expenses</b>	
<b>Account</b>	<b>Object of Expense</b>	<b>Accrual Basis Actual Expense 2015</b>	<b>Accrual Basis Budget 2016</b>	<b>Accrual Basis Anticipated Expense 2016</b>	<b>Accrual Basis Budget 2017</b>
<b>Payroll and Employee Benefits</b>					
16000-081	Salaries and Wages	\$ 676,072	\$ 758,500	\$ 732,500	\$ 787,375
16050-081	Temporary Help	57,984	0	28,757	0
16100-081	Overtime	14,931	16,810	26,000	17,315
16200-081	Water Works' Share - FICA	51,247	59,311	\$ 58,025	\$ 61,559
16300-081	Water Works - IPERS to GASB 68	0	69,235	67,734	71,859
16320-081	Accrued Sick Leave Expense	0	1,000	1,000	1,000
16350-081	Water Works' Share - Deferred Compensation	3,840	4,000	4,000	4,000
16400-081	Group Health and Life Insurance	79,564	88,350	78,150	82,058
16500-081	Allowances	3,603	3,520	3,260	3,520
<b>Commodities and Services</b>					
16850-081	Cost of Materials Sold	69,024	58,500	57,700	58,500
16900-081	Collection Expense	1,810	1,600	1,600	1,600
17070-081	Data Processing - Maintenance and Consulting Fees	36,238	45,000	42,000	45,000
17200-081	Property and Other Insurance	26,634	21,630	26,800	27,132
17300-081	Postage and Shipping	85,113	78,000	82,000	84,460
17400-081	Printing	41,706	42,000	42,000	43,260
17500-081	Maintenance - Building	13,265	20,000	15,000	15,000
17600-081	Maintenance - Vehicles and Equipment	15,536	13,900	13,900	14,000
17800-081	Communication	3,381	3,400	3,400	3,468
17900-081	Travel and Continuing Education	2,707	5,500	3,200	5,500
18000-081	Electricity	5,497	6,180	5,500	5,610
18100-081	Natural Gas	28	90	40	41
18300-081	Bad Debts	4,183	4,950	5,570	5,681
18800-081	Depreciation	51,330	70,000	70,000	70,000
19700-081	Minor Equipment	2,239	2,570	2,500	2,550

<b>Customer Service and Finance</b>		<b>Operating Expenses</b>			
<b>Account</b>	<b>Object of Expense</b>	<b>Accrual Basis Actual Expense 2015</b>	<b>Accrual Basis Budget 2016</b>	<b>Accrual Basis Anticipated Expense 2016</b>	<b>Accrual Basis Budget 2017</b>
19800-081	Miscellaneous Commodities	\$ 494	\$ 700	\$ 3,000	\$ 3,000
19900-081	Vehicles and Equipment - Fuel	6,643	10,460	12,650	12,903
19950-081	Lock Box Charges	48,060	45,940	45,000	52,000
20100-081	Office Supplies	3,366	3,810	3,800	3,810
<b>Customer Service and Finance Department Totals</b>		<b>\$ 1,304,495</b>	<b>\$ 1,434,936</b>	<b>\$ 1,434,886</b>	<b>\$ 1,482,200</b>

Administration		Operating Expenses			
Account	Object of Expense	Accrual Basis Actual Expense 2015	Accrual Basis Budget 2016	Accrual Basis Anticipated Expense 2016	Accrual Basis Budget 2017
<b>Payroll and Employee Benefits</b>					
16000-091	Salaries and Trustees' Compensation	\$ 215,855	\$ 130,700	\$ 129,000	\$ 138,205
16150-091	Employee Fitness Incentive Program	5,519	6,500	6,500	6,500
16200-091	Water Works' Share - FICA	17,452	10,496	9,869	10,573
16300-091	Water Works' Share - IPERS	0	12,252	11,520	12,342
16320-091	Accrued Sick Leave Expense	0	1,500	0	0
16330-091	Other Post Employment Benefits Expense	35,182	38,640	38,640	40,000
16340-091	GASB 68 Pension Expense	261,281	150,000	150,000	100,000
16350-091	Water Works' Share - Deferred Compensation	1,360	1,000	1,000	1,000
16400-091	Group Health and Life Insurance	18,714	19,320	17,050	17,903
16500-091	Allowances	1,387	1,000	1,000	1,000
16560-091	Employee Achievement Recognition Program	6,836	7,200	7,200	7,200
<b>Commodities and Services</b>					
16600-091	Economic Development Expense	50,000	50,000	50,000	0
16800-091	Advertising and Legal Publications	32,611	22,400	22,400	23,072
17050-091	Consulting Fees - Engineering, Accounting and Legal	73,691	120,000	75,000	205,000
17060-091	Consulting Fees - Issuance of Bonds	0	50,000	15,000	0
17070-091	Consulting Fees - Data Processing	5,910	8,500	8,500	8,500
17100-091	Dues and Memberships	15,923	8,500	8,500	8,500
17800-091	Communication	1,338	2,050	1,200	1,300
17900-091	Continuing Education and Travel	1,125	3,500	300	3,500
19800-091	Miscellaneous Commodities	1,459	1,500	1,500	1,500
Sub-totals - Administration Expenses		\$ 745,643	\$ 645,058	\$ 554,178	\$ 586,094



<b>Administration</b>					<b>Interest on Debt</b>
<b>Account</b>	<b>Object of Expense</b>	<b>Accrual Basis Actual Expense 2015</b>	<b>Accrual Basis Budget 2016</b>	<b>Accrual Basis Anticipated Expense 2016</b>	<b>Accrual Basis Budget 2017</b>
<b>Debt Service - Interest</b>					
22087-091	2011 DMWW Refunding Bonds - WDMWW Share - Treatment Plant Capacity 6.323 MGD	\$ 51,940	\$ 33,351	\$ 33,351	\$ 12,244
22086-091	2012 DMWW Refunding Bonds - WDMWW Share - Treatment Plant capacity 2 MGD	82,108	76,544	76,544	69,786
22098-091	2012 Water Revenue Bonds	185,313	166,200	166,200	144,000
22099-091	2013 Water Revenue Bonds	103,500	97,450	97,450	91,225
22081-091	2016 SRF Loan	0	160,000	0	47,800
22082-091	City TIF Water Main Construction Repayment-Moved to Capital Outlay	0	81,200	0	0
<b>Sub-totals - Interest</b>		<b>\$ 422,861</b>	<b>\$ 614,745</b>	<b>\$ 373,545</b>	<b>\$ 365,055</b>
<b>Administration Department Totals</b>					
	Operating Expenses	\$ 745,643	\$ 645,058	\$ 554,178	\$ 586,094
	Interest	\$ 422,861	\$ 614,745	\$ 373,545	\$ 365,055
<b>Administration Department Totals</b>		<b>\$ 1,168,504</b>	<b>\$ 1,259,803</b>	<b>\$ 927,723</b>	<b>\$ 951,149</b>
<b>SUMMARY OF OPERATING EXPENSES</b>					
	Water Treatment	\$ 4,806,585	\$ 5,776,491	\$ 5,928,529	\$ 6,078,105
	Water Distribution	\$ 3,242,537	\$ 3,339,246	\$ 3,337,185	\$ 3,538,610
	Customer Service and Finance	\$ 1,304,495	\$ 1,434,936	\$ 1,434,886	\$ 1,482,200
	Administration	\$ 1,168,504	\$ 1,259,803	\$ 927,723	\$ 951,149
<b>Sub-Totals Operating Expense plus Bond Interest</b>		<b>\$ 10,522,121</b>	<b>\$ 11,810,476</b>	<b>\$ 11,628,324</b>	<b>\$ 12,050,064</b>
<b>Totals - Current Year Revenue</b>					
		\$ 12,594,921	\$ 13,873,770	\$ 13,110,893	\$ 14,156,722
<b>Net Revenue over Operating Expenses</b>					
		\$ 2,072,800	\$ 2,063,294	\$ 1,482,569	\$ 2,106,658



**The Capital Outlay data shown on pages 12 through 16 is for information only.**

## COMMENTS ABOUT ENTRIES ON PAGE 12

Debt Service – Principal –  
Funds Required

The principal amounts shown for the various debt instruments are taken from the bond and SRF loan amortization tables.

<b>CAPITAL OUTLAY</b>					<b>Capital Outlay</b>
		<b>Accrual Basis Actual Debt Service 2015</b>	<b>Accrual Basis Budget 2016</b>	<b>Accrual Basis Anticipated Expense 2016</b>	<b>Accrual Basis Budget 2017</b>
<b>Debt Service - Principal - Funds Required</b>					
	2011 DMWW Refunding Bonds - WDMWW Share - Treatment Plant Capacity 6.323 MGD	\$ 675,951	\$ 703,584	\$ 703,584	\$ 408,122
	2012 DMWW Refunding Bonds - WDMWW Share - Treatment Plant capacity 2 MGD	202,336	225,250	225,250	239,426
	2012 Water Revenue Bonds	695,000	740,000	740,000	25,000
	2013 Water Revenue Bonds	440,000	415,000	415,000	1,400,000
	2016 SRF Loan	0	0	0	0
	City TIF Water Main Construction Repayment-Moved to Capital Outlay	0	418,800	0	0
<b>Sub-totals - Debt Service - Principal</b>		<b>\$ 2,013,287</b>	<b>\$ 2,502,634</b>	<b>\$ 2,083,834</b>	<b>\$ 2,072,548</b>

**COMMENTS ABOUT ENTRIES ON PAGE 13  
CAPITAL OUTLAY DETAIL**

*Equipment*

Inventory 00600-100-00000	Water meters and accessories, water service tapping materials and other material goods for use in the water distribution system.
Plant Meter Replacement 00800-120-15002	Replacement of outdated equipment.
Hypo Feeder Pump 00800-120-17001	Replacement of outdated equipment.
Windows 00800-120-17002	Replace windows, tuck point and block north garage
Roof 00800-120-17003	Replace roof on plant filter building
Tanks 00800-120-17004	New chlorine storage tanks, piping and controls
Water Softeners 00800-120-17005	Replace water softeners for soda ash feed system
HVAC 00800-120-17006	Replace HVAC for plant office
Ground Storage Tank 00800-120-17007	Ground storage tank 2 painting
Lime Slaker 00800-120-17008	Lime slaker replacement
Pipe Saw 00800-120-17009	New pipe saw

CAPITAL OUTLAY					Capital Outlay
Account	Object of Expenditure	Accrual Basis Actual Capital Outlay 2015	Capital Outlay Budget 2016	Accrual Basis Anticipated Capital Outlay 2016	Capital Outlay Budget 2017
	Equipment	\$ 202,460			
00600-100	Inventory - Meters and Appurtenances	\$ 178,000	\$ 178,000	\$ 178,000	\$ 238,000
00800-120	<b>Plant</b>				
00000	Clearwell transfer pumps & installation			\$ 30,482	
-14001	Well Level Sensors - Upgrade to SCADA	70,446	0	0	0
-15001	CO2 Feeder and Accessories		20,000	41,539	0
-15002	Plant Meter Replacement	24,946	50,000	50,000	50,000
-15002	Spare Deep Well Pump		0	67,233	0
-15004	Replace Plant Heating & Cooling Unit	24,788	0	0	0
-16001	Replace Roof on Plant Office		40,000	38,900	0
-16002	Replace selected doors and windows at plant and wells		20,000	0	0
-16003	Lime Press Doors and Installation		35,000	29,000	0
-17001	Hypo Feeder Pump				7,000
-17002	Replace windows, tuck point and block north garage				20,000
-17003	Replace roof on plant filter building				35,000
-17004	New Chlorine storage tanks, piping and controls				175,000
-17005	Replace water softeners for soda ash feed system				30,000
-17006	Replace HVAC for plant office				9,000
-17007	Ground Storage Tank 2 Painting				299,000
-17008	Lime Slaker Replacement				250,000
00800-120	<b>Water Distribution</b>				
-15005	17th Street Tower Painting and Repair		135,000	135,000	0
-15006	GNSS Surveying System	32,546	0	0	0
-15007	Stanley Trash Pump	5,390	0	0	0
-16004	Hydraulic quick coupler hitch for backhoe buckets and attachments		9,500	8,900	0
-16005	2 Locators		14,000	13,667	0
-16006	Hydraulic Modeling and Training		30,000	30,000	0
-17009	New Pipe Saw				12,500

## COMMENTS ABOUT ENTRIES ON PAGE 14

PC and laptop  
00800-120-14004

PC and laptop replacements scheduled

Meter Replacement  
00800-120-14007

Meter replacement and upgrade plan

Trimble Handheld  
00800-120-17010

Trimble handheld device to program meters

4G Tablets  
00800-120-17011

4G tablets for meter readers

ARC GIS Server  
00800-120-17012

ARC GIS Server

Firewall  
00800-120-17013

Firewall software

### *Vehicles*

Truck Replacement  
00800-120-17014

Replace 2 trucks per replacement schedule

Truck Replacement  
00800-120-17015

Replace service truck per schedule

00800-120	<b>General Office/Meter Reading</b>				
-14004	PC and laptop replacements scheduled	6,443	7,500	2,062	10,000
-14007	Meter Replacement/Upgrade Plan	759,710	786,000	786,000	450,000
-15008	Metro Tower transceiver on 88th St Tower	105,644	42,000	0	0
-15009	Plotter/Scanner	6,895	0	0	0
-16007	Pipe freezer - to change out meters with broken valves		3,500	755	0
-16008	Tablet software upgrade for paperless work orders		14,000	13,000	0
-16009	Tokey software upgrade to online process		6,700		0
-17010	Trimble Handheld to program meters				4,000
-17011	4G Tablets for Meter Techs				2,000
-17012	ARC GIS Server				25,000
-17013	Firewall Software				5,100
		Accrual Basis Actual Capital Outlay 2015	Capital Outlay Budget 2016	Accrual Basis Anticipated Capital Outlay 2016	Capital Outlay Budget 2017
<b>Account</b>	<b>Object of Expenditure</b>				
<i>Equipment</i>					
00800-120	<b>Vehicles</b>				
-15010	Service Truck Replacement	\$ 84,292	\$ -	\$ -	\$ -
-16010	Truck replacement		90,000	90,208	0
-17014	Truck replacement				67,000
-17015	Service Truck Replacement	0	0	0	110,000
	Sub-totals - Equipment	\$ 1,501,560	\$ 1,481,200	\$ 1,514,746	\$ 1,798,600



## COMMENTS ABOUT ENTRIES ON PAGE 15

### *Improvements –*

#### Treatment Plant and Distribution

00800-170

- |                 |  |
|-----------------|--|
| 00800-170-15002 | Convert Ball Fields to lake water irrigation                     |
| 00800-170-16002 | New Jordan well and transmission main at AC Ward Treatment Plant |
| 00800-170-16003 | 2016 – 2018 Shallow well construction at AC Ward Treatment Plant |

### *South Area Water*

#### *Connection Fee District*

- |                 |  |
|-----------------|--|
| 00800-170-16005 | Veteran's Pkwy Water Main Extension 2016 |
| 00800-170-15003 | City TIF Water Mains                     |

### *Southwest Area Connection*

#### *Fee District*

- |                 |   |
|-----------------|---|
| 00800-170-15008 | 60 <sup>th</sup> St – Mills Civic to Grand                    |
| 00800-170-17001 | 88 <sup>th</sup> St EP True to 900 feet north                 |
| 00800-170-17002 | 98 <sup>th</sup> St Tower City development frontage           |
| 00800-170-17003 | Rural water territory purchase                                |
| 00800-170-17004 | 2017 EP True 88 <sup>th</sup> to 2600 feet west               |
| 00800-170-17007 | 2017 Mills Civic – Grand Prairie Parkway to Wendover          |
| 00800-170-17008 | 2017 Mills Civic Parkway 81 <sup>st</sup> to 88 <sup>th</sup> |

Account	Object of Expenditure	Accrual Basis Actual Capital Outlay 2015	Capital Outlay Budget 2016	Accrual Basis Anticipated Capital Outlay 2016	Capital Outlay Budget 2017
00800-170	<b>Treatment Plant &amp; Distribution</b>	750			
-15001	Replace Park Trail Section in lieu of Sidewalk	\$ -	\$ 12,000	\$ 12,000	\$ -
-15002	Convert Ball Fields to lake water irrigation		100,000	0	100,000
-16001	AC Ward Redundant Pipe	15,010	170,000	170,000	0
-16002	New Jordan Well and Transmission Main at AC Ward		1,792,500	1,792,500	1,792,500
-16003	2016-2018 Shallow Well Construction at AC Ward		100,000	0	372,500
-16004	2016-2017 ASR Well		600,000	0	0
	<b><u>South Area Water Connection Fee District</u></b>				
-16005	Veteran's Pkwy Water Main Ext 2016		538,000		538,000
-15003	City TIF Water Mains	1,501,451		1,171,385	400,000
	<b><u>Southwest Area Connection Fee District</u></b>				
-13001	Water Mains West on Mills	11,946	0	0	0
-15004	Mills Civic Pkwy Ext - Fox Creek Drive to Grand Prairie Pkwy	296,669	0	227,105	0
-15005	City-SW Area Grand Prairie Pkwy Water Main Extension	195	507,500	507,500	0
-15007	S 88th St Temp Main Near Booneville Road		122,500	122,500	0
-15008	60th St - Mills Civic to Grand		1,000,000	370,000	630,000
-15009	Grand Avenue and S. 35th St Water Main Replacement (City Project)		120,000	120,000	0
-15011	Grand Avenue Hydrant Additions, S. 50th St to S 35th St (City Project)		40,000	40,000	0
-17001	88th St EP True to 900' North				167,000
-17002	98th St Tower City Development Frontage				30,000
-17003	Rural Water Territory Purchase				500,000
-17004	2017 EP True 88th to 2600 feet west				375,000
-17007	2017 Mills Civic - Grand Prairie Parkway to Wendover				192,500
-17008	2017 Mills Civic Parkway 81st to 88th				476,800
-14003	Pressure Zone 3 Pipe Modifications	155,919	0	0	0
-14004	Zone 3 Pump Station	1,357,908	0	590	0

## COMMENTS ABOUT ENTRIES ON PAGE 16

### *Water Main Replacement Projects*

00800-170-16008	Water Main Replacement – Jordan Creek Crossing pipe replacement in 2017
00800-170-17005	Ashworth Road engineering/design
00800-170-17006	2017 Water Main Replacement. This project includes replacement of unlined cast iron water mains and undersized water mains to ensure the integrity of our distribution system.

Account	Object of Expenditure	Accrual Basis Actual Capital Outlay 2015	Capital Outlay Budget 2016	Accrual Basis Anticipated Capital Outlay 2016	Capital Outlay Budget 2017
	<b><i>Water Main Replacement Projects</i></b>				
-15013	2015 Water Main Replacement (not in 2016 budget)	351,681	0	23,450	0
-15012	2015 Pheasant Ridge Main Replacement (not in 2016 budget)	357,288	0	16,436	0
-16006	2016 Water Main Replacement		325,000	275,000	0
-16007	SW Grand Prairie Pkwy to Wendover Easements (not budgeted)		0	10,800	0
-16008	WMR Jordan Creek Crossing Pipe replacement in 2017		0	0	75,000
-17005	Ashworth Road Engineering/Design				450,000
-17006	2017 Water Main Replacement				350,000
	Sub-totals - Improvements	\$ 4,048,817	\$ 5,427,500	\$ 4,859,266	\$ 6,449,300
<b>SUMMARY OF CAPITAL OUTLAY</b>					
			Capital Outlay		Capital Outlay
Account	Object of Expenditure	Accrual Basis Actual Capital Outlay 2015	Capital Outlay Budget 2016	Accrual Basis Anticipated Capital Outlay 2016	Capital Outlay Budget 2017
	<b><i>Equipment</i></b>				
	Totals	\$ 1,501,560	\$ 1,481,200	\$ 1,514,746	\$ 1,798,600
	<b><i>Improvements</i></b>				
	Totals	\$ 4,048,817	\$ 5,427,500	\$ 4,859,266	\$ 6,449,300
	Sub-total - Equipment and Improvements	\$ 5,550,377	\$ 6,908,700	\$ 6,374,012	\$ 8,247,900
	<b><i>Debt Service - Principal</i></b>				
	Totals	\$ 2,013,287	\$ 2,502,634	\$ 2,083,834	\$ 2,072,548
<b>TOTALS - CAPITAL OUTLAY</b>		\$ 7,563,664	\$ 9,411,334	\$ 8,457,846	\$ 10,320,448
<b>SUMMARY OF ALL OPERATING AND CAPITAL EXPENSES</b>					
	Operating Expenses	\$ 10,522,121	\$ 11,810,476	\$ 11,628,324	\$ 12,050,064
	Debt Service - Principal	\$ 2,013,287	\$ 2,502,634	\$ 2,083,834	\$ 2,072,548
	Capital Outlay-Equipment & Improvements	\$ 5,550,377	\$ 6,908,700	\$ 6,374,012	\$ 8,247,900
<b>TOTALS - ALL OPERATING AND CAPITAL OUTLAY EXPENSES</b>		\$ 18,085,785	\$ 21,221,810	\$ 20,086,170	\$ 22,370,512