

# CITY OF WEST DES MOINES

## COUNCIL AGENDA

**date:** February 23, 2015

**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 February 9, 2015 Meeting
  - b. Motion - Approval of Bill Lists
  - c. Motion - Approval of Liquor Licenses:
    1. Lin Corporation d/b/a China Garden, 2020 Grand Avenue, Suite 1300 - Class BW Permit with Sunday Sales - Renewal
    2. Coach's Pizza, LLC d/b/a Coach's Pizza, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
    3. Famous Dave's Ribs, Inc. d/b/a Famous Dave's, 1720 22<sup>nd</sup> Street - Class LC Liquor License with Sunday Sales - Renewal
    4. C.C.W., LLC d/b/a Huhot Mongolian Grill, 4100 University Avenue, Suite 101 - Class BW Permit with Sunday Sales - Renewal
    5. Hy-Vee, Inc. d/b/a Hy-Vee #4, 555 South 51<sup>st</sup> Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    6. Kum & Go LC d/b/a Kum & Go #66, 5308 University Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    7. Miranda Family Corporation d/b/a Mi Patria, 1410 22<sup>nd</sup> Street - Class BW Permit with Sunday Sales - Renewal

Council Agenda

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8. Samurai Sushi & Hibachi Restaurant, Inc. d/b/a Samurai Sushi & Hibachi Restaurant, 7125 Mills Civic Parkway, Suite 110 - Class LC Liquor License with Sunday Sales - Renewal
  9. W2005/Fargo Hotels (Pool C) Realty, LP d/b/a West Des Moines Residence Inn, 160 South Jordan Creek Parkway - Special Class C Liquor License - Renewal
  10. The Wine Experience at Younkers Jordan Creek, LC, d/b/a The Wine Experience at Younkers Jordan Creek, 101 Jordan Creek Parkway, Building 6000 - Class BW Permit with Carryout Wine and Sunday Sales - Renewal
  11. Cost Plus, Inc. d/b/a World Market, 4100 University Avenue, Suite 210 - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
- d. Motion - Approval of Lane Closure(s) for Special Event - St. Patrick's 10K and 5K - Friendly Sons of St. Patrick
- e. Motion - Approval of Appointments
1. Bicycle Advisory Commission
  2. Human Services Advisory Commission
  3. Public Art Advisory Commission
- f. Motion - Approval to Sell Surplus City Equipment
- g. Motion - Approval of Revised Sidewalk Inspection and Repair Policy
- h. Motion - Approval of Application - Polk County Community Betterment Grant - Human Services
- i. Motion - Approval of Request for Technical Assistance - Trust for Public Land
- j. Motion - Approval of Change Order #11 - 139 6<sup>th</sup> Street Building Renovation
- k. Resolution - Approval of 28E Agreements:
1. Fourth Amended and Restated 28E Agreement - WestCom
  2. Restated 28E Agreement for Joint Maintenance of Roads - City of Clive
- l. Resolution - Order Construction
1. 2015 Concrete Trail Renovation
  2. 2015 HMA Resurfacing Program
  3. Grand Prairie Parkway Tree Cutting - Mills Civic Parkway to Wendover Road
- m. Resolution - Accept Work:
1. Southwest Connector - Phase 3
  2. 2014 Intake Repair Program
  3. 2014 Sewer Rehabilitation Program
  4. Thornwood Sanitary Sewer Improvements - Phase 2
- n. Resolution - Direct Advertisement for Sale, Approval of Electronic Bidding Procedures and Approval of Official Statement:
1. Issuance of \$22,490,000 General Obligation Urban Renewal Bonds
  2. Issuance of \$12,835,000 Taxable General Obligation Urban Renewal Bonds
  3. Issuance of \$3,475,000 General Obligation Urban Renewal Refunding Bonds

- o. Resolution - Establish Consultation Meeting and Public Hearing - Amendment #1 to Alluvion Urban Renewal Area
- p. Resolution - Approval of Settlement Agreement - High Quality Job Creation Program
- q. Resolution - Approval and Acceptance of Purchase Agreement and Easements - Fox Creek Sanitary Sewer Project
- r. Resolution - Approval and Acceptance of Purchase Agreement, Deed, and Easements - Frink Creek Sanitary Sewer Project
- s. Resolution - Approval and Acceptance of Purchase Agreement and Property - Ashworth Road Low Pressure Sewer System Project
- t. Resolution - Approval and Acceptance of Agreement and Waiver for Future Traffic Signal - Ryan Companies Build-to-Suit Office
- u. Resolution - Approval and Acceptance of Irrevocable Offer of Dedication and Sanitary Sewer Easement - 503 Restaurant and Nightclub, 1238 8<sup>th</sup> Street

**5. Old Business**

- a. Majestic Oaks, generally located at the northwest corner of Stagecoach Drive and South 95<sup>th</sup> Street - Rezone the Property from Unzoned to Single Family Residential Consistent with the Comprehensive Plan - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
- b. Amendment to City Code - Title 7 (Public Ways and Property), Chapter 10 (Trees and Shrubs) - Amend Ordinance to Include Changes Needed Due to Emerald Ash Borer Management - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
- c. Grand Avenue Trail, Raccoon River Park to Fuller Road - City Initiated
  - 1. Resolution - Approval of Release of Preliminary Special Assessments

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

- a. Maple Grove West, southeast corner of the Union Pacific Railroad and 98<sup>th</sup> Street - Amend the Planned Unit Development (PUD), Parcel B to Modify Requirements for Setbacks, Buffers, and Architecture - Rock Equity Holdings, LLC
  - 1. Ordinance - Approval of First Reading
- b. Amendment to City Code - Title 9 (Zoning), Various Chapters - Define and Establish Regulations for Brewery Tap Rooms - City Initiated
  - 1. Ordinance - Approval of First Reading
- c. Issuance of Not to Exceed \$3,680,000 General Obligation Urban Renewal Refunding Bonds - City Initiated
  - 1. Resolution - Instituting Proceedings to Take Additional Action

- d. 2015-16 FY Operating and Capital Budget - City Initiated
  - 1. Motion - Approval of Budget
  
- e. Fox Creek Trunk Sewer - Phase 1 - City Initiated
  - 1. Resolution - Approval of Plans and Specifications
  - 2. Motion - Receive and File Report of Bids
  - 3. Resolution - Award Contract

**7. New Business**

- a. Clocktower Square, 2800 and 2900 University Avenue - Approval of a Site Plan for Exterior Modifications, Parking Lot Changes, and Storm Water Improvements - Clocktower Square Baceline, LLC
  - 1. Resolution - Approval of Major Modification
  
- b. Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 6 (Maintenance of Parking Terrace and Sidewalks) - Notice to Abutting Property Owners to Repair Sidewalks - City Initiated
  - 1. Ordinance - Approval of First Reading

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

- a. Whisper Ridge, southwest corner of Bridgewood Boulevard and South 88<sup>th</sup> Street - Establish Planned Unit Development (PUD) to Address Development Standards for Attached Townhomes - Hale Development Company, LLC (Refer to Plan and Zoning Commission)
  
- b. Marty Blanchard Resignation - Human Services Advisory Board
  
- c. Judy Price Resignation - Library Board of Trustees

**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.

February 9, 2015

West Des Moines City Council Proceedings  
Monday, February 9, 2015

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, February 9, 2015 at 5:31 PM. Council members present were: R. Messerschmidt, J. Mickelson, and R. Trimble.

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

Vote 15-034: Messerschmidt, Mickelson, Trimble...3 yes  
Motion carried.

On Item 2. Public Forum:

Wendy Lacina, 537 2<sup>nd</sup> Street, stated she recently moved to West Des Moines and expressed appreciation to City staff for their responsiveness and helpfulness in answering her questions.

Council member Sandager arrived at 5:33 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, and R. Trimble.

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

Police Officer Jeff Hartshorn gave a report on the accomplishments of Reserve Officer Jeff Jungman, who was then recognized as Reserve Officer of the Year.

Police Captain Travis Ouverson introduced Police Sergeants Daniel Jansen, Andrew Countryman, and Jacob Rolph, who were then sworn in by Mayor Gaer.

Council member Mickelson reported the Public Safety Subcommittee met and recommended the purchase of a new fire truck and it was reported that the new building on the Wells Fargo campus has passed its fire inspection and is ready to be occupied.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where discussion was held on possible changes to the emerald ash borer management plan and possible changes to the spring cleanup program. He also reported the Metropolitan Planning Organization's Tomorrow Plan affordable housing subcommittee has a meeting scheduled this month and is working to develop a plan to address affordable housing. He stated the subcommittee is conducting a survey to identify issues related to affordable housing.

On Item 4. Consent Agenda.

February 9, 2015

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

- a. Approval of Minutes of January 26, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  1. Guttenburger's WDM 1, Inc. d/b/a Guttenburger's, 9250 University Avenue, Suite 116 and 117 - Class BW Permit with Sunday Sales - New
  2. Great Plain's Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  3. Hy-Vee, Inc., d/b/a Hy-Vee Food & Drugstore #3, 1725 Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
  4. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - February 18, 2015
  5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - February 25-26, 2015
  6. Anything Improv, LLC, d/b/a The Last Laugh Comedy Theater, 1701 25th Street - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
  7. Rogers Entertainment, Ltd., d/b/a Legends American Grill, 640 South 50th Street, Suite 2110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- d. Approval of Appointments:
  1. Board of Adjustment
  2. Civil Service Commission
- e. Approval of Amendment to Emerald Ash Borer Management Plan
- f. Approval to Purchase - Fire Department Class "A" Fire Engine
- g. Approval of Amendment No. 2 to Professional Services Agreement - 318 5th Street Building Renovation
- h. Approval of Grant Application - Water Quality Initiative Targeted Demonstration Watershed Projects
- i. Order Construction - Fox Creek Trunk Sewer - Phase I
- j. Accept Work - 2014 Sump Pump Sewer Program
- k. Establish Public Hearing - Issuance of \$3,680,000 General Obligation Urban Renewal Refunding Bonds
  1. Approval of Professional Services Agreements - Law Enforcement Center Roof Investigation
    1. Design Alliance, Inc.
    2. System Works, LLC

February 9, 2015

Vote 15-035: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 5(a) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) - Approval to Include a Locational Prefix in the Name of Roadways Located South of the Raccoon River, initiated by the City of West Des Moines

Mayor Gaer noted the Council received a memo indicating staff is recommending that the Ordinance be published and made effective on June 1, 2015, as opposed to the originally scheduled date of May 15, 2015, to ensure that the 2015 Special Census can be completed before the address changes become effective.

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

Vote 15-036: Messerschmidt, Mickelson, Trimble.....3 yes  
Sandager .....1 no  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-037: Messerschmidt, Mickelson, Trimble.....3 yes  
Sandager .....1 no  
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Rules and Definitions) and Chapter 6 (Commercial, Office and Industrial Zoning District) - Add a Definition for Antiques, Collectibles, and Flea Markets, Make Antiques a Permitted Use in the Neighborhood Commercial Zoning District, and Make Flea Markets a Permitted Use in the Regional Commercial District, the Community Commercial District, the Valley Junction Historic Business District, and the Warehouse Retail District with No Outdoor Displays, initiated by the City of West Des Moines

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

Vote 15-038: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

February 9, 2015

The City Clerk read the preamble to the ordinance.

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

Vote 15-039: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) and Chapter 10 (Performance Standards) - Amend SIC 7212 to Allow Cleaners with Limited Equipment in All Commercial, Office, and Industrial Zoning Districts and Add Language Identifying Specific Regulations and Requirements for Dry Cleaners with Equipment Operating Under SIC 7212, initiated by the City of West Des Moines

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

Vote 15-040: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 15-041: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

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

Vote 15-042: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(a) Tallyn's Reach (a/k/a Woodland Hills and Michael's Landing), southwest corner of Mills Civic Parkway and South 91st Street - Amend the Comprehensive Plan Land Use Designation and Zoning Allowed for the Western 9.54 acres of Tallyn's Reach PUD Parcels A and B from Office to Residential High Density for the Development of Senior Apartments, initiated by Calamar and Blue Forest Land Group (Continued from December 29, 2014 and January 12, 2015)

Mayor Gaer noted staff is recommending the Council continue the Public Hearing indefinitely.



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

Council member Sandager stated he received a number of correspondences regarding this amendment, and he inquired if staff also has these letters on record.

Lynne Twedt, Development Services Director, responded most of the letters were also sent to staff and will be included with the Council communication when this item comes back for the public hearing.

Vote 15-043: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Majestic Oaks, generally located at the northwest corner of Stagecoach Drive and South 95th Street - Amend the Comprehensive Plan Land Use Map to Change the Land Use Designation of approximately 8 acres from Medium Density Residential to Single Family Residential and Rezone the Property from Unzoned to Single Family Residential Consistent with the Comprehensive Plan, 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 January 24, 2015 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 proposed Comprehensive Plan amendment and rezoning.

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

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

Council member Messerschmidt noted the maps of Attachments C and D with the Council communication show different land uses for the land southwest of the Majestic Oaks development, but he had clarified with staff that Attachment C is an outdated map and Attachment D is correct in showing that land to be single family residential.

Vote 15-044: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

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

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Vote 15-045: Messerschmidt, Mickelson, Sandager, Trimble...4 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 15-046: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$9,100,000 Essential Corporate Purpose General Obligation Bonds, 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 January 28, 2015 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 Trimble to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-047: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$700,000 General Corporate Purpose General Obligation Bonds (GCP-1), initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 28, 2015 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 - Instituting Proceedings to Take Additional Action

Vote 15-048: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

February 9, 2015

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$700,000 General Corporate Purpose General Obligation Bonds (GCP-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 January 28, 2015 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 - Instituting Proceedings to Take Additional Action

Vote 15-049: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$700,000 General Corporate Purpose General Obligation Bonds (GCP-3), 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 January 28, 2015 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 - Instituting Proceedings to Take Additional Action

Vote 15-050: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$700,000 General Corporate Purpose General Obligation Bonds (GCP-4), 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 January 28, 2015 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.

February 9, 2015

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Instituting Proceedings to Take Additional Action

Vote 15-051: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$700,000 General Corporate Purpose General Obligation Bonds (GCP-5), 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 January 28, 2015 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 - Instituting Proceedings to Take Additional Action

Vote 15-052: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$200,000 General Corporate Purpose General Obligation Bonds (GCP-6), 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 January 28, 2015 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 - Instituting Proceedings to Take Additional Action

Vote 15-053: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Alluvion Red Fiber Route, 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 January 30, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

February 9, 2015

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

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Lan-Tel Communication Services.

Council member Trimble stated it is nice to see the bid come in significantly lower than the engineer's estimate.

Mayor Gaer inquired if staff is comfortable that there were no errors with the winning bid.

Duane Wittstock, City Engineer, indicated staff is comfortable with the accuracy of the winning bid.

Vote 15-054: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

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

On Item 7(a) Chick-fil-A, 4502 University Avenue - Construction of a 4,684 sq. ft. Drive-thru Restaurant and Parking Lot, initiated by Chick-fil-A

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

1. Prior to initiation of any site work, including grading, the applicant providing a copy of the Iowa DNR issued NPDES General Permit #2 to staff; and
2. Prior to issuance of an occupancy permit, including Temporary Occupancy, the applicant making necessary modifications to the retention ponds immediately to the east as outlined in the Storm Water Management Plan to comply with West Des Moines Storm Water Management Standards.

Vote 15-055: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 7(b) Issuance of \$12,150,000 (Essential Corporate Purpose and General Corporate Purpose) General Obligation Bonds, initiated by the City of West Des Moines.

February 9, 2015

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Authorizing the Issuance and Levying a Tax.

Vote 15-056: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 7(c) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 10 (Trees and Shrubs) - Amend Ordinance to Include Changes Needed Due to Emerald Ash Borer Management, initiated by the City of West Des Moines.

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

Vote 15-057: Messerschmidt, Mickelson, Sandager, Trimble...4 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 15-058: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Motion carried.

On Item 8(a) Amendment to City Code - Title 9 (Zoning), Various Chapters - Define and Establish Regulations for Brewery Tap Rooms - City Initiated (Refer to Plan and Zoning Commission) - Referred to Plan and Zoning Commission

On Item 9 - Other Matters: none

The meeting was adjourned at 6:13 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	02/20/2015		\$2,190,843.94
	Claim Listing Date		Total \$ Amount
EFT Claims	02/20/2015		\$61,453.04
	Claim Listing Date		Total \$ Amount
Control Pay	02/20/2015		\$283,019.38
	Claim Listing Date		Total \$ Amount
End of Month	-0-		\$-0-
	Claim Listing Date		Total \$ Amount
Manual Check	02/20/2015		\$148,000.37
	Claim Listing Date		Total \$ Amount

Approved by the West Des Moines City Council this 23rd day of February  
2015

\_\_\_\_\_  
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)

BANK	VENDOR	CHECK#	DATE	AMOUNT
INAT	FIRST NATIONALBANK			
29059	ABDULLAH/MUHAMMAD	177842	02/23/15	150.00
28252	ADVENTURES IN ADVERTISING	177843	02/23/15	479.80
29481	ALVINE & ASSOCIATES, INC	177844	02/23/15	437.99
29314	AMERICAN SECURITY CORP	177845	02/23/15	980.00
22901	AMERICAN TRAFFIC SAFETY	177846	02/23/15	79.00
29712	ARBORVANTAGE INC	177847	02/23/15	5,500.00
27857	ARTE T MOBILITY	177848	02/23/15	66.40
01810	AUTO-JET MUFFLER CORP	177849	02/23/15	105.73
29716	BALDWIN/RYAN	177850	02/23/15	125.00
29757	BARTH/DANIEL	177851	02/23/15	50,000.00
25207	BEGLEY/JOHN	177852	02/23/15	110.00
24522	BELLER DISTRIBUTING, LLC	177853	02/23/15	99.12
29340	BENJAMIN DESIGN COLLABOR	177854	02/23/15	982.50
29340	BENJAMIN DESIGN COLLABOR	177855	02/23/15	5,930.00
.098827	BETTENDORF POLICE DEPT	177856	02/23/15	235.00
29688	BOOT BARN INC	177857	02/23/15	235.96
.085884	BOOTS/TRAVIS	177858	02/23/15	233.20
28011	BOUND TREE MEDICAL, LLC.	177859	02/23/15	2,611.21
25235	BP	177860	02/23/15	17.32
28400	BULSEYE TRUCKING	177861	02/23/15	7,854.90
27750	CAPPEL'S ACE HARDWARE	177862	02/23/15	336.70
04250	CARPENTER UNIFORM CO	177863	02/23/15	1,006.83
19700	CENTURYLINK	177864	02/23/15	4,529.60
04950	CITY OF DES MOINES	177865	02/23/15	453,513.10
28649	CIVIL DESIGN ADVANTAGE L	177866	02/23/15	85,322.27
28649	CIVIL DESIGN ADVANTAGE L	177867	02/23/15	1,734.50
29550	CLIENTFIRST CONSULTING G	177868	02/23/15	1,450.00
05350	CLIVE POWER EQUIPMENT	177869	02/23/15	92.79
27090	CONTROLLED ACCESS CORPOR	177870	02/23/15	148.00
27442	CORY/TARRY	177871	02/23/15	225.00
26823	COSTCO	177872	02/23/15	165.00
27845	COX/RANDY	177873	02/23/15	200.00
29386	CREATIVE VISUAL PRODUCTI	177874	02/23/15	772.30
06350	CUMMINS CENTRAL POWER, L	177875	02/23/15	172.70
06400	CUSTOM AWARDS	177876	02/23/15	18.00
07450	DES MOINES STAMP MFG CO	177877	02/23/15	31.61
29728	DILLARD/CARLOS	177878	02/23/15	250.00
07840	DMACC	177879	02/23/15	30.00
24992	DOGGETT/RICHARD	177880	02/23/15	1,600.00
29758	DONIELSON/ERIC	177881	02/23/15	2,026.00
28568	EDGE COMMERCIAL, LLC	177882	02/23/15	8,011.66
23025	EDMONDSON/TERRY	177883	02/23/15	8,450.00
24746	ELDER CORPORATION	177884	02/23/15	8,753.34
08530	ELECTRICAL ENGINEERING &	177885	02/23/15	234.30
27039	EMARKIT, INC.	177886	02/23/15	206.00
28436	EMERGENCY SERVICES MARKE	177887	02/23/15	27.08
27708	EMS TECHNOLOGY SOLUTIONS	177888	02/23/15	459.00
26083	EMSLRC	177889	02/23/15	56.00



BANK	VENDOR	CHECK#	DATE	AMOUNT
INAT FIRST NATIONALBANK				
27012	EASTENAL COMPANY	177890	02/23/15	254.75
08791	FITCH/LEW	177891	02/23/15	114.00
29570	FITZPATRICK/ELLEN	177892	02/23/15	540.00
28746	GBA SYSTEMS INTEGRATORS,	177893	02/23/15	1,944.00
09815	GXC CORPORATION	177894	02/23/15	193.17
29356	GETZ FIRE EQUIPMENT	177895	02/23/15	149.50
23898	GLOCK, INC.	177896	02/23/15	724.00
28417	GOES LITHOGRAPHING CO	177897	02/23/15	66.70
10800	GRAYBAR ELECTRIC CO INC	177898	02/23/15	158.02
10950	GRIMES ASPHALT & PAVING	177899	02/23/15	159.14
29585	H & W CONTRACTING	177900	02/23/15	8,786.55
29709	HADDEN/TOM	177901	02/23/15	32.38
28679	HATFIELD/CARRIE	177902	02/23/15	176.00
11300	HAWKEYE TRUCK EQUIPMENT	177903	02/23/15	1,712.48
29559	HAWKINS/JENNIFER	177904	02/23/15	1,610.00
29256	HCONN, INC.	177905	02/23/15	1,000.00
27069	HEART OF THE EARTH	177906	02/23/15	552.45
29561	HEARTLAND BUSINESS SYSTE	177907	02/23/15	11,594.20
29756	HECKMAN/BARBARA	177908	02/23/15	31,221.00
29755	HINRICHS/ABBY	177909	02/23/15	154.00
24065	HOME DEPOT CREDIT SERVIC	177910	02/23/15	99.00
22833	HOTSY CLEANING SYSTEMS I	177911	02/23/15	388.25
29699	HUGHES/JORDYN	177912	02/23/15	132.00
23611	HY VEE, INC.	177913	02/23/15	671.60
09817	IA EMERGENCY NUMBER ASSN	177914	02/23/15	400.00
09809	IMSA MIDWESTERN SECTION	177915	02/23/15	500.00
09810	IMSA MIDWESTERN SECTION	177916	02/23/15	500.00
26020	IOWA CHAPTER OF APCO	177917	02/23/15	535.00
23544	IOWA INTERSTATE RAILROAD	177918	02/23/15	394.68
23500	IOWA LAW ENFORCEMENT ACA	177919	02/23/15	17,466.00
27891	IOWA NETWORK SERVICES, I	177920	02/23/15	3,826.00
29641	IOWA ONE CALL	177921	02/23/15	3,354.60
13100	IOWA PET FOODS & AQUATIC	177922	02/23/15	11.69
25870	IOWA PRISON INDUSTRIES	177923	02/23/15	3,955.00
13157	IOWA STATE RESERVE ASSN	177924	02/23/15	180.00
13158	IOWA STATE UNIVERSITY-FI	177925	02/23/15	159.95
29741	ITERIS INC	177926	02/23/15	625.00
28265	JACK DELFON CONSTRUCTION	177927	02/23/15	1,050.00
13300	JACOBSEN AUTO BODY	177928	02/23/15	3,804.65
29532	JEFFREY L BRUCE & COMPAN	177929	02/23/15	3,665.02
29276	JENSEN/RHONDA	177930	02/23/15	66.00
28066	JOHN HEMRY LLC	177931	02/23/15	3,500.00
09820	JOHNSON/JOE	177932	02/23/15	700.00
27078	JONES/BRENT	177933	02/23/15	150.00
29498	KALDENBERG'S PBS LANDSCA	177934	02/23/15	280.00
13725	KENNY AND GYL CO	177935	02/23/15	647.00
29717	KIRK/THOMAS	177936	02/23/15	150.00
28301	KLAHN/RICHARD	177937	02/23/15	132.00

BANK	VENDOR	CHECK#	DATE	AMOUNT
1NAT FIRST NATIONALBANK				
29378	KLOCKE'S EMERGENCY VEHIC	177938	02/23/15	870.43
29719	KRUGER/BLAKE	177939	02/23/15	75.00
23769	LACINA/WENDY	177940	02/23/15	528.00
27871	LASER RESOURCES	177941	02/23/15	2,885.86
26120	LEE'S STANDARD	177942	02/23/15	195.75
25370	LEXISNEXIS RISK DATA MNG	177943	02/23/15	190.55
29715	LOCUTION SYSTEMS INC	177944	02/23/15	37,749.00
25335	LUKAS, NACE, GUTIERREZ & S	177945	02/23/15	2,307.50
25789	MAFFUCCI/JENNIFER	177946	02/23/15	9,960.00
23697	MAIL SERVICES L.C.	177947	02/23/15	5,273.69
27902	MAILFINANCE	177948	02/23/15	232.17
22275	MANKLE/BRUCE	177949	02/23/15	46.00
28412	MARTIN/JOSEPH	177950	02/23/15	75.00
26854	MCGOWEN, HURST, CLARK, S	177951	02/23/15	1,200.00
14900	MENARDS	177952	02/23/15	1,228.64
29322	MERCEDS-BENZ OF DES MOI	177953	02/23/15	22.43
29208	MERCY WEST PHARMACY	177954	02/23/15	874.85
28053	MIDWEST BEARING & SUPPLY	177955	02/23/15	61.35
26340	MIDWEST BREATHING AIR L.	177956	02/23/15	678.00
27748	MITCHELL/RANDY	177957	02/23/15	66.00
23492	MOTOROLA	177958	02/23/15	73.95
23492	MOTOROLA	177959	02/23/15	824.50
15625	MUNICIPAL SUPPLY INC	177960	02/23/15	97.50
25307	MURPHY TRACTOR & EQUIPME	177961	02/23/15	880.00
24949	NASH/JEFF	177962	02/23/15	426.48
28124	NEBRASKA FURNITURE MART	177963	02/23/15	170.00
28810	NESTINGEN, INC.	177964	02/23/15	11,000.00
27330	NETTELAND/STEPHEN	177965	02/23/15	2,040.00
29171	NINTH BRAIN	177966	02/23/15	543.00
29727	O'BRIEN/DARREN	177967	02/23/15	75.00
70107	O'REILLY AUTOMOTIVE, INC	177968	02/23/15	50.25
28497	OPEN ARCHITECTS	177969	02/23/15	11,553.40
28438	OWENS & MINOR	177970	02/23/15	254.47
28970	PALMER GROUP	177971	02/23/15	1,654.80
23061	PALMER/BRIAN	177972	02/23/15	87.50
29733	PARKER/SATONIUS	177973	02/23/15	325.00
29335	PATTON/CHRIS	177974	02/23/15	75.00
28548	PER MAR SECURITY	177975	02/23/15	76.00
16498	PLUMB SUPPLY CO	177976	02/23/15	3,497.00
03300	POLK COUNTY RECORDER	177977	02/23/15	175.00
16650	POLK COUNTY TREASURER	177978	02/23/15	10.00
27661	PROVANTAGE LLC	177979	02/23/15	793.17
.09812	RAGAN COMMUNICATIONS	177980	02/23/15	109.00
29540	RAHE/ALAN	177981	02/23/15	150.00
17302	RDG PLANNING & DESIGN	177982	02/23/15	7,000.00
.09821	ROYER/ELDEN	177983	02/23/15	600.00
27811	ROYER/KATIE	177984	02/23/15	66.00
29522	SADDORIS/BRETT	177985	02/23/15	75.00

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BANK	VENDOR	CHECK#	DATE	AMOUNT
1NAT FIRST NATIONALBANK				
.09828	SALANCIK/MARK	177986	02/23/15	112.00
28913	SAM'S CLUB DIRECT	177987	02/23/15	35.90
27779	SARAH & ANDREW TRUCKING	177988	02/23/15	1,781.25
22400	SCHILDBERG CONSTRUCTION	177989	02/23/15	2,654.35
28984	SEBESTA INC	177990	02/23/15	1,680.91
28984	SEBESTA INC	177991	02/23/15	1,869.65
18085	SEBESTA INC	177992	02/23/15	1,380.78
.09824	SECRETARY OF STATE	177993	02/23/15	60.00
.09822	SIG SAUER ACADEMY	177994	02/23/15	1,245.00
18292	SIMPLEX GRINWELL	177995	02/23/15	1,562.13
24711	SKOLD DOOR & FLOOR CO.	177996	02/23/15	2,141.50
.09825	SOUTHERN POLICE INSTITUTE	177997	02/23/15	695.00
.09826	SOUTHERN POLICE INSTITUTE	177998	02/23/15	1,195.00
29538	SPEX CRIMINALISTICS	177999	02/23/15	1,197.43
27422	SPRINT	178000	02/23/15	425.21
28720	STATE SAVINGS BANK	178001	02/23/15	14,955.04
29657	STEIMEL/MICHAEL	178002	02/23/15	308.00
70026	STIVERS FORD	178003	02/23/15	101,094.00
28433	SWINTON/ASHLEE	178004	02/23/15	906.25
26518	T&T SPRINKLER SERVICE, I	178005	02/23/15	370.00
.09822	TEW/JANE	178006	02/23/15	27.00
27751	TOMETICH ENGINEERING, IN	178007	02/23/15	1,971.00
19600	TRUE VALVE & V&S VARIETY	178008	02/23/15	1,408.34
.09823	TRUST FOR PUBLIC LAND	178009	02/23/15	25.00
83413	UNITED PARCEL SERVICE	178010	02/23/15	29.84
27497	UNITYPOINT CLINIC	178011	02/23/15	370.00
29279	UPS STORE/THE	178012	02/23/15	88.67
29753	VANDERPOOL CONSTRUCTION	178013	02/23/15	633,897.90
19725	VERIZON WIRELESS	178014	02/23/15	4,379.18
.09816	VICKI STEWARD	178015	02/23/15	550.00
24555	VISION MARKETING	178016	02/23/15	153.10
24712	WAUKEE COMMUNITY SCHOOLS	178017	02/23/15	6.70
24822	WELLMARK BLDG CROSS	178018	02/23/15	461.60
27745	WEST DES MOINES COMM SCH	178019	02/23/15	3,045.00
20700	WEST DES MOINES COMM SCH	178020	02/23/15	1,953.52
20700	WEST DES MOINES MARRIOTT	178021	02/23/15	534,951.00
24566	WEST DES MOINES MARRIOTT	178022	02/23/15	2,030.08
29050	WEX BANK	178023	02/23/15	191.24
29685	WINBOURNE CONSULTING	178024	02/23/15	7,830.00
.09814	WPS MEDICARE PART B WPS	178025	02/23/15	656.44
26820	YEAGER/LE MAR	178026	02/23/15	1,385.00
.09811	1 MILLION CUPS D.M.	178027	02/23/15	2,000.00

FIRST NATIONALBANK

2,190,843.94

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CHECK#	DATE	AMOUNT
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8446	02/23/15	986.48
8447	02/23/15	75.00
8448	02/23/15	1,337.75
8449	02/23/15	309.55
8450	02/23/15	300.00
8451	02/23/15	2,798.00
8452	02/23/15	6,685.00
8453	02/23/15	8,207.52
8454	02/23/15	13,619.76
8455	02/23/15	7,241.75
8456	02/23/15	521.76
8457	02/23/15	1,232.50
8458	02/23/15	6,500.00
8459	02/23/15	300.00
8460	02/23/15	652.36
8461	02/23/15	599.30
8462	02/23/15	740.00
8463	02/23/15	526.50
8464	02/23/15	526.20
8465	02/23/15	4,558.20
8466	02/23/15	100.00
8467	02/23/15	175.00
8468	02/23/15	2,761.72
		200.00
		61,453.04

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FIRST NATIONALBANK

- 90023 ARNOLD MOTOR SUPPLY, LLP
- 90068 BAUER BUTLT
- 90172 BAYLESS/ROH
- 90029 BROWN TRAFFIC PRODUCTS,
- 90160 BROWN SECURITY SYSTEMS,
- 90161 DAKOTA SECURITY SYSTEMS,
- 90044 FARRAND/GLENN CORPORATION
- 90159 FBG SERVICE CORPORATION
- 90054 HENNING/CLAUDIA
- 90065 IOWA DEPT OF PUBLIC SAFE
- 90061 KECK, INC.
- 90100 KIRKHAM, MICHAEL, & ASSO
- 90006 LAIDLAW, JR./WILLIAM L
- 90006 MCCLURE ENGINEERING COMP
- 90164 MCCLURE ENGINEERING COMP
- 90104 MCCUBBIN/COURTNEY
- 90087 MID IOWA PETROLEUM SVCS,
- 90111 MIDWEST WHEEL
- 90014 PANTOGA/RALPH
- 90150 PREFERRED PEST CONTROL
- 90171 RELIABLE MAINTENANCE
- 90002 ROUNDS/MATES
- 90174 SHIELDS/CHARLES
- WEST BANK, HUMAN SVCS
- WILKINS/CHRIS

BANK	VENDOR	CHECK#	DATE	AMOUNT
INAT	FIRST NATIONALBANK			
70018	ABC ELECTRICAL CONTRACTO	177795	02/23/15	2,452.36
70018	ABC ELECTRICAL CONTRACTO	177796	02/23/15	286.35
70216	ADVENTURE LIGHTING	177797	02/23/15	12.04
70197	ALLIED 100, LLC	177798	02/23/15	257.98
70055	AMERICAN CONCRETE	177799	02/23/15	529.88
70158	ARAMARK UNIFORM SERVICES	177800	02/23/15	1,292.47
70105	CALL ONE, INC.	177801	02/23/15	1,017.00
70017	CAPITAL SANITARY SUPPLY	177802	02/23/15	1,498.39
70141	COLOR FX	177803	02/23/15	895.00
70187	DEK PRODUCTS	177804	02/23/15	234.00
70117	DES MOINES ASPHALT & PAY	177805	02/23/15	110.40
70083	DES MOINES REGISTER MEDI	177806	02/23/15	3,433.27
70009	ELECTRONIC ENGINEERING	177807	02/23/15	3,727.40
70027	EMERSON NETWORK POWER	177808	02/23/15	9,395.00
70067	EXCEL MECHANICAL, INC.	177809	02/23/15	14,165.85
70061	FAST SIGNS, INC.	177810	02/23/15	237.62
70039	G&L CLOTHING	177811	02/23/15	855.00
70226	GALETON GLOVES	177812	02/23/15	377.02
70161	GALLS LLC	177813	02/23/15	546.97
70131	HEALTH CARE LOGISTICS IN	177814	02/23/15	370.32
70062	HOWARD R. GREEN CO.	177815	02/23/15	4,524.00
70062	HOWARD R. GREEN CO.	177816	02/23/15	46,098.32
70062	HOWARD R. GREEN CO.	177817	02/23/15	786.68
70062	HOWARD R. GREEN CO.	177818	02/23/15	31,987.40
70052	IMAGETEK, INC	177819	02/23/15	1,773.76
70194	INTERFLEET INC	177820	02/23/15	2,329.61
70239	INTERSTATE ALL BATTERY C	177821	02/23/15	220.95
70077	IOWA FIRE EQUIPMENT	177822	02/23/15	527.40
70053	IOWA WATER MANAGEMENT CO	177823	02/23/15	540.00
70024	JERICCO SERVICES	177824	02/23/15	6,700.00
70172	LAW ENFORCEMENT TARGETS,	177825	02/23/15	6,219.27
70078	METRO WASTE AUTHORITY	177826	02/23/15	117,810.54
70121	NETMOTION WIRELESS, INC.	177827	02/23/15	8,553.00
70010	O'HALLORAN INTERNATIONAL	177828	02/23/15	1,083.69
70025	PAY-LESS OFFICE PRODUCTS	177829	02/23/15	7,494.30
70076	PRAXAIR	177830	02/23/15	1,840.12
70171	SECURITY EQUIPMENT INC	177831	02/23/15	564.00
70069	SHOTENKTRK CHEVROLET	177832	02/23/15	290.05
70234	SPRAYER SPECIALTIES INC	177833	02/23/15	40.88
70026	STIVERS FORD	177834	02/23/15	1,432.03
70255	STRAUSS SAFE AND LOCK CO	177835	02/23/15	287.60
70156	THOMSON REUTERS-WEST PAY	177836	02/23/15	191.93
70186	TITAN MACHINERY	177837	02/23/15	438.57
70013	TRANS IOWA EQUIPMENT CO	177838	02/23/15	3,071.81
70218	WALNUT CREEK PROMOTIONS	177839	02/23/15	374.50
70051	WORLDPOINT ECC, INC.	177840	02/23/15	1,955.90
70188	ZEE MEDICAL SERVICE INC	177841	02/23/15	178.75
	FIRST NATIONALBANK			283,019.38

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BANK VENDOR

INAT FIRST NATIONALBANK

24822 WELLMARK BLUE CROSS

FIRST NATIONALBANK

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800566 02/12/15 75,220.38

75,220.38

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CITY OF WEST DES MOINES IOWA  
GL540R-V07.27 PAGE 1

BANK VENDOR

CHECK# DATE AMOUNT

1NAT FIRST NATIONALBANK

24822 WELLMARK BLUE CROSS

800567 02/19/15 71,966.99

FIRST NATIONALBANK

71,966.99 \*\*\*

FINANCIAL SYSTEM  
02/20/2015 09:27:38

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BANK	VENDOR	CHECK#	DATE	AMOUNT
1NAT FIRST NATIONALBANK				
12755	IOWA DEPT OF REVENUE & F	800568	02/18/15	258.00
FIRST NATIONALBANK				258.00

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CITY OF WEST DES MOINES IOWA  
GL540R-V07.27 PAGE 1

BANK VENDOR

CHECK# DATE

AMOUNT

1NAT FIRST NATIONALBANK

29752 WARYWODA/STEPHANIE

139611 02/11/15

555.00

FIRST NATIONALBANK

555.00

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

**ITEM:** Approval of Liquor Licenses

**DATE:** February 23, 2015

**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. Lin Corporation d/b/a China Garden, 2020 Grand Avenue, Suite 1300 - Class BW Permit with Sunday Sales - Renewal
2. Coach's Pizza, LLC d/b/a Coach's Pizza, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
3. Famous Dave's Ribs, Inc. d/b/a Famous Dave's, 1720 22nd Street - Class LC Liquor License with Sunday Sales - Renewal
4. C.C.W., LLC d/b/a Huhot Mongolian Grill, 4100 University Avenue, Suite 101 - Class BW Permit with Sunday Sales - Renewal
5. Hy-Vee, Inc. d/b/a Hy-Vee #4, 555 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
6. Kum & Go LC d/b/a Kum & Go #66, 5308 University Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
7. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Class BW Permit with Sunday Sales - Renewal
8. Samurai Sushi & Hibachi Restaurant, Inc. d/b/a Samurai Sushi & Hibachi Restaurant, 7125 Mills Civic Parkway, Suite 110 - Class LC Liquor License with Sunday Sales - Renewal
9. W2005/Fargo Hotels (Pool C) Realty, LP d/b/a West Des Moines Residence Inn, 160 South Jordan Creek Parkway - Special Class C Liquor License - Renewal
10. The Wine Experience at Younkers Jordan Creek, LC, d/b/a The Wine Experience at Younkers Jordan Creek, 101 Jordan Creek Parkway, Building 6000 - Class BW Permit with Carryout Wine and Sunday Sales - Renewal
11. Cost Plus, Inc. d/b/a World Market, 4100 University Avenue, Suite 210 - Class BC Beer Permit with Carryout Wine and Sunday Sales - 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 *RTJ*

**STAFF REVIEWS**

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

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

**ITEM:** Approval of Special Event Lane Closures  
St. Patrick's 10K and 5K - Friendly Sons of St. Patrick

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** None

**BACKGROUND:**

Ordinance 2013 was adopted by the City Council on November 25, 2013, establishing that street or lane closures for special events on arterial or collector streets shall require approval of the City Council.

The Friendly Sons of St. Patrick is hosting their 32nd annual 10K and 5K running events on Sunday, March 29, 2015. The route will require the closure of one lane on each of the following arterial/collector streets:

- Railroad Avenue (outer westbound lane) from Grand Avenue to 4th Street
- E.P. True Parkway (outer westbound lane) from Maple Street to Grand Avenue
- Grand Avenue (outer eastbound lane) from Vine Street to just west of 1st Street

**Note:** Many of the other streets along the route are classified as minor collector streets and will have the travel portion reduced in width as the route will utilize the outer edge of one lane throughout those segments; however both lanes will remain open to vehicular traffic.

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

**RECOMMENDATION:** Motion - Approval of Request made by the Friendly Sons of St. Patrick

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

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	
Date Reviewed	

# FRIENDLY SONS OF ST. PATRICK 2 MI & 10 KM

Measured: 3-25-2000

Start: In a line with the west edge of the drive, just west of Dairy Queen at 308 Grand.

Mile 1: 10 feet east of the black light pole on the NE corner of 5th and Railroad Ave.

Mile 2: 22 feet west of the 1st telephone pole west of Holiday Cl.

Mile 3: 6 feet west of the mail box at 3008 Maple.

5 km: 22 feet south of the mail box at 204 33rd.

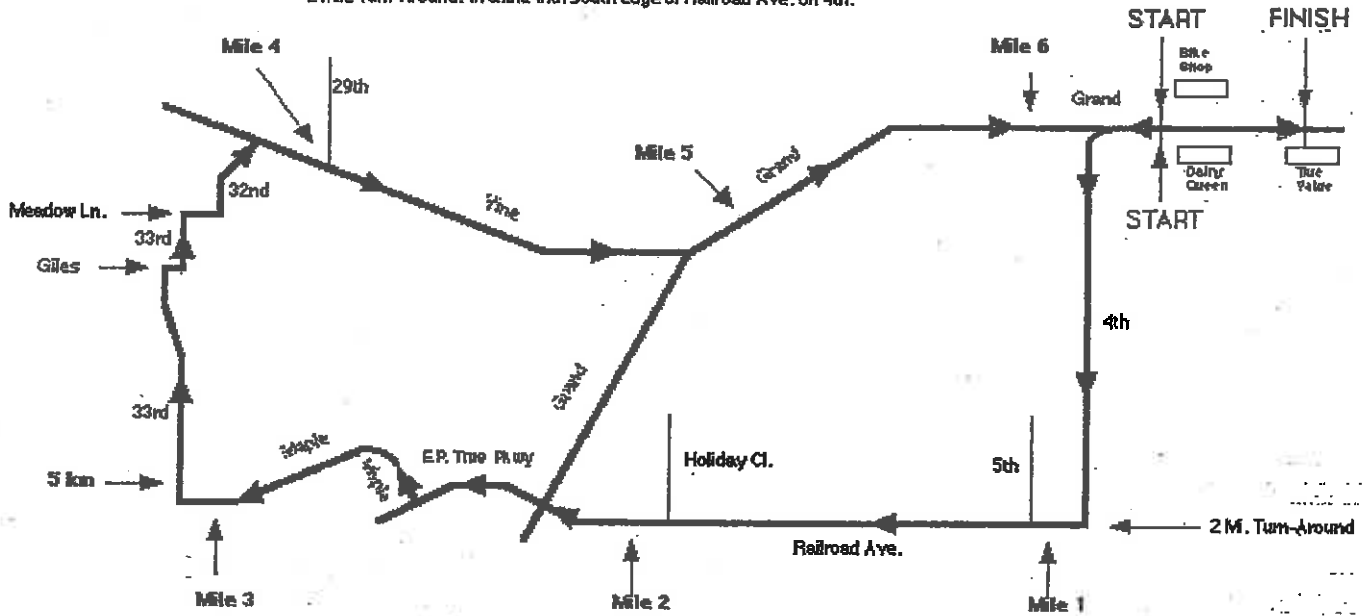
Mile 4: In a line with the west corner of 29th on Vine.

Mile 5: 83 feet east of the "School Speed Limit 25 When Flashing" sign, just east of Vine on the south side of Grand.

Mile 6: In a line with the middle of the driveway at 416 Grand.

Finish: At the expansion joint 25 feet west of the telephone pole with the No Parking symbol, in front of True Value Hardware, 63 & Grand.

2 Mile Turn-Around: In a line with south edge of Railroad Ave. on 4th.



3/7/02

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

**ITEM:** Approval of Appointments  
Bicycle Advisory Commission

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** None

**BACKGROUND:**

Mayor Steven K. Gaer recommends the reappointment of current Bicycle Advisory Commissioner Joel Wolcott. Mr. Wolcott has served on the commission since it was formed on April 1, 2011. The proposed reappointment is for a three-year term expiring on March 31, 2018.

Joel Wolcott                      5671 Beechtree Drive                      224-7482 (h)

The term of Bicycle Advisory Commissioner Stacie Hatch is also scheduled to expire on March 31, 2015, but she does not wish to be reappointed. Ms. Hatch has served on the Commission since April 1, 2011, and the Mayor and City Council thank her for her service to the community. Mayor Gaer would like to appoint Helen Eddy to serve on the Bicycle Advisory Commission for a three-year term with an expiration of March 31, 2018.

Helen Eddy                      209 S. 27<sup>th</sup> Street                      223-1652 (h)    953-7950 (w)

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

**RECOMMENDATION:**

Approval of appointments to Bicycle Advisory Commission

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

**STAFF REVIEWS**

Department Director	Gary Scott, Director of Parks and Recreation
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



Please indicate below the reasons why you would like to be appointed to a Board or Commission and any specific skills or experience that you believe support your application.

Des Moines University, Master of Public Health Advisory Council 2012-current

West Des Moines Community Enrichment Foundation Board 2012-current

Healthiest State Initiative Board of Directors 2012 - current

Youth Executive Committee Plymouth Congregational Church – current Chair

Please list two references other than a family member:

Name: Ric Jurgens Relationship: Friend Phone: 515-249-5412

Name: Dave McNeill Relationship: Friend Phone: 515-321-4076

Do you sell to, or are you in any manner a part to, any contract to furnish supplies, material, or labor to the City of West Des Moines? No If so, please list: \_\_\_\_\_

Have you ever been employed by the City? No If so, please list dates of employment and positions held.

Do you have relatives working for the City? No If so, please give name and relationship.

Are you being sponsored by a community organization(s)? No If so, please list the following and attach a confirmation letter from said organization:

Organization: \_\_\_\_\_ Contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Iowa Code Section 69.16A requires City boards/commissions to be gender balanced. Please indicate whether you are male or female.

Male  Female

Applicant Signature:  Date: 2-6-15

Please mail completed application to the office of the City Clerk at the following address:

City of West Des Moines  
P.O. Box 65320  
West Des Moines, Iowa 50265-0320  
ATTN: Ryan Jacobson



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

**ITEM:** Approval of Appointment  
Human Services Advisory Board

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** None

**BACKGROUND:**

Martin Blanchard has served on the Human Services Advisory Board since July 2011 and the Mayor and City Council thank him for his service to the community. Mayor Gaer would like to appoint Mary Bernabe to serve on the Human Services Advisory Board for the remainder of the three-year term with an expiration of June 30, 2017.

Mary Bernabe                      5971 Highland Circle                      360-6818 (h)

**RECOMMENDATION:**

Motion – Approve Mayor’s recommendation for appointment to the Human Services Advisory Board.

**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



Please indicate below the reasons why you would like to be appointed to a Board or Commission and any specific skills or experience that you believe support your application.

Please see attached.

Please list two references other than a family member:

Name: Trish Garmoe Relationship: former principal, SFS Phone: 224-9292  
Name: Dan Malloy Relationship: counselor/ DCHS Phone: 222-1021

Do you sell to, or are you in any manner a part to, any contract to furnish supplies, material, or labor to the City of West Des Moines? no If so, please list: \_\_\_\_\_

Have you ever been employed by the City? no If so, please list dates of employment and positions held. \_\_\_\_\_

Do you have relatives working for the City? no If so, please give name and relationship. \_\_\_\_\_

Are you being sponsored by a community organization(s)? no If so, please list the following and attach a confirmation letter from said organization: \_\_\_\_\_

Organization: \_\_\_\_\_ Contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Iowa Code Section 69.16A requires City boards/commissions to be gender balanced. Please indicate whether you are male or female.

Male  Female

Applicant Signature: *U. Bernake* Date: February 4, 2015

Please mail completed application to the office of the City Clerk at the following address:

City of West Des Moines  
P.O. Box 65320  
West Des Moines, Iowa 50265-0320  
ATTN: Ryan Jacobson

## **Supplement to Mary S. Bernabe's Application for Appointment to Boards and Commissions**

### **Board Memberships**

- Iowa Trial Lawyers Ass'n - member 1989-2005, Board member in 1990's
- Chairperson – Young Lawyers Division of the Iowa Bar Committee on Law Related Education - 1993-1994
- Chairperson of the Homeless and Hungry Committee at St. Francis of Assisi Catholic Church, 1997-2001 and ongoing member of committee, 1997- present.
- St. Francis of Assisi School, WDM, IA: 2000-2008, Chair, Enrichment/Curriculum Enhancement Committee.
- Catholic Charities of the Des Moines Diocese 2004-2008, Development Board Member.
- Board Member Dowling Catholic Parent's Guild 2009-2013.
- Unity Point's Hops for Hospice Fundraiser - 2011- present.

### **Skills and Experience**

I am passionate about fostering community service in young people and serving the underprivileged in our community. I have spent many volunteer hours in our community , especially since my retirement from practicing law. Here are examples of my experience which supports this application:

-P.E.O., member Chapter KT, Des Moines. Member since 1996. Chapter President 2001-2004. As a member and as Chapter President, I developed a fundraiser in which our chapter donated a new storybook to every baby born at Broadlawns Hospital from 1999 – approx. 2009. I designed and compiled a professionally typeset and bound cookbook for sale to fund this project.

-St. Francis of Assisi Catholic Church, I coordinate the efforts of our service to Connection Cafe (a downtown DSM soup

kitchen) by coordinating a monthly lunch and communicating with over 230 people who contribute, 2008-present. I also coordinate our annual Christmas and Lenten Drives for Connection Café. In the past, I have chaired the Homeless and Hungry Committee which consists of many monthly and yearly endeavors to assist the underprivileged in our community.

-St. Francis of Assisi School 2000-2008. I wrote the community service curriculum and managed service hours for grades 6-8. During that time, I single handedly put on a service fair which included 30+ service organizations in our community to demonstrate to students how they can get involved. I also developed and managed an enrichment committee of administrators, teachers and parent volunteers from inception; developed curriculum in several areas of study, implemented many new programs and oversaw them through completion for 9 years.

-Catholic Charities of the Des Moines Diocese 2004-2008, As a Development Board Member, I developed programs from inception raising approximately \$220,000/year and successfully carried out three (3) large fundraisers each year, two (2) of which were designed by myself.

-Dowling Catholic High School, WDM, IA: 2009-2013. While our son was a student, I was a member of the parent guild and served on the Guild Board, helped coordinate service projects, was the parent representative for football and baseball, etc. I volunteered in many service related activities at Dowling Catholic including instituting and carrying out a monthly egg casserole drive for Salvation Army (averaged 150+ casseroles/month), assisting with the annual Christmas Basket collection (clothes, gifts, food) for 70+ families each year, and coordinated the DCHS volunteer efforts at Kiwanis Miracle League, to mention a few examples.

**-Unity Point's Hops for Hospice 2011- present. As a member of this 7 person fundraiser, I created the initial idea for this annual event which has successfully raised tens of thousands of dollars to support hospice services.**

**-WDM Human Services-in many past years I have coordinated both a neighborhood drive and my prayer group to support the annual Adopt-a -Family drive, the Thanksgiving Food Baskets, and donations to the school supply drive.**

**I have many skills and experience in fundraising and in coordinating large group donations. I am a lifelong Des Moines native, spending the past 27 years in West Des Moines. My mother is a resident of a WDM Nursing Home (Manor Care). I am passionate about volunteerism, especially by fostering it in our youth. I would like to bring these skills to the WDM Human Services Board where I believe my innovation and passion would be of assistance.**

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

**ITEM:** Approval of Appointments  
Public Arts Advisory Commission

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** None

**BACKGROUND:**

Mayor Steven K. Gaer recommends the reappointment of current Public Arts Advisory Commissioners Diane Boyd and Brenda Sedlacek. Both Ms. Boyd and Ms. Sedlacek have served a four-year term on the commission after being appointed when it was formed on April 1, 2011. The proposed reappointment term for Ms. Boyd and Ms. Sedlacek would expire on March 31, 2019.

Diane Boyd	234 57 <sup>th</sup> Court	267-8142 (h)
Brenda Sedlacek	1512 S. 42 <sup>nd</sup> Street	225-5017 (h)

The term of Public Arts Advisory Commissioner Scott Fontenot is also scheduled to expire on March 31, 2015, but he does not wish to be reappointed. Mr. Fontenot has served on the Commission since April 1, 2011, and the Mayor and City Council thank him for his service to the community. Mayor Gaer would like to appoint Ryan Crane to serve on the Bicycle Advisory Commission for a four-year term with an expiration of March 31, 2019.

Ryan Crane	3963 Woodland Avenue	240-8523 (h)
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**OUTSTANDING ISSUES** (if any): None

**RECOMMENDATION:**

Approval of appointments to Public Arts Advisory Commission

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

**STAFF REVIEWS**

Department Director	Gary Scott, Director of Parks and Recreation
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





Please indicate below the reasons why you would like to be appointed to a Board or Commission and any specific skills or experience that you believe support your application.

As a transplant to West Des Moines (moved here in 2008, upon graduating from college),  
I believe I have a unique perspective. I already serve as an informal "ambassador" of  
greater Des Moines (GDMLI class of 2014), and I am passionate about civic community engagement  
and involvement. I want to be a young person who makes a difference!

Please list two references other than a family member:

Name: Janet Rosenbury Relationship: Donor/colleague Phone: 515-360-8761  
Name: Jonathan Wilson Relationship: Board Pres, FFBC Phone: 515-288-2500

Do you sell to, or are you in any manner a part to, any contract to furnish supplies, material, or labor to the City of West  
Des Moines? No If so, please list: \_\_\_\_\_

Have you ever been employed by the City? No If so, please list dates of employment and positions held.

Do you have relatives working for the City? No If so, please give name and relationship.


Are you being sponsored by a community organization(s)? No If so, please list the following and attach a  
confirmation letter from said organization:

Organization: \_\_\_\_\_ Contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Iowa Code Section 69.16A requires City boards/commissions to be gender balanced. Please indicate whether you are  
male or female.

Male  Female

Applicant Signature:  Date: 02.19.14

Please mail completed application to the office of the City Clerk at the following address:

City of West Des Moines  
P.O. Box 65320  
West Des Moines, Iowa 50265-0320  
ATTN: Ryan Jacobson

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

DATE: February 23, 2015

**ITEM:**

Motion - Approval to Sell Surplus City Equipment

**FINANCIAL IMPACT:**

Approximate revenue to the General Fund of **\$3,420.00**.

**BACKGROUND:**

On April 30, 2012, City Council approved a Disposal of Surplus Property Policy and retention of GovDeals.com for disposal of excess City property.

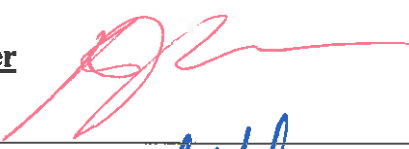
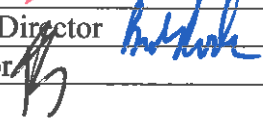

Public Works has accumulated and inventoried a list of surplus items to be sold by auction on GovDeals.com.

**RECOMMENDATION:**

City Council Approve:

- Motion authorizing the Department of Public Works to proceed with the on-line sale of accumulated surplus City equipment.

Lead Staff Member: Rian Rasmussen, Fleet Manager

<b>Department Director</b>	Bret Hodne, Public Works Director 
<b>Appropriations/Finance</b>	Tim Stiles, Finance Director 
<b>Legal</b>	
<b>Agenda Acceptance</b>	

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)		
<b>Published In</b>		<b>Committee</b>	<b>Public Works Council</b>	
<b>Dates(s) Published</b>		<b>Date Reviewed</b>	<b>February 17, 2015</b>	
		<b>Recommendation</b>	<b>Yes</b>	<b>No</b>
				<b>Split</b>

## Items to Sell on GovDeals.com:

\$2,000.00	2005 Ford Crown Victoria	2FAHP71W45X174534
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### APPROXIMATE VALUE \$1,420.00

1	Sauna
5	Pallets of parts/equipment
3	HD Tires
1	Lot of Pool Filters

CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

DATE: February 23, 2015

**ITEM:**

Motion – Approving Revised Policy for the Annual Sidewalk Program

**FINANCIAL IMPACT:**

A reduction in staff time and administrative costs is anticipated to occur with the implementation of recommended sidewalk program revisions.

**BACKGROUND:**

The sidewalk program provides a means of annually reviewing the condition of existing sidewalks and the need for new sidewalks throughout the City. Due to concerns expressed by members of the public and Council members, Public Works and Financial Services staff have reviewed current policies, defect criteria, and administrative costs incurred by adhering to current policies. Other municipalities were surveyed in an attempt to be consistent with other sidewalk policies. The revisions recommended are anticipated to provide property owners with a program which is more cost effective to them, and to the City.

The sidewalk program policy changes are recommended to be effective with the 2015 Sidewalk Program.

Staff will perform a comprehensive review of the policy changes in the sidewalk program after the 2015 Sidewalk Program is completed.



**RECOMMENDATION:**

City Council Adopt:

- Motion Approving Public Works and Finance & Administration Recommendation to the Annual Sidewalk Program
- Motion Approving Revision to the Sidewalk Improvement Program

Lead Staff Member: Joseph C. Cory, P.E., Deputy Director 

**STAFF REVIEWS**

Department Director	Bret Hodne 
Finance Director	Tim Stiles
Legal	Richard Scieszinski
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Public Works	Finance & Admin.
Date Reviewed	February 17, 2015	February 24, 2014
Recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Split

# **CITY OF WEST DES MOINES, IOWA**

## **Sidewalk Inspection and Repair Policy Deferral of Sidewalk Installation Policy**

### **I. DEFINITIONS:**

**PROPERTY:** Land situated in the city, whether or not improved with buildings or other structures.

**PROPERTY OWNER:** A person who, alone or with another person or other persons, holds the legal title to property; except, however, where property has been sold on contract to a person who has the present right to possess the property and the contract has been filed for record in the office of the Polk County recorder, Dallas County recorder, Madison County recorder or the Warren County recorder, the person so purchasing the property, whether alone or with another person or other persons, is the "property owner" and not the person retaining bare legal title to the property as security for the balance of the purchase price.

**PUBLIC SIDEWALK:** That portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line or within easements on private property that is paved or improved and intended for use by pedestrians. A public sidewalk must be a minimum of four (4) feet in width. A sidewalk's primary purpose is to provide pedestrians with connections to neighborhoods, shopping centers, businesses and other venues of interest.

### **II. DUTY OF ABUTTING PROPERTY OWNERS:**

Every property owner is required to maintain, at his or her own expense, the public sidewalk on that length and side of the public street or streets to which said property owner's property abuts in accordance with the City's Sidewalk Inspection and Repair Policy ("Repair Policy") approved by the city council. This obligation to maintain includes, without limitation, the duty to keep the public sidewalk open, free of debris, snow and ice and other obstacles as required by this chapter and in a reasonable state of repair so as not to present a hazard to persons using the public sidewalk; provided, however, that this section shall not be construed to require a property owner to take any action with respect to a public sidewalk when said action is made necessary by the excavation or other activity of the city or a public utility.

### **III. ANNUAL INSPECTION ZONES:**

The City will be responsible for inspecting the public sidewalks on an eight (8) year cycle within the city. These inspections shall be made to determine if any of the public sidewalks within a particular zone of the city are defective as defined. The City will be divided into eight zones as designated in (Appendix "A").

When a sidewalk defect is found to exist outside of the annual inspection zone, the City will initiate appropriate action as directed by this policy to have the sidewalk reconstructed.

### **III. RECONSTRUCTION PROCEDURES**

It shall be the duty of the abutting property owner at all times to reconstruct, or cause to be reconstructed, all defective public sidewalks in the street right-of-way or within a granted easement abutting his/her property.

The public sidewalk will be considered defective when it exhibits one of the characteristics listed in (Appendix "B") of this policy. When a sidewalk is found to contain such a defect, the City's designated inspector will issue a written notice to repair sent by certified mail to the abutting property owner requiring that the appropriate work be completed within 75 days.

#### **Sidewalk**

All locations where notice to repair has been issued will be re-inspected by the City's designated inspector after the abutting property owner has been given 75 days in which to complete the work. If, upon expiration of the 75 days as provided in said notice, the required work has not been done or is not in the process of completion, the City's designated inspector may cause the same to be reconstructed and the

cost thereof shall be assessed to the abutting property owner. No such assessment shall be made for the repair, reconstruction or replacement of a public sidewalk unless the city has served upon the person shown by the records of the Polk County recorder, Dallas County recorder, Madison County recorder or the Warren County recorder to be the owner of the abutting property, by certified mail, a notice requiring said person to repair, reconstruct or replace the public sidewalk within seventy five (75) days from the date said notice is mailed. All sidewalk improvements shall be performed under the supervision and inspection of the City's designated inspector.

#### IV. DETERMINATION OF CITY COST TO REPAIR

##### Sidewalk

If work has not commenced following the 75 day notice, the sidewalk will be placed on a list for repair and the City's contractor notified to proceed with the repairs. Upon completion of the repair the property owner will be sent by regular mail an invoice of the actual cost of the repair with no administration fee. The property owner will have 30 days to pay the invoice. If the invoice is not paid within 30 days, the amount will be certified to the County Auditor to be added to the owner's property taxes.

#### V - PERMITTING AND REPAIR INSPECTIONS

Any property owner required to or desiring to reconstruct or repair any sidewalk shall, before commencing such reconstruction or repair, apply at West Des Moines Public Works for a Sidewalk & Driveway Approach Permit as illustrated in (Appendix "C").

The City's designated inspector is authorized to inspect, approve or disapprove the reconstruction or repair of sidewalks. The party reconstructing or repairing any sidewalk shall call for inspections by notifying the City's Public Works Department when the slab has been lifted and subgrade has been brought to the proper elevation, or forms have been set for the slab replacement. In the case of slab replacement a further inspection shall be required upon completion after removal of forms, backfill and seeding have been completed.

#### VI - DEFERRAL PROCESS

Any residential property owner seeking deferral of sidewalk installation must complete the application as illustrated in (Appendix "D" & "E") and meet the criteria.

#### VII - ECONOMIC HARDSHIP PROCESS

Any residential property owner seeking to qualify for economic hardship of sidewalk installation or repair must meet the defined criteria as illustrated in (Appendix "E").

#### VIII - DOCUMENTATION

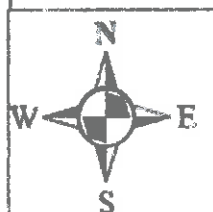
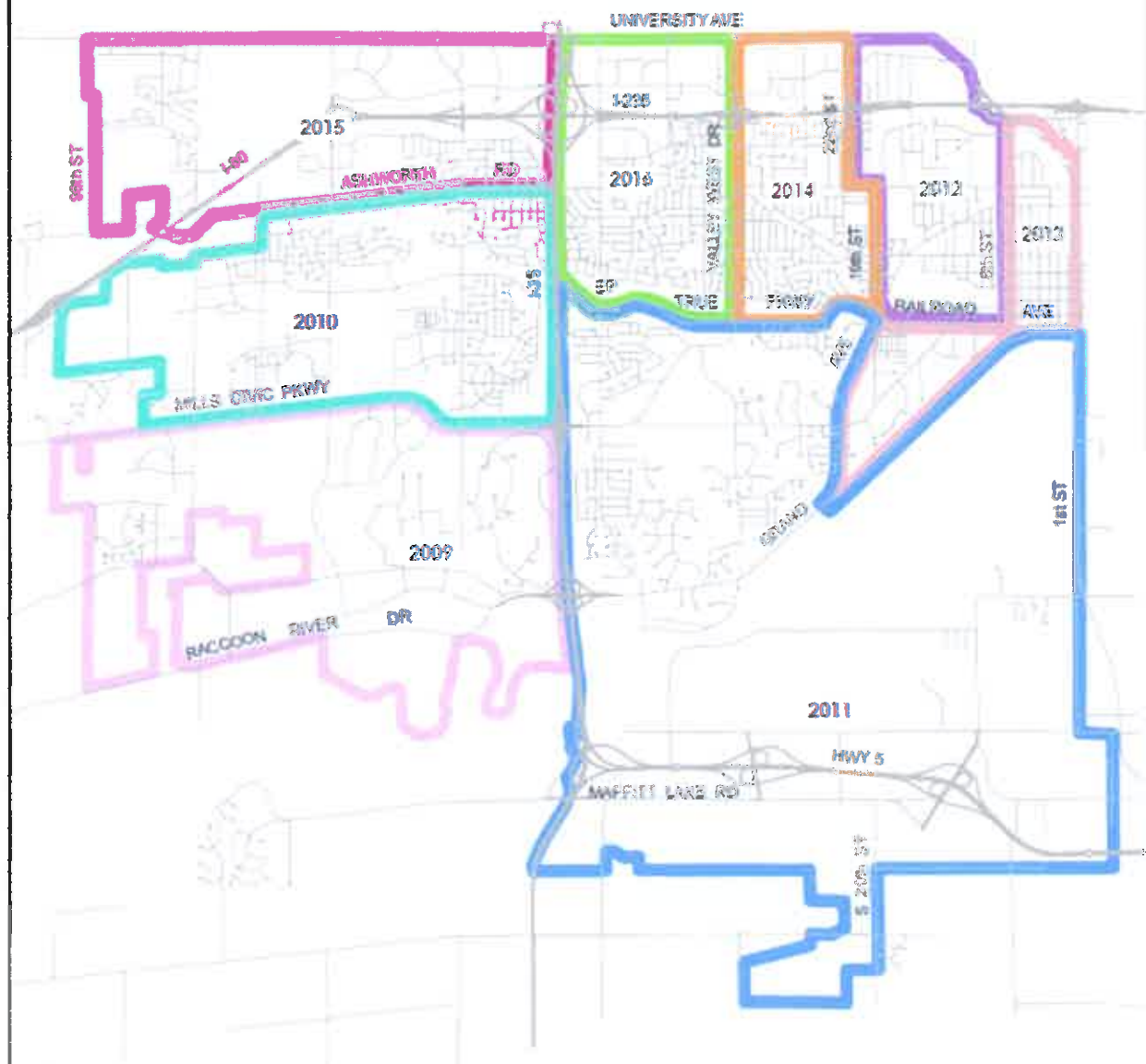
The City will maintain formal permanent records showing the date on which each sidewalk was last inspected, which properties were found to have defective sidewalks, the nature of the defects found, and the action taken to correct the defect. The City's designated inspector will be responsible for issuing all official "Notice to Repair". All official notices will be sent certified mail as required by Iowa Code.

#### VII - DISCLAIMER

To the extent that any previous rule, regulation, policy or past practice, written or unwritten, is in conflict with the provisions of this policy, such is hereby withdrawn, voided and all personnel should conduct themselves in conformity with this policy.

This Sidewalk Inspection and Repair Policy is not intended to create and should not be construed in any manner as creating a guaranty that any hazard associated with sidewalk conditions is eliminated by the City's efforts to maintain public sidewalks in accordance with this Policy.

# 2009 - 2016 Annual Sidewalk Improvement Project



**APPENDIX "B" -- CITY STANDARDS FOR SIDEWALK DEFECTS**

**Defect "A"**  
**Sidewalk faulted at a joint or cracked with 1" or more vertical deflection.**



**Defect "B"**  
**Sidewalk raised or sunken more than 2" in 8 feet from normal profile of sidewalk.**



**Defect "C"**  
**Sidewalk constructed from improper material such as asphalt or brick or spalling has occurred over 50% of a single panel.**



**Defect "D"**  
**Sidewalk is not present.**



**Defect "E"**  
**Cross slope exceeds one inch in one foot.**





### Defect A or B (Sunken Sections)

Sidewalk slabs marked as defective under Defects A or B (Sunken Sections) may be repaired without total replacement if the sidewalk slabs are in otherwise good condition and in one piece. The sidewalk slab or slabs may be lifted up and the subgrade excavated or filled and the sidewalk slabs reset to a safe uniform grade condition. Repositioning existing slabs may be done under the direction of the City's designated inspector. The property owner may grind Defect A utilizing a minimum transition of six inches or until a level transition is achieved. The City will only utilize the remove and replace panel(s) method for repair.

### Defect B (Raised Sections), C or E

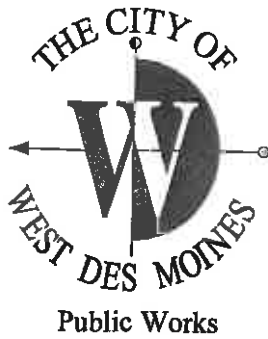
Sidewalk marked as Defect B, C (Raised Sections) or E requires complete replacement of these sidewalk panels. At a minimum, the property owner shall use a commercial concrete mix with 4,000psi rating. The property owner shall follow the minimum manufacturer's recommendation to ensure proper mixing and placing of the concrete.

### Defect D

Sidewalk missing under Defect D requires the installation of concrete sidewalk as defined under the policy.

### UNKNOWN PROPERTY LINES

The inspector will determine as best he/she can, the location of property lines in order to determine the proper owner to whom a notice to repair will be sent. It is the responsibility of the property owner to notify the City if they have received a notice for property other than theirs. If a defective sidewalk overlaps on two properties, a notice will be sent to both properties and they will share proportionately to their frontage on the defective sidewalk.



### SIDEWALK & DRIVEWAY APPROACH PERMIT

Note: Multi-Family Residential Driveways and Commercial Driveways require and approved site plan before this permit can be issued.

If Drive Approach, check the appropriate box

- Single Family Residential
- Multi-Family Residential
- Commercial

PERMIT #

City Fees

\$16.00 Sidewalk Construction or Driveway Approach

Contractor/Owner Name (print) \_\_\_\_\_

Phone # \_\_\_\_\_

Property Address \_\_\_\_\_

The undersigned agrees that no excavating or construction work on said sidewalk or driveway will commence until the grade stakes have been reviewed by a City Inspector. The undersigned further agrees to construct or cause to have constructed said sidewalk or driveway to conform with said grade stakes, compliance with signage according to the Manual on Uniform Traffic Control Devices (MUTCD) and with the provisions of the City ordinances and specifications thereof. The contractor/property owner further agrees to call the Department of Public Works at 222-3480 for an inspection of grade prior to pouring the concrete, giving 24 hours notice to schedule the inspection.

X \_\_\_\_\_  
Applicant's Signature

Permit Issued: \_\_\_\_\_, 20 \_\_\_\_\_

Fee waived for Sidewalk Program

\$ \_\_\_\_\_ paid by Cash / Check # \_\_\_\_\_

Received by X \_\_\_\_\_  
Issuer's Signature

# DEPARTMENT OF PUBLIC WORKS POLICY GUIDELINE

## CRITERIA AND SPECIFIC DESIGN STANDARDS FOR DEFERRAL OF SIDEWALK REQUIREMENT DUE TO NATURAL OR PHYSICAL LIMITATIONS

### SECTION 1. INTENT AND PURPOSE

- A. The intent and purpose of these criteria and specific design standards is to establish a procedure which will enable the City of West Des Moines to ensure the orderly and harmonious development of a city-wide sidewalk system to safeguard the public's health, safety and general welfare.
- B. Sidewalks shall be installed in new and existing developments in compliance with City specifications for sidewalks. However, when the strict application of those standards or requirements causes substantial hardship or imposes unreasonable restrictions because of natural or physical conditions or limitations not created by the property owner, the Council may grant deferrals and/or variances pursuant to the following definitions, rules, requirements, eligibility criteria and specific design standards.

### SECTION 2. DEFINITIONS, RULES AND REQUIREMENTS

The following definitions, rules and requirements shall apply when considering and processing deferral requests for sidewalk installation because of substantial hardship or unreasonable restrictions caused by natural or physical conditions or limitations:

- A. "*Sidewalk*" means a PCC sidewalk at least four inches (4") thick and at least four feet (4') wide. A sidewalk shall have a longitudinal slope not exceeding one foot (1') per ten feet (10') and a tilt not exceeding one-half inch (1/2") per one foot (1'). However, a sidewalk through an existing concrete or asphaltic driveway may have a tilt not exceeding one inch (1") per one foot (1') where it passes through the driveway. Sidewalks that pass through a driveway and have a tilt exceeding one-half inch (1/2") per one foot (1') shall make a smooth transition to a tilt not exceeding one-half (1/2") per one foot (1') within eight feet (8') on either side of the driveway.

- B. ***“Sidewalk(s) on the same block”*** means sidewalks on one side of the street between intersecting streets on that side of the street. However, if the distance between intersecting streets exceeds six hundred feet (600’), then ***“sidewalk(s) on the same block”*** means sidewalks on one side of the street between intersecting streets on the opposite side of the street.
- C. ***“Damage to a tree”*** means the cutting of any limbs, the trunk or roots within a distance from the trunk that is 2.5 times the diameter (as measured two feet (2’) above the ground) of the tree’s trunk to such an extent that it is unreasonable to believe that the tree will live.
- D. ***“Utility facilities”*** include, but are not limited to, electric power poles, guy wires, anchors, water lines, meter pits, hydrants, gas lines and telephone lines.
- E. Sidewalks should, if possible, be parallel to the back of the curb.
- F. Sidewalks shall be installed no closer than three feet (3’) from the back of the curb.
- G. Sidewalks shall match up to other sidewalks on the same block.
- H. Minimum elevation of sidewalks shall be four inches (4”) per one foot (1’) below the top of the curb unless water run-off will have an adverse effect on existing structure(s). Maximum elevation shall be four inches (4”) per one foot (1’) above the top of the curb. However, sidewalks through existing driveways shall have minimum and maximum elevations of two inches (2”) per one foot (1’) below or above the top of curb, respectively.
- I. Sidewalks shall have a minimum of eight feet (8’) of overhead clearance.
- J. A deferral for a corner lot or a lot with double fronts shall specify in sufficient detail which sidewalk(s) is (are) subject to the deferral. A deferral for a sidewalk on one side of a corner lot or a lot with double fronts does not necessarily mean the deferral applies to other sidewalks on that lot.
- K. All sidewalk installation plans shall be approved and permitted through the Department of Public Works before installation to ensure proper location of the sidewalk within the lot and to ensure all other requirements are met. Public Works is hereby authorized and directed to locate sidewalks consistent with the aforementioned Definitions, Rules and Requirements in such a manner so as to avoid grade and obstruction problems.

### **SECTION 3. ELIGIBILITY FOR DEFERRAL**

**A. NEW DEVELOPMENTS:** In order to qualify for either a deferral of the requirement to install sidewalks in new developments, the developers shall have the burden of proof to show that there are compelling physical constraints that make the installation of sidewalks not feasible. Economic hardship shall not be considered.

**B. EXISTING DEVELOPMENTS:** After all of the above definitions, rules, and requirements are met (including, but not limited to the review of sidewalk location mentioned in Subsection 2(K) above), a lot or lots upon which an existing dwelling or non-residential building or use is located may be eligible for a Deferral of Sidewalk Requirement or Installation Covenant if any of the following questions are answered "yes". *(Note: The granting of deferrals remains within the sole discretion of the City Council even though a lot or lots may be deemed to be eligible for deferrals under the above Definitions, Rules, and Requirements.)*

1. Does twenty five percent (25%) or more of the area of the lot between the curb and the back of the proposed sidewalk have a slope (either ascending from the curb or descending from the curb) in excess of one foot (1') per ten feet (10')?
2. Will the installation of the sidewalk require either the removal of or damage to at least one tree exceeding eight inches (8") in diameter as measured at a point four feet (4') above the base of the tree?
3. Will the installation of the sidewalk require the removal of or damage to three (3) or more trees each exceeding four inches (4") in diameter as measured at a point four feet (4') above the base of each tree?
4. Will the installation of the sidewalk require that utility facilities be moved? (Practical vertical adjustments to stop boxes, gate valves, or manholes, etc. are not considered moving utilities.)
5. Is there on file with the City Clerk a valid and approved Deferral of Sidewalk Requirement or Installation Covenant issued after January 1, 1996, for another sidewalk on the same block? This subsection has no application if the proposed sidewalk connects to and extends a pre-existing sidewalk on the same block.
6. Is there an existing concrete or asphaltic driveway or parking lot where a sidewalk should be that would exceed the slope and tilt requirements described in Subsection 2(A) above?

7. For multiple frontage lots: 1) Would installation of a second or third frontage of sidewalk(s) duplicate a pedestrian travel route already safely available on the opposite side of the street? OR 2) Would snow removal be unreasonably difficult due to inaccessibility?
8. a) Have property owners representing ninety percent (90%) or more of the houses in a definable subdivision plat expressed their desires individually in writing that no sidewalks or additional sidewalks are needed and wanted in that subdivision plat; AND b) is there little or no likelihood of pedestrian school routes or other through foot traffic needing sidewalks in that subdivision plat? *NOTE: If a deferral was approved under this paragraph, and later the plat property owners express a desire for sidewalks, the Council may rescind the deferral if more than fifty percent (50%) of the current property owners of the same definable plat waived in this Section 8 express their desire for sidewalks to the City in writing.*
9. Would installation of the sidewalk and any directly resulting grade/site work result in an average total cost (as estimated by the Public Works Department) to the lot owner of more than two and one half times the current average cost per linear foot of standard, uncomplicated sidewalk?

C. **ECONOMIC HARDSHIP CRITERIA:** In order for residential property owners to qualify for Economic Hardships for waived or deferred responsibility for installation of sidewalks, they must be able to qualify under both of the following criteria: *(Note: The granting of deferrals of property owners' responsibilities to fund sidewalk installations remains within the sole discretion of the City Council even though property owners may be deemed to be eligible for deferrals under the following criteria.)*

1. **Income** - The income guidelines for eligibility for deferral of the responsibility for the installation of a sidewalk are based on HUD's Section 8 Housing Assistance guidelines for the Des Moines SMSA. Each applicant will be required to meet the income eligibility requirements for that year. The prescribed limits will be fifty percent (50%) of the HUD determined median family income for the Des Moines metropolitan area. These income limits vary by family size.
2. **Assets Limitations** - Applicants will be required to meet assets eligibility requirements. If an applicant's total accumulated net assets (including real and personal property) total more than \$25,000, the applicant is not eligible. Only property assessed, valued, or appraised at \$5,000 or more will be included when calculating this total. The burden of verification for valuing these assets rests on the applicant. Examples of property to be claimed include, but is not limited to, motor homes, cars, travel trailers, motorcycles, campers, boats, jewelry, rental or investment real estate, certificates of deposit, Treasury Bills, savings, stocks, and bonds but does not include the property for which the deferral is being requested.

City of West Des Moines  
**APPLICATION FOR  
DEFERRAL OF SIDEWALK INSTALLATION**  
(Residential Property Owners)

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**DIRECTIONS:** Complete any sections that apply to your property using descriptions and/or sketches, as applicable.

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**Section 3B1 (Lot Slope)**

- Do you have any areas that slope up or down from the curb more than one (1) foot in height per ten (10) feet laterally?  Yes  No
  
- If so, do these areas comprise 25% or more of the area between the curb and the back of the proposed sidewalk?  Yes  No

---

**Section 3B2 and 3B3 (Tree Interference)**

- Do you have any trees in the way of or would be damaged by a new sidewalk?  Yes  No
  
- Does at least one of them have a trunk diameter more than eight (8) inches?  Yes  No
  
- Do three or more of the trees have trunk diameters more than four (4) inches?  Yes  No
  
- Measure tree diameter four (4) feet above the ground, include sketch of tree location(s) in relation to curb:

---

**Section 3B4 (Utility Interference)**

- Do you have any utility features that would be in the way of a new sidewalk?  Yes  No
  
- Sketch locations and label type of feature:

---

**Section 3B5 (Same Block Deferral Approved)**

- Do you know of any other property on your block with a deferral approved after January 1, 1996?  Yes  No
- Would the new sidewalk connect to and extend any sidewalk already on your block?  Yes  No
- Include property address of any known, approved deferral:

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**Section 3B6 (Driveway Slope or Tilt)**

- Would the new sidewalk have an up or down slope of more than one (1) foot in height change per ten (10) feet of length?  Yes  No
- Would the tilt of the sidewalk (side-to-side) where it crosses your driveway or parking area exceed one (1) inch height change per one (1) foot of sidewalk width?  Yes  No
- Sketch and label approximate slope or tilt. If not sure, apply and Public Works will measure.

---

**Section 3B7 (Multiple Frontage Lots Only)**

- Is a pedestrian travel route already safely available on the other side of the street from the proposed new sidewalk?  Yes  No
- Would snow removal access to the proposed sidewalk be unreasonably difficult?  Yes  No
- Describe situations, sketch location(s) of existing sidewalk, proposed sidewalk, and access to proposed sidewalk.

---

**Section 3B8 (Subdivision Property Owners Desires) (90% or more of house owners must indicate "YES" on both of the following conditions for this deferral provision to apply.)**

- Do you certify that you are the owner(s) of the property at the address shown below?  Yes  No
- Do you certify that you do not need or want additional sidewalks in your subdivision?  Yes  No

Name(s) \_\_\_\_\_

Property Address \_\_\_\_\_



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**Section 3B9 (Excessive Installation Costs)**

- Would all new sidewalk work (grading, drainage, retaining walls, etc.) cost more than two and one-half times the current average cost per linear foot of "standard" sidewalk?  Yes  No
- List complicating factors and roughly sketch them, such as slopes, retaining walls, or other site problems. If not sure, apply and Public Works will estimate.

---

**Section 3C (Economic Hardship)**

- You must qualify under both the income and assets limitations described. For more details, contact the Community and Economic Development Department at 273-0770.

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**Applicants Signature(s)**

Property Owner(s) Names (print)	Signature(s)
Property Address	Phone Number

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**Department of Public Works Comments:**

Recommend:  Approval  Disapproval  Other \_\_\_\_\_

Signature	Date
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**City Council Comments:**

Recommend:  Approval  Disapproval  Other \_\_\_\_\_

Signature	Date
-----------	------

SAMPLE



THE CITY OF  
**West Des Moines®**  
www.wdm.iowa.gov

**Public Works**

560 South 16th Street  
P.O. Box 65320  
West Des Moines, IA 50265-0320

Phone  
515-222-3480

FAX  
515-222-3478

E-mail  
publicworks@wdm.iowa.gov

May 15, 2015

Jaime Longnecker

1233 20th St.  
West Des Moines, IA 50265-2210

**RE: Notice to Repair  
Sidewalk Improvements at: 1233 20th St.  
Property Owner(s) Jaime Longnecker (T1)**

*Notice to Residents*

Dear Property Owner(s):

To help assure the safety of pedestrians, the City of West Des Moines is continuing its annual program to monitor sidewalks throughout the city. We conducted a sidewalk survey in your area and determined that portions of the sidewalk at your property are in need of repair. Enclosed is a copy of the field survey form that shows the section(s) of sidewalk that requires repair and a copy of the defect criteria used for evaluation of the sidewalk.

You have the option to hire a contractor or perform the work yourself. **If you intend to exercise this option, the work must be completed by August 1<sup>st</sup>, 2015.** The \$16.00 fee for the sidewalk permit will be waived since the City is initiating the sidewalk improvement. The permit must be obtained prior to having the work performed and may be obtained from the Department of Public Works located at 560 South 16th Street. Please call Public Works at 222-3475 for questions and to schedule an inspection once you have removed the defective panel(s) and before you pour the concrete.

Another option for property owners is to allow the City to make the repairs, and it is anticipated the City's Contractor will perform repairs during the 2015 construction season. Based on previous years' programs under the City's contract, a property owner could estimate that a typical 4'x4' sidewalk panel may cost \$200 each, or \$11.00 per square foot to repair, and/or \$225 per 4'x4' panel to repair a 6" sidewalk through a driveway approach. After construction is complete you will receive an invoice for the cost and should receive that invoice in the Fall of 2015. If, after 30 days, the invoice is not paid the amount owed will be assessed to your property tax.

Should you need assistance determining which sidewalk panels are in need of repair please contact our office to schedule a time for Kelly Sand (Public Works Inspector) to meet with you.

We appreciate your assistance and understanding as we continue our efforts to make West Des Moines an even better place to live and work. Should you have any additional questions concerning the repair of sidewalks, please call Kelly Sand, Monday thru Friday between 7:30 a.m. and 4:00 p.m. at 222-3475.

Sincerely,

Clint Carpenter  
Construction Supervisor  
West Des Moines Public Works

For additional sidewalk information:

[www.wdm.iowa.gov](http://www.wdm.iowa.gov) | Your Government | Public Works | Right-Of-Way | Sidewalks

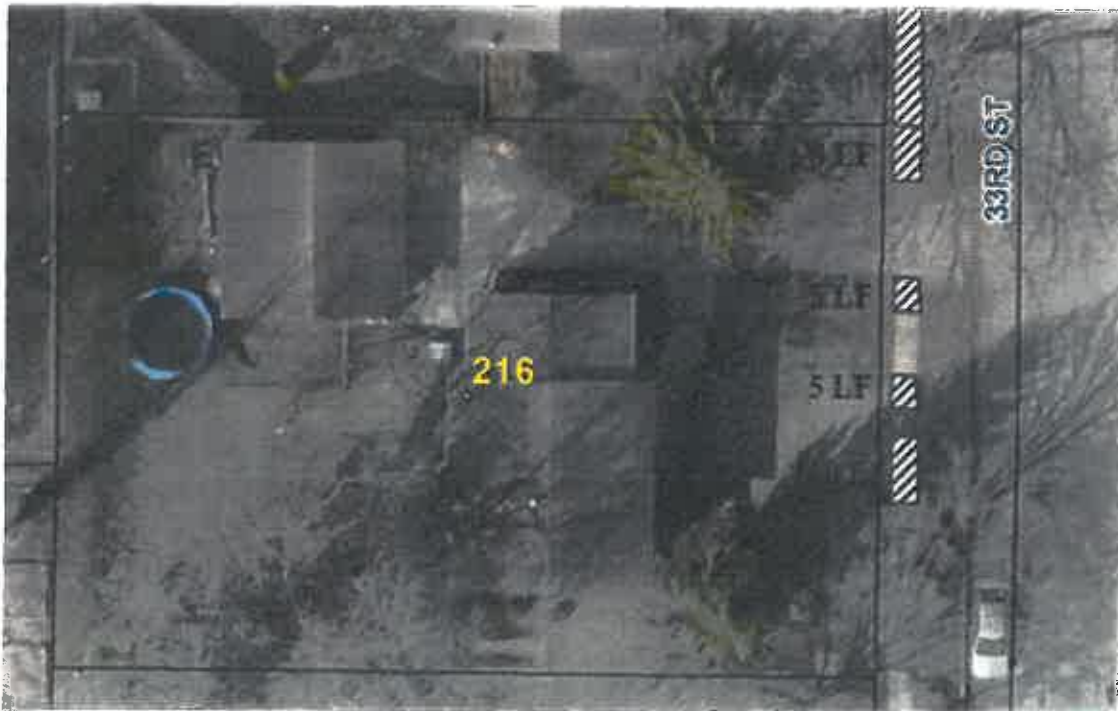
0510-015-2015

SAMPLE

### SIDEWALK REPAIR SURVEY FORM – 2014 Sidewalk Program Phase I City of West Des Moines

Project 0510-036-2014		Surveyed By: City Staff	Property No.: 582
			Survey Date: 03/19/2014
Name of Property Owner:	Matthew E. Wheeler (T1)		
Address if different than Property Address:	216 33rd St. West Des Moines, IA 50265-4008		
Property Address:	216 33rd St.		
Legal Description of Property:	LT 16 ASHAWA ESTATES PLAT 3		
<u>112 Sq. Ft. 4-Inch Remove and Replace</u>		If not completed, Special Assessment Program Year Proposed: 2015	

Any additional requirements are listed below:  
90 SF Sod 90 SF Concrete Removal



**Legend**  
L=Length

**Note:**  
Areas needing repair will be indicated on the above drawing and measured along the property line. Drawing is not to scale.



Type of defect noted:

A

(See attached "Sidewalk Defect" sheet for defect definition)

**APPENDIX "B" -- CITY STANDARDS FOR SIDEWALK DEFECTS**

**Defect "A"**

**Sidewalk faulted at a joint or cracked with 1" or more vertical deflection.**



**Defect "B"**

**Sidewalk raised or sunken more than 2" in 8 feet from normal profile of sidewalk.**



**Defect "C"**

**Sidewalk constructed from improper material such as asphalt or brick or spalling has occurred over 50% of a single panel.**



**Defect "D"**

**Sidewalk is not present.**



**Defect "E"**

**Cross slope exceeds one inch in one foot.**



### Defect A or B (Sunken Sections)

Sidewalk slabs marked as defective under Defects A or B (Sunken Sections) may be repaired without total replacement if the sidewalk slabs are in otherwise good condition and in one piece. The sidewalk slab or slabs may be lifted up and the subgrade excavated or filled and the sidewalk slabs reset to a safe uniform grade condition. Repositioning existing slabs may be done under the direction of the City's designated inspector. The property owner may grind Defect A utilizing a minimum transition of six inches or until a level transition is achieved. The City will only utilize the remove and replace panel(s) method for repair.

### Defect B (Raised Sections), C or E

Sidewalk marked as Defect B, C (Raised Sections) or E requires complete replacement of these sidewalk panels. At a minimum, the property owner shall use a commercial concrete mix with 4,000psi rating. The property owner shall follow the minimum manufacturer's recommendation to ensure proper mixing and placing of the concrete.

### Defect D

Sidewalk missing under Defect D requires the installation of concrete sidewalk as defined under the policy.

### UNKNOWN PROPERTY LINES

The inspector will determine as best he/she can, the location of property lines in order to determine the proper owner to whom a notice to repair will be sent. It is the responsibility of the property owner to notify the City if they have received a notice for property other than theirs. If a defective sidewalk overlaps on two properties, a notice will be sent to both properties and they will share proportionately to their frontage on the defective sidewalk.

## QUESTION\ANSWER SHEET SIDEWALK REPAIR



Dear Property Owner:

The work needed on your sidewalk is shown on the enclosed survey form, with more specifics referenced on the City Standards sheet. You may complete the sidewalk work on your own and are encouraged to do so. The City has a list of other sidewalks needing repair in your area in case you would want to join with your neighbors to complete your repair work, or jointly retain a contractor to do the work. The following questions and answers should help you understand the program; however, please contact Public Works at 222-3475, if you have any additional questions.

**"What is required?"** The enclosed Sidewalk Repair Survey Form and City Standards for Defective Sidewalks sheets show the work required, the location, and specific reason for repair. Please contact Public Works if you need assistance interpreting the work required on the sidewalk.

**"Why must I pay for it?"** The State Code of Iowa (Chapter 364.12 and 364.13) and West Des Moines City Code places the responsibility for repair and maintenance of sidewalks on each property owner. More important, however, is the fact that courts have held property owners responsible for injuries when people have fallen on defective sidewalks.

**"Who is responsible for repairing my damaged irrigation system?"** Any irrigation system (lines or heads) that are in the public right-of-way are susceptible to damage and are the responsibility of the homeowner to repair. These lines are not approved by the City to be in the public right-of-way and are not part of the utility Iowa One Call System. Often they are in direct conflict with the necessary work.

**"What happens if I sell my property either before or after I receive the final bill for this project?"** If you sell your property before the final bill is received it will be up to you and the buyer to determine the best method of handling the estimated amount due. If your property is sold after the final bill is received (and you decided to pay nothing on the amount due) it will again be up to you and the buyer to determine the best method of handling what remains to be paid.

**"May I mud jack or raise (Defect A) or (Defect B – Sunken Sections) repairs?"** Mud jacking is permitted for these repairs unless the panels are already cracked; then it must be replaced. Raised sidewalks must be properly supported with stable suitable fill material.

**"What if trees are damaging the sidewalk?"** If the damage to the sidewalk is caused by a tree in the right-of-way the City will repair the sidewalk at no cost to the property owner. If the tree is on private property and damaging the sidewalk then the resident will be responsible for all costs associated to the necessary repair. The City will trim the necessary tree roots out of the sidewalk corridor. Please contact us as in advance so we can schedule the work.

**"What if I qualify for a deferral of installation?"** There is a deferral application that may be filled out and submitted to Public Works for review. Should your application be approved the installation will be deferred at that time. The City Council reserves the authority to require the sidewalk installation at a future date should site conditions change.

**"May I apply for economic hardship?"** A property owner may fill out a HUD application for consideration. Should the property owner meet the criteria then they will be eligible for an economic hardship and the costs will be absorbed by the City from the sidewalk program budget.

**For additional questions or information,** please call Public Works at 222-3475, or visit our facility at 560 South 16th Street. You will also find information on our City's website at:

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

**ITEM:** Approval of Funding Application for Polk County  
Community Betterment Grant – Human Services

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** No impact to City's General (operating) Fund; any grant proceeds received would be placed in the Human Services assistance fund

**BACKGROUND:**




Human Services is submitting a \$5,000 grant request to Polk County to support the department's Emergency Assistance Program. The County has provided funding to Human Services for the past five years.

**OUTSTANDING ISSUES (if any):** The specific purpose of this proposal is to prevent low-income West Des Moines residents from becoming homeless by helping them in crisis situations such as eviction or utility disconnections. To be eligible for this assistance, residents are at or below 150% of poverty.

**RECOMMENDATION:** City Council approval of a motion supporting Human Services application of funds for a Polk County Community Betterment grant.

**Lead Staff Member:** Althea Holcomb, Human Services Director

**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

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

**ITEM:** Motion - Request for Technical Assistance-  
Trust for Public Land

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** None at this time

**SYNOPSIS:** The WDM Library Board and the WDM Parks and Recreation Advisory Board have indicated that they jointly would like to conduct a feasibility study and citizen survey. This research would help determine the support for an expansion of the Library, and the type and number of parks improvements the citizens believe are important; how much they might be willing to pay for these improvements through one or more forms of taxation; and how much they support using the tax funds for these projects.

Staff is recommending that this research work be conducted by The Trust for Public Land. The first step in this process is to ask them for technical assistance. Although this request does not cost any money, ultimately the work would be done through a professional services contract between the Trust for Public Land and the WDM Library Friends or one of our local Foundations. The ultimate cost of this work would be funded privately.


**BACKGROUND:**

**OUTSTANDING ISSUES** (if any):

**RECOMMENDATION:** Staff and the Parks and Recreation Advisory Commission recommend to the City Council that the City request technical assistance from the Trust for Public Land by sending the attached letter.

**Lead Staff Member:** Gary D. Scott, Director of Parks and Recreation 

**STAFF REVIEWS**

Department Director	Gary D. Scott, Director of Parks and Recreation 
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>RTG</i>

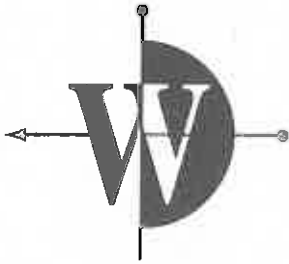
**PUBLICATION(S)** (if applicable)

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

	Parks and Recreation Advisory Board		
Committee			
Date Reviewed	02/19/15		
Recommendation	<b>Yes</b>		





THE CITY OF  
**West Des Moines®**  
www.wdm.iowa.gov

**Parks and Recreation**

4200 Mills Civic Parkway  
P.O. Box 65320  
West Des Moines, IA 50265-0320

Administrative Office  
515-222-3444  
FAX 515-222-3459

Nature Lodge  
515-222-3424  
FAX 515-222-3658

Community Center  
515-222-3440  
FAX 515-222-3457

Park Maintenance  
515-222-3450

TDD/TTY 515-222-3334

E-mail: parkrec@wdm.iowa.gov

February 23, 2015

Mr. Will Abberger  
Director of Conservation Finance  
The Trust for Public Land  
306 N. Monroe Street  
Tallahassee, FL 32301

Dear Mr. Abberger:

By this letter, the City of West Des Moines requests technical advice and assistance from The Trust for Public Land in connection with our efforts to develop and sustain reliable, ongoing sources of funding for parks, land conservation, and library purposes. As part of your advice and assistance, I understand you may undertake feasibility research, including studying local laws and recent elections; conduct a public opinion survey; provide recommendations regarding program design, and assist with the development of strategies for supporting dedicated, ongoing sources of public funds for land conservation purposes.

We are interested not only in the factual information that you can provide, but also your opinions and recommendations on public funding measures available to us and strategies to enact such measures. That would include understanding the public's priorities and attitudes regarding parks, land conservation, and libraries in the City of West Des Moines.

Information provided to the City of West Des Moines will be public record as a matter of law. This request does not in any way commit public funds to the efforts of The Trust for Public Land related to this request, nor does it require public disclosure of any confidential information of either organization.

This request will continue in effect for any advice you offer or presentations you submit for the use of this body related to such matters. In addition, we would like to take this opportunity to request that you continue to be available to provide technical advice and assistance in this area and on related matters in the future.

Sincerely,

Steven K. Gaer  
Mayor

Cc: Tom Hadden, City Manager  
Gary Scott, Director of Parks and Recreation  
Darryl Eschete, Library Director

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

**4(j)**

**ITEM:**

**DATE: February 23, 2015**

Motion – Approving Change Order #11  
139 6th Street – Building Renovation  
Breiholz Construction Company

**FINANCIAL IMPACT:**

**Contract Summary:**

Description	Amount	Date Approved	Remarks
Construction Contract	\$ 1,371,000.00	April 21, 2014	Approved by City Council
Change Order 1	\$5,749.16	June 9, 2014	Approved by PWCC
Change Order 2	\$15,350.69	June 30, 2014	Approved by City Council
Change Order 3	\$15,130.12	July 28, 2014	Approved by City Council
Change Order 4	\$13,825.95	August 11, 2014	Approved by City Council
Change Order 5	\$1,688.26	August 21, 2014	Approved by Staff
Change Order 6	\$4,922.15	September 2, 2014	Approved by Staff
Change Order 7	\$8,171.29	September 4, 2014	Approved by PWCC
Change Order 8	\$14,124.12	September 22, 2014	Approved by City Council
Change Order 9R	\$10,091.22	October 6, 2014	Approved by City Council
Change Order 10	\$19,944.68	October 6, 2014	Approved by City Council
Change Order 11	\$21,154.41	Pending	
<b>Total</b>	<b>\$1,501,152.05</b>		Construction Cost Estimate: \$1,666,917.00

Costs for these changes can be paid from budget account: 139 6th Street - Building Renovation no. 7003.75.830.6.7910.

**BACKGROUND:**

Approval of this change order will increase the contract cost for this project by \$21,154.41. The change order incorporates the following changes:

- Repair of damaged masonry walls discovered after demolition. This work is complete, however documentation on the extent and cost of the work was not provide until just recently.
- Replacement of rotted wood window sashes. The original contract assumed several sashes would need to be replaced. During construction it was discovered that the majority of the sashes were rotted and it was best to replace all the sashes while replacement parts are still available. Costs for this change include the sash replacement based on the unit cost established in the bid proposal and an additional lump sum cost to finish the frames to match the new sashes. This work is pending approval of the change order.
- Painting the exterior of the garage door and several downspouts. Painting for these items were inadvertently omitted from the drawings. In addition, a higher grade of paint than originally specified was recommended due to the condition of the door and downspouts. This work is complete.
- Credit for sod not installed due to the early onset of cold weather. The City will arrange for sod installation in the spring.
- Blinds for two office partitions. These partitions were salvaged and reused for the new offices. After reinstalling the partitions, it was discovered that the blinds were faded and deteriorated and should be replaced. This work is pending approval of the change order.

Costs for these change requests have been reviewed and are recommended for approval by the architect.

**OUTSTANDING ISSUES:** None

**RECOMMENDATION:**

City Council Adopt:

- Motion Approving Change Order #11 for the 139 6th Street – Building Renovation project.

Lead Staff Member: Linda Schemmel, AIA 

**STAFF REVIEWS**

Department Director	Duane Wittstock, City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	RTJ

*duw*  
*RTS*

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

Published In	N/A
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Public Works		
Date Reviewed	February 17, 2015		
Recommendation	Yes	No	Split



**CITY OF WEST DES MOINES**

Development Services  
 4200 Mills Civic Pkwy., PO Box 65320  
 Wes Des Moines, IA 50265-0320  
 (515) 222-3620 Fax (515) 273-0602

**CHANGE ORDER 11**

Distribution:  
 Owner X  
 Architect X  
 Contractor X  
 Other

Contractor: **Brelholz Construction Company**  
**1527 Maine Street**  
**Des Moines, Iowa 50314**

Project Title	139 6th Street – Building Renovation	
WDM Project File Number	0510-049-2013	
Purchase Order Number	7003-DS-02	
Orig. Contract Amount & Date	\$1,371,000.00	April 21, 2014
Change Order Number	11	
Date	February 17, 2015	

THE CONTRACT IS CHANGED AS INDICATED IN ATTACHED CHANGE REQUESTS:

Item	Description	Unit	Unit Price	Quantity Adjustment	Value Adjustment
CR 14 A	Masonry repair work discovered after demolition	LS	\$8,773.57	1.00	\$8,773.57
CR 35 A	Replacement of wood window sashes (based on established unit cost)	EA	\$250.00	35.00	\$8,750.00
CR 35 A	Paint and varnish for existing window frames to match new sashes	LS	\$2,205.00	1.00	\$2,205.00
CR 36	Paint garage door and downspouts at east & west side of building	LS	\$1,147.89	1.00	\$1,147.89
CR 40	Credit for sod not installed before cold weather set in	LS	(\$299.77)	1.00	(\$299.77)
CR 41	Blinds for office partitions in Office # 119 and #119	LS	\$577.72	1.00	\$577.72
<b>TOTAL</b>					<b>\$21,154.41</b>

**CHANGE ORDER SUMMARY**

The Original Contract Sum (base bid & alternate 1) was	\$1,371,000.00
Net Change by previously authorized Change Orders	\$108,997.64
The Contract Sum prior to This Change Order was	\$1,479,997.64
The Contract Sum will be <b>increased</b> by this Change Order in the amount of	\$21,154.41
<b>The new Contract Sum including this Change Order will be</b>	<b>\$1,501,152.05</b>
Aggregate Change Order as a percent of Original Contract (if the aggregate is \$10,000, or greater than 5% of the original contract, whichever is greater, all signatures through the full Council are required)	9.49%
The Contract Time will be <b>unchanged</b> :	0 days
The date of Final Completion as of the date of this Change Order therefore is	October 25, 2014

**NOT VALID UNTIL SIGNED BY THE CONTRACTOR, OWNER'S REPRESENTATIVE (if applicable) AND OWNER**

<b>Contractor: Brelholz Construction</b>	<b>Recommended By: OPN Architects</b>	<b>Checked By: City of West Des Moines</b>
Signature:	Signature:	Signature:
Name:	Name:	Name: Linda Schemmel
Title:	Title:	Title: Planner
Date:	Date:	Date: 2/17/2015

Owner: **City of West Des Moines**

<input checked="" type="checkbox"/> ≤	\$2,500 Department Director	X	Date: 2-19-15
<input checked="" type="checkbox"/>	\$2,501 to 5,000 City Manager	X _____	Date: _____
<input type="checkbox"/>	\$5001 to 10,000 PW Council Committee scheduled for agenda on	scheduled for agenda on	Date: 2/17/2015
<input type="checkbox"/> >	\$10,000 City Council approved or ratified at Council meeting on		Date: 2/23/2015



BREIHOLZ

1527 Maine Street  
Des Moines, IA 50314  
Ph : 515-288-6077

**Change Request**

To: James Henry  
OPN Architects  
100 Court Avenue  
Des Moines, IOWA 50309  
Ph: (515)309-0722 Fax: (515)309-0725

Number: 14 Rev B  
Date: 2/3/15  
Job: 14-116 WDM 139 6th Street  
Phone:

Description: Misc Masonry - Extra's ( Revised) 14 Rev B

We are pleased to offer the following specifications and pricing to make the following changes:

Labor and Materials to complete misc. masonry work not shown on drawings. - see attached Masonry Inc's proposal

Rev 2/03/2015

Location #10 —( North wall Server 134 & Family Restroom 135)  
Misc. Openings in existing CMU walls were concealed behind drywall  
Labor .....1/2 Mndy ( Mason)

Location # 12  
Window openings in existing CMU walls were concealed behind drywall  
Labor .....1 Mndy -demo & tooth CMU wall (Breiholz)  
Labor .....1 Mndy- Infill CMU opening ( Mason)

Location # 14  
Misc. Openings in existing CMU walls were concealed behind drywall  
Labor .....1 Mndy - infill at CMU wall (Mason)

THE COSTS IN THIS CHANGE REQUEST APPEAR TO BE IN ALIGNMENT WITH THE WORK REQUIRED AND ARE ACCEPTABLE.

JIM HENRY - OPN  
2/4/2015

Locatin #15 —Hallway 107 & File Area 114  
Labor.....3 Mndy Needle CMU block - set-up shoring —(breiholz)  
Labor .....4 Mndy Demo CMU block opening & tooth for new  
Install embeds & grout, misc & clean up—(Breiholz)  
Labor .....2.5 Set steel beam and weld to embeds — (Breiholz).  
Labor .....3 Mndy lay up CMU block and tool joints—(Mason)  
Materials Masonry ( all masonry work included) \$250  
Equipment (all work included) - Conc Saw, Air Hammer , Shoring & temp beams - \$300  
Materials steel Beams & misc \$800

Work performed by us:				
Description	Material	Quantity	Unit	Price
Structural Steel-LSum				\$850.00
Demolition-Misc.& Steel Erection	Labor	10.00	day	\$400.00
Subtotal:				\$4,850.00
Work performed by subcontractors:				
Description	Subcontractor			Price
Masonry				\$2,456.00
Equipment				\$300.00
Subtotal:				\$2,756.00
Subtotal:				\$7,606.00
Tools Charge on Labor		\$4,000.00	3.00%	\$120.00
Equipment on Labor		\$4,000.00	3.00%	\$120.00



**BREIHOLZ**

1527 Maine Street  
Des Moines, IA 50314  
Ph : 515-288-6077

*Change Request*

To: James Henry  
OPN Architects  
100 Court Avenue  
Des Moines, IOWA 50309  
Ph: (515)309-0722 Fax: (515)309-0725

Number: 14 Rev B  
Date: 2/3/15  
Job: 14-116 WDM 139 6th Street  
Phone:

Sales Tax	\$850.00	6.00%	\$51.00
OH & P	\$7,897.00	10.00%	\$789.70
Bond	\$8,686.70	1.00%	\$86.87
Total:			<u>\$8,773.57</u>

If you have any questions, please contact me at (515)288-6077.

Submitted by: Filippelli, Dominic  
Breiholz Construction

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

Cc:



2936 RACCOON ST., DES MOINES, IA 50317 • (515) 266-5303 • FAX (515) 266-5518 • MASONRY-INC@MSN.COM

Invoice No: WDM 139 -1

Date: 07/24/2014

Sold To: Breiholtz Construction  
1527 Maine Street  
DSM, Ia 50314

Job Location: 139 WDM, Ia

Project: Masonry extras labeled # 10,#11,#12,#14,#15  
Bricklayer, 20 hrs @ \$ 75/hr = \$ 1500  
Laborer , 10 hrs @ \$ 70/hr = \$ 700

30 HK

Labor: \$2,200.00  
Material: \$256.00  
Equipment Rental: \_\_\_\_\_  
Subtotal: \$2,456.00  
Tax: \_\_\_\_\_  
Total: \$2,456.00  
Amount Due This Billing: \$2,456.00

TERMS: 1 1/2% PER MONTH ADDED TO ACCOUNTS 30 DAYS PAST DUE



51 Washington Ave.  
Des Moines, IA 50314  
515-282-9633  
Fax 515-282-9215

90  
450 58th Ave. SW  
Cedar Rapids, IA 52404  
319-363-6041  
Fax 319-363-6534

4701 Buckeye St.  
Davenport, IA 52802  
563-344-9494  
Fax 563-344-9595

450 S. Valley St.  
Kansas City, KS 66105  
913-281-4477  
Fax 913-281-4489

Remit to: All American Scaffold, L.L.C. · PO Box 904 · Des Moines, IA 50304-0904

INVOICE

BILL TO: BREIHZOLZ CONSTRUCTION  
1527 MAINE STREET  
DES MOINES IA 50314

INVOICE #: 97891  
CUSTOMER: 2140 CONTRACT #: 28650  
INVOICE DATE: 05/30/14  
PAGE: 1

SHIP TO: 6TH ST BUILDING  
JOB# 14116

TERMS: NET/DUE UPON RECEIPT  
TEL: 515-288-6077

CLERK: NM  
SITE: DM

TAX EXEMPT #: EXEMPT, RENTALS

PRODUCT #	DESCRIPTION/COMMENTS	DATE/TIME OUT	BILLED THRU	STATUS	QUANTITY	UNIT PRICE	AMOUNT
PS38T	PS38T TOP SECTION ONLY	TUE MAY 20/14 08:22	TUE JUN 03/14 08:22	OUT	4	5.30	21.20
PSB	SHORE BOTTOM SECTION ONLY	TUE MAY 20/14 08:22	TUE JUN 03/14 08:22	OUT	4	5.30	21.20
I812	I-BEAM 12' (STEEL)	TUE MAY 20/14 08:22	TUE JUN 03/14 08:22	OUT	4	7.20	28.80

TOT RENTALS: 71.20 TOT SALES: .00 TOT SERVICES: .00 NO TAX  
TOTAL: 71.20  
CASH: .00  
BALANCE DUE: 71.20

JOB # 14-116 WDM  
COST CODE # 2.999  
SUB. OR MATL. OR EQUIP.             
RETAINAGE Y OR N %             
COMMIT #           

RECEIVED  
JUN 03 2014

ENTERED

- All the above listed equipment, herein collectively referred to as "Equipment," is rented in accordance with the terms and conditions set out on this side and the reverse side of this Rental Agreement.
- He/She has read, and accepts, these terms and conditions for the CUSTOMER.
- He/She has received Safety Guidelines described above to the users of the Equipment, or the job foreman or superintendent as appropriate, if they themselves are not the user.
- CUSTOMER agrees It will use all safety equipment necessary for the safe use of the Equipment rented hereunder, whether or not such safety equipment is supplied by ALL-AMERICAN SCAFFOLD Company.
- He/She is authorized to sign and accept this Rental Agreement on behalf of the CUSTOMER.

"YOU PAY FOR TIME OUT  
NOT TIME USED"

TERMS: Net Due upon receipt. Interest of 1 1/2% per month or 18% apr will be charged on all invoices over 30 days old.  
THANK YOU

I HAVE READ THE TERMS OF THIS CONTRACT AND AGREE TO ABIDE BY THEM.

\_\_\_\_\_  
SIGNATURE

I HAVE READ THE TERMS OF THIS CONTRACT AND AGREE TO ABIDE BY THEM.

\_\_\_\_\_  
PRINT NAME

THANK YOU! WE APPRECIATE THE OPPORTUNITY TO BE OF SERVICE TO YOU.





51 Washington Ave.  
Des Moines, IA 50314  
515-282-9633  
Fax 515-282-9215

450 58th Ave. SW  
Cedar Rapids, IA 52404  
319-363-6041  
Fax 319-363-6534

4701 Buckeye St.  
Davenport, IA 52802  
563-344-9494  
Fax 563-344-9595

450 S. Valley St.  
Kansas City, KS 66105  
913-281-4477  
Fax 913-281-4489

Remit to: All American Scaffold, LLC. • PO Box 904 • Des Moines, IA 50304-0904

# INVOICE

BILL TO: BREIHOLZ CONSTRUCTION  
1527 MAINE STREET  
DES MOINES IA 50314

INVOICE #: 99210  
CUSTOMER: 2140 CONTRACT #: 28650  
INVOICE DATE: 06/27/14  
PAGE: 1

TERMS: NET/DUE UPON RECEIPT  
TEL: 515-288-6077

SHIP TO: 6TH ST BUILDING  
JOB# 14116

CLERK: NM  
SITE: DM

TAX EXEMPT #: EXEMPT, RENTALS

PRODUCT #	DESCRIPTION/COMMENTS	DATE/TIME OUT	BILLED THRU	STATUS	QUANTITY	UNIT PRICE	AMOUNT
PS38T	PS38T TOP SECTION ONLY	TUE JUN 03/14 08:22	TUE JUL 01/14 08:22	OUT	4	10.60	42.40
PSB	SHORE BOTTOM SECTION ONLY	TUE JUN 03/14 08:22	TUE JUL 01/14 08:22	OUT	4	10.60	42.40
IB12	I-BEAM 12' (STEEL)	TUE JUN 03/14 08:22	TUE JUL 01/14 08:22	OUT	4	14.40	57.60

TOT RENTALS: 142.40 TOT SALES: .00 TOT SERVICES: .00 NO TAX  
TOTAL: 142.40

JOB # 14-116 wdm 139 6th Street Bldg

COST CODE # 2999

SUB. OR MATL. OR EQUIP.

RETAINAGE Y OR N %

COMMIT #

CASH .00  
BALANCE DUE 142.40

- All the above listed equipment, herein collectively referred to as "Equipment," is rented in accordance with the terms and conditions set out on this side and the reverse side of this Rental Agreement.
- He/She has read, and accepts, these terms and conditions for the CUSTOMER.
- He/She has received Safety Guidelines described above to the users of the Equipment, or the job foreman or superintendent as appropriate, if they themselves are not the user.
- CUSTOMER agrees it will use all safety equipment necessary for the safe use of the Equipment rented hereunder, whether or not such safety equipment is supplied by ALL-AMERICAN SCAFFOLD Company.
- He/She is authorized to sign and accept this Rental Agreement on behalf of the CUSTOMER.

RECEIVED

ENTERED

"YOU PAY FOR TIME OUT  
NOT TIME USED"

JUL 02 2014

TERMS: Net Due upon receipt. Interest of 1 1/2% per month or 18% apr will be charged on all invoices over 30 days old.  
THANK YOU

I HAVE READ THE TERMS OF THIS CONTRACT AND AGREE TO ABIDE BY THEM.

\_\_\_\_\_  
SIGNATURE

I HAVE READ THE TERMS OF THIS CONTRACT AND AGREE TO ABIDE BY THEM.

\_\_\_\_\_  
PRINT NAME



51 Washington Ave.  
Des Moines, IA 50314  
515-282-9638  
Fax 515-282-9215

450 58th Ave. SW  
Cedar Rapids, IA 52404  
319-363-6041  
Fax 319-363-6534

4701 Buckeye St.  
Davenport, IA 52802  
563-344-9494  
Fax 563-344-9695

450 S. Valley St.  
Kansas City, KS 66105  
913-281-4477  
Fax 913-281-4489

Remit to: All American Scaffold, LLC. • PO Box 904 • Des Moines, IA 50304-0904

### INVOICE

**BILL TO:** BREIHOLZ CONSTRUCTION  
1527 MAINE STREET  
DES MOINES IA 50314

**INVOICE #:** 100087  
**CUSTOMER:** 2140 **CONTRACT #:** 28650  
**INVOICE DATE:** 07/10/14  
**PAGE:** 1

**TERMS:** NET/DUE UPON RECEIPT  
**TEL:** 515-288-6077

**SHIP TO:** 6TH ST BUILDING  
JOB# 14116

**CLERK:** NM  
**RETURN SLIP#:** 38134  
**SITE:** DM

**TAX EXEMPT #:** EXEMPT, RENTALS

PRODUCT #	DESCRIPTION/COMMENTS	DATE/TIME OUT	BILLED THRU	STATUS	QUANTITY	UNIT PRICE	AMOUNT
PS38T	PS38T TOP SECTION ONLY	TUE JUL 01/14 08:22	THU JUL 10/14 07:24	RETND	4	5.30	21.20
PSB	SHORE BOTTOM SECTION ONLY	TUE JUL 01/14 08:22	THU JUL 10/14 07:24	RETND	4	5.30	21.20
IB12	I-BEAM 12' (STEEL)	TUE JUL 01/14 08:22	THU JUL 10/14 07:24	RETND	3	7.20	21.60

TOT RENTALS: 64.00    TOT SALES: .00    TOT SERVICES: .00    NO TAX

TOTAL: 64.00

CASH: .00

BALANCE DUE: 64.00

JOB # 14-116 - WDM  
JOB COST # 2999  
CUSTOMER: [Signature]  
RENTAL # [Signature]

JUL 14 2014  
RECEIVED  
ENTERED  
DATE

- All the above listed equipment, herein collectively referred to as "Equipment," is rented in accordance with the terms and conditions set out on this side and the reverse side of this Rental Agreement.
- He/She has read, and accepts, these terms and conditions for the CUSTOMER.
- He/She has received Safety Guidelines described above to the users of the Equipment, or the job foreman or superintendent as appropriate, if they themselves are not the user.
- CUSTOMER agrees it will use all safety equipment necessary for the safe use of the Equipment rented hereunder, whether or not such safety equipment is supplied by ALL-AMERICAN SCAFFOLD Company.
- He/She is authorized to sign and accept this Rental Agreement on behalf of the CUSTOMER.

**"YOU PAY FOR TIME OUT  
NOT TIME USED"**

**TERMS:** Net Due upon receipt. Interest of 1 1/2% per month or 18% apr will be charged on all invoices over 30 days old.  
**THANK YOU**

I HAVE READ THE TERMS OF THIS CONTRACT AND AGREE TO ABIDE BY THEM.  
SIGNATURE \_\_\_\_\_

I HAVE READ THE TERMS OF THIS CONTRACT AND AGREE TO ABIDE BY THEM.  
PRINT NAME \_\_\_\_\_

Des Moines Steel Co. Inc.  
 110 Clark St.  
 Des Moines, IA 50314

Ph 515-246-8004

Fax 515-246-0102

951

# Invoice

Invoice #

82085

Date

6/27/2014

Bill To

Breiholz Construction  
 1527 Maine Street  
 Des Moines, IA 50314

Ship To

DOUG

P.O. Number

14716

Terms

NET 30 Days

Rep

SARAH

Ship

6/27/2014

Via

Cust. Pickup

Quantity	Item Code	Description	Price Each	Amount
1	HR Flatbar	3/8" X 7" X 5' 9"	33.00	33.00T
4	HR Flatbar	3/8" X 7" X 11"	16.50	66.00T
1	Beam	W8" X 18# X 7'1"	153.00	153.00T
1	Beam	W16" X 31# X 15' 1"	410.00	410.00T
1	HR Flatbar	3/8" X 7" X 13' 9"	66.00	66.00T
				<del>728.00</del>
1	Ticket/Date	TICKET NUMBER 120537 06/17/14	0.00	0.00T
		THANK YOU, SARAH Iowa sales tax	6.00%	43.68

JOB # 11-116 WDM 139 10th St.  
 COST CODE # 5,999 N  
 SUB. OR MATL/ OR EQUIP.  
 RETAINAGE Y OR N %  
 COMMIT #

~~EXTRA FF 6~~  
 insurance & Liner

Email

dm@dmsteel.com

tk@dmsteel.com

THANK YOU

RECEIVED

Total

\$771.68

# Invoice

Des Moines Steel Co. Inc.  
 110 Clark St.  
 Des Moines, IA 50314

Ph 515-246-8004

Fax 515-246-0102

Invoice #

82118

Date

6/30/2014

Bill To

Breiholz Construction  
 1527 Maine Street  
 Des Moines, IA 50314

Ship To

DOUG

P.O. Number		Terms	Rep	Ship	Via
14116		NET 30 Days	SARAH	6/30/2014	Cust. Pickup
Quantity	Item Code	Description	Price Each	Amount	
1	Sq Tube	2" X 2" X 1/8" X 20' CUT IN HALF	26.00	26.00T	
1	Ticket/Date	TICKET NUMBER 120937 06/24/14	0.00	0.00T	
		THANK YOU, DONNIE Iowa sales tax	6.00%	1.56	
		JOB # 14-116 Wagon 139 1st Street Bldg.			
		COST CODE # 5.999			
		SUB. OR MATL. OR EQUIP			
		RETAINAGE Y OR N %			
		COMMIT #			
		No Parking Ticket			
			<b>Total</b>	<b>27.56</b>	

Email

dm@dmsteel.com

tk@dmsteel.com

THANK YOU

RECEIVED

JUL 09 2014

PAID



Location #15  
3 mndy - Needle CMU block -set up shoring  
4 mndy - Demo CMU block opening & tooth for new  
CMU, Install embeds and grout clean up and  
protect opening  
2.5 mndy - Set steel steel beam and weld to  
embeds  
3 mndy - Mason lay CMU block and tool  
joints  
Equipment Rental \$300 - Concrete saw - Air  
Hammer - Shoring & Temp Beams  
Masonry Materials \$250 ( all masonry work)  
Steel Beam \$400



Location #15

3 mndy - Needle CMU block - set up shoring

4 mndy - Demo CMU block opening & tooth for new CMU, install embeds and grout clean up and protect opening

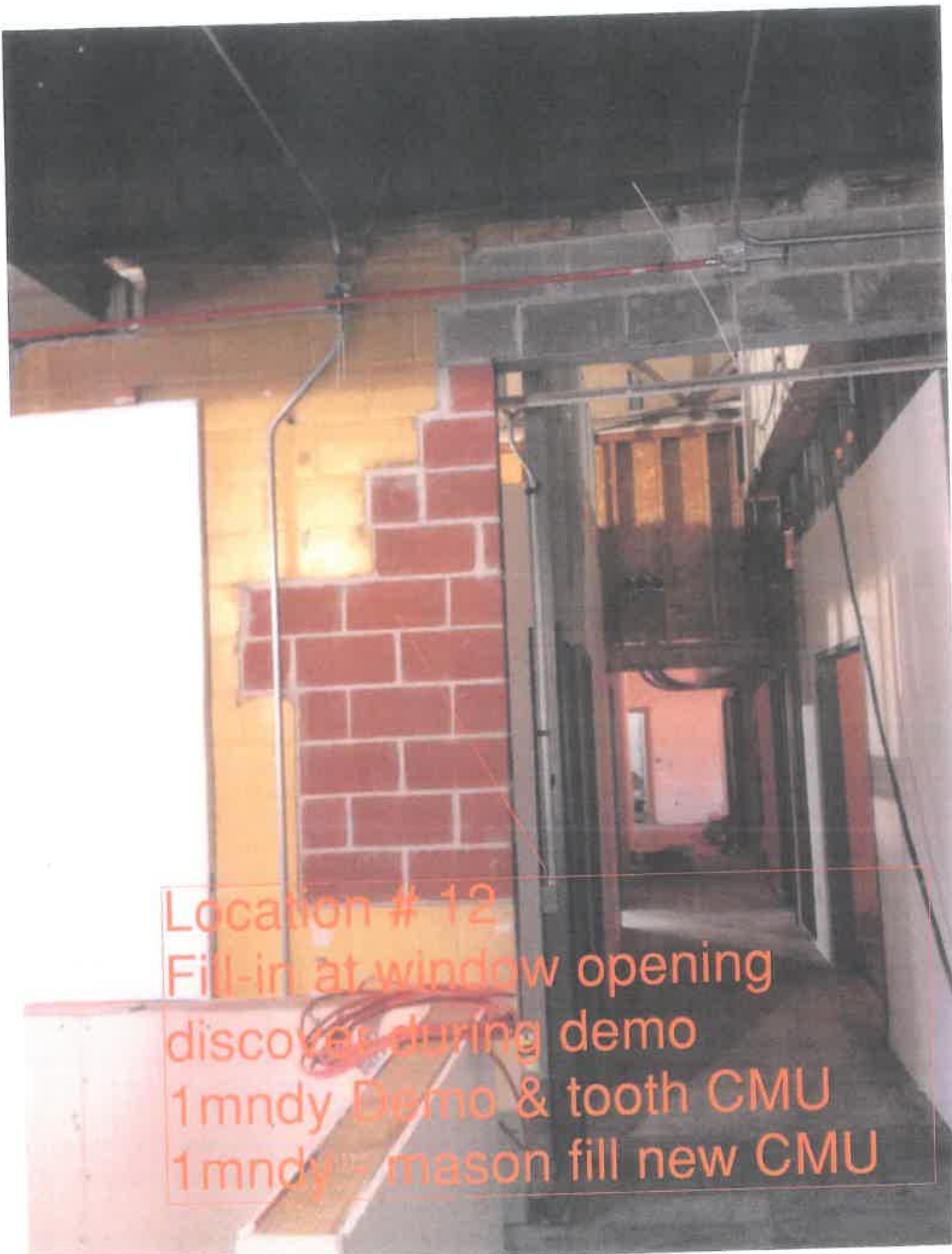
2.5 mndy - Set steel steel beam and weld to embeds

3 mndy - Mason lay CMU block and tool joints

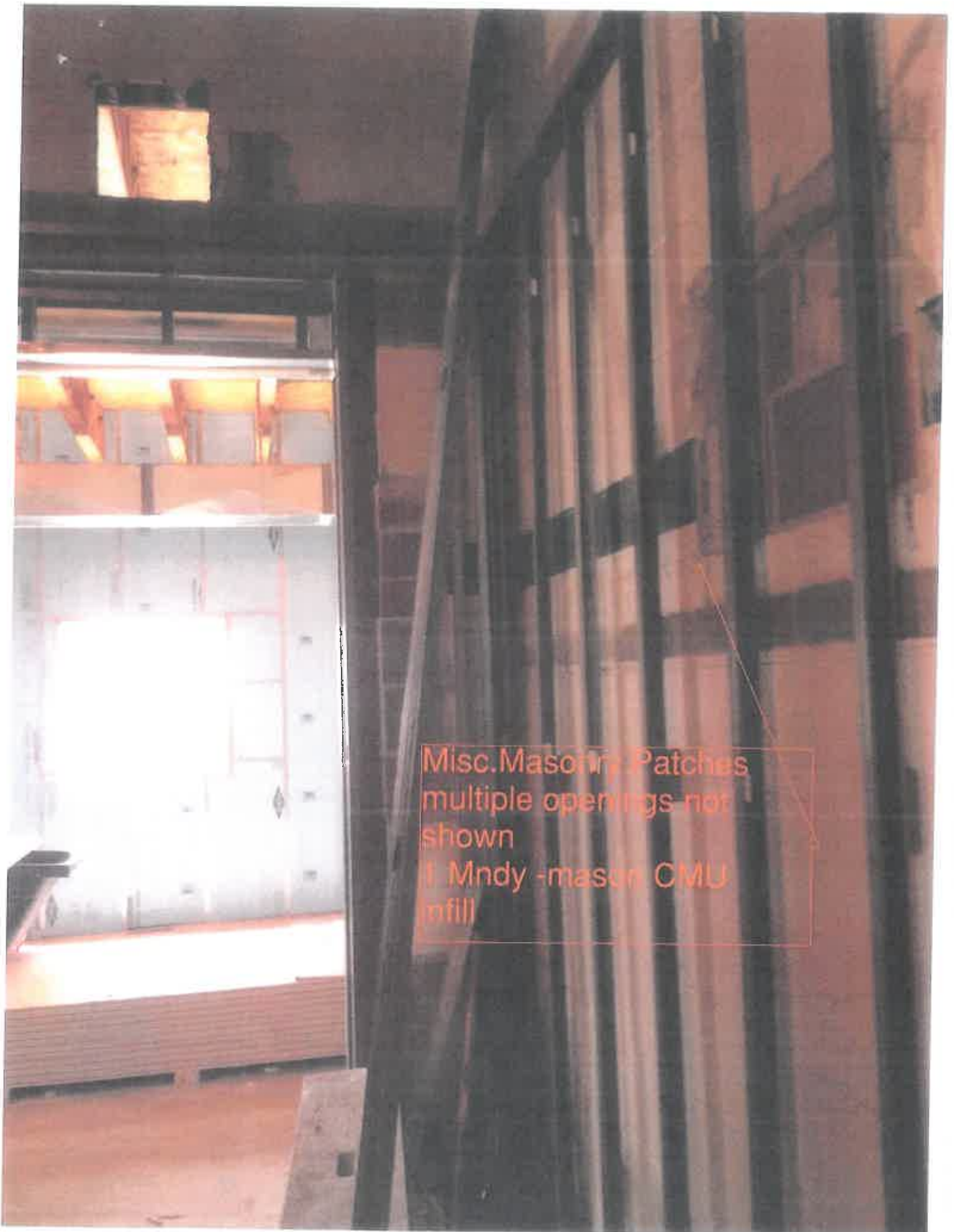
Equipment Rental \$300 - Concrete saw - Air Hammer - Shoring & Temp Beams

Masonry Materials \$250 ( all masonry work)

Steel Beam \$800



Location # 12  
Fill-in at window opening  
discovered during demo  
1 mndy Demo & tooth CMU  
1 mndy mason fill new CMU



Misc. Masonry Patches  
multiple openings not  
shown  
I. Mndy -mason CMU  
infill





**BREIHOLZ**

1527 Maine Street  
Des Moines, IA 50314  
Ph : 515-288-6077

**Change Request**

To: James Henry  
OPN Architects  
100 Court Avenue  
Des Moines, IOWA 50309  
Ph: (515)309-0722 Fax: (515)309-0725

Number: 35 Rev A  
Date: 11/19/14  
Job: 14-116 WDM 139 6th Street  
Phone:

Description: Revised Window Repair

We are pleased to offer the following specifications and pricing to make the following changes:

Supply and install 35 new window sashes and repaint exterior of 17 (22 stops) opening and interior stops / frames at 7 opening.  
See attached proposes.

Work performed by subcontractors:

Description	Subcontractor	Price
Painting	Wes Jamagin, Inc.	\$2,205.00
Replacement of 35 Wood window sashes - units Cost of \$250.00 each		\$8,750.00
	<b>Subtotal:</b>	<b>\$10,955.00</b>
	<b>Subtotal:</b>	<b>\$10,955.00</b>
	Tools Charge on Labor	\$0.00
	Equipment on Labor	\$0.00
	Sales Tax	\$0.00
	OH & P	\$10,955.00 2.01% \$220.00
	Bond	\$11,175.00 1.00% \$111.75
	<b>Total:</b>	<b>\$11,286.75</b>

**THE COSTS IN THIS CHANGE REQUEST APPEAR TO BE IN ALIGNMENT WITH THE WORK REQUIRED AND ARE ACCEPTABLE.**

**JIM HENRY - OPN**  
**2/17/2015**

If you have any questions, please contact me at (515)288-6077.

Submitted by: Filippelli; Dominic  
Breiholz Construction

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

Cc:

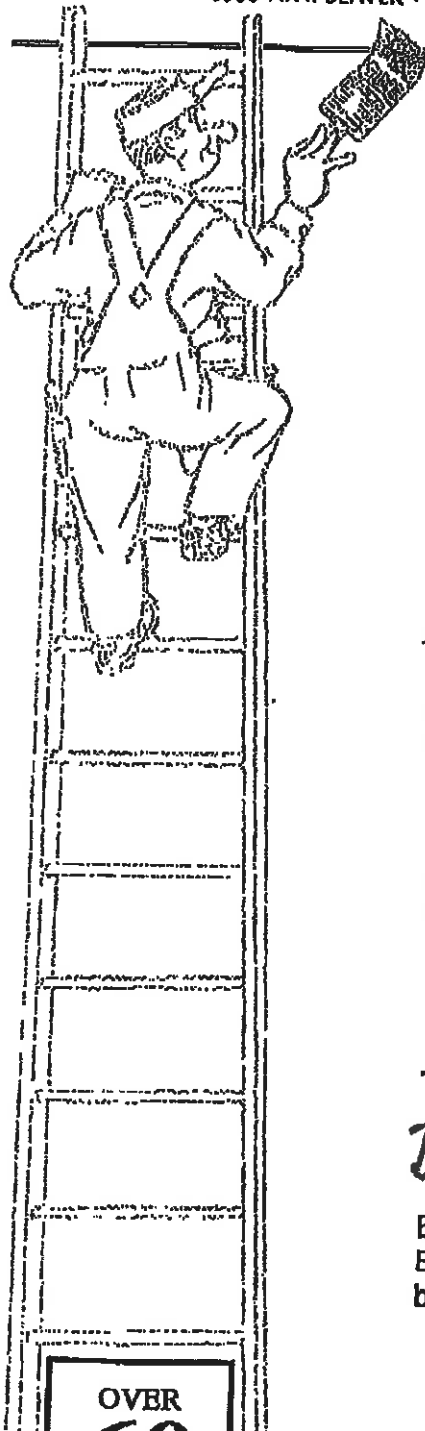


# WES JARNAGIN, Inc.

PAINTING • SANDBLASTING CONTRACTORS

TRUCK • EQUIPMENT PAINTING & SIGN WRITING

6395 N.W. BEAVER • P.O. BOX 408 • JOHNSTON IOWA 50131 • PH. 515/276-8532 • FAX 515/276-5898



## REVISED ESTIMATE

November 17, 2014

Breholz Construction, Inc.  
Attn: Dominic  
Re: 139 6th Street

Estimate to complete the painting as per our scope of work noted below. Please call with any questions that you may have.

~~Labor and material \$ 2,520.00~~

~~Work included in this estimate:~~

- ~~1. Finish the inside surface of 30 window sash~~
- ~~2. Paint the edges of the 30 sash~~

Option to clean and revarnish the interior sash on 10 existing windows. We will also paint the edges on these windows.

Labor and material **Add \$ 790.00**

Option to paint the exterior window stops as shown to Bill Jarnagin at ~~20~~ <sup>20-OPENINGS</sup> openings.

Labor and material **Add \$ 1,415.00**

Thank you,

*Bob Willson*

Bob Willson  
Estimator  
bwillson@jarnaginpainting.com



*It Always Costs More Not To Paint -*

Equal Opportunity Employer





**BREIHZ**

1527 Maine Street  
Des Moines, IA 50314  
Ph : 515-288-6077

**Change Request**

To: James Henry  
OPN Architects  
100 Court Avenue  
Des Moines, IOWA 50309  
Ph: (515)309-0722 Fax: (515)309-0725

Number: 36  
Date: 11/6/14  
Job: 14-116 WDM 139 6th Street  
Phone:

Description: Additional Exterior Paint per ITC # 18

We are pleased to offer the following specifications and pricing to make the following changes:

The following pricing is for the additional work associated with the OPN Architect's issuance of change document "ITC #18- see attached proposal

Labor and material to furnish and apply the HPC coating = \$ 906.00

**Materials**

\$200.00 Primers & Paint Downspouts  
\$ 172.00 HPC OH Door

Labor 8 hr @ 66.75 - \$534

Work performed by us:					
Description		Quantity	Unit	Unit Price	Price
Supervision & Clean Up	Labor	0.25	day	\$480.00	\$120.00
				<b>Subtotal:</b>	<b>\$120.00</b>
Work performed by subcontractors:					
Description	Subcontractor				Price
Painting	Wes Jarnagin, Inc.				\$906.00
				<b>Subtotal:</b>	<b>\$906.00</b>
				<b>Subtotal:</b>	<b>\$1,026.00</b>
	Tools Charge on Labor	\$120.00		3.00%	\$3.60
	Equipment on Labor	\$120.00		3.00%	\$3.60
	Sales Tax				\$0.00
	OH & P	\$1,033.20		10.00%	\$103.32
	Bond	\$1,136.52		1.00%	\$11.37
				<b>Total:</b>	<b>\$1,147.89</b>

**THE COSTS IN THIS CHANGE REQUEST APPEAR TO BE IN ALIGNMENT WITH THE WORK REQUIRED AND ARE ACCEPTABLE.**

**JIM HENRY - OPN**  
**2/4/2015**



**BREIHOLZ**

1527 Maine Street  
Des Moines, IA 50314  
Ph : 515-288-6077

*Change Request*

**To:** James Henry  
OPN Architects  
100 Court Avenue  
Des Moines, IOWA 50309  
Ph: (515)309-0722 Fax: (515)309-0725

**Number:** 36  
**Date:** 11/6/14  
**Job:** 14-116 WDM 139 6th Street  
**Phone:**

If you have any questions, please contact me at (515)288-6077.

**Submitted by:** Filippelli; Dominic  
Breiholz Construction

**Approved by:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**Cc:**

## Dominic Filippelli

---

**From:** Bob Willson <[bwillson@jarnaginpainting.com](mailto:bwillson@jarnaginpainting.com)>  
**Sent:** Thursday, October 23, 2014 12:54 PM  
**To:** Dominic Filippelli  
**Subject:** RE: 139 6th Street Building Renovation: ITC #18

Dominic,

Labor and material to furnish and apply the HPC coating = \$ 906.00

---

**From:** Dominic Filippelli [<mailto:domf@breiholz.com>]  
**Sent:** Thursday, October 23, 2014 9:33 AM  
**To:** Bob Willson ([bwillson@jarnaginpainting.com](mailto:bwillson@jarnaginpainting.com))  
**Subject:** FW: 139 6th Street Building Renovation: ITC #18

Bob, please provide a quote to paint the exterior overhead door at WDM 139 6<sup>th</sup> Street.

Thanks

Dominic

Dominic Filippelli  
Breiholz  
Construction Co.  
1527 Maine Street  
Des Moines, Iowa 50314  
Phone 515-288-6077  
Fax 515-288-6335  
Cell 515-720-9624

---

**From:** James Henry [<mailto:jhenry@opnarchitects.com>]  
**Sent:** Thursday, October 23, 2014 8:35 AM  
**To:** Doug A; Dominic Filippelli  
**Cc:** Linda Schemmel ([Linda.Schemmel@wdm.iowa.gov](mailto:Linda.Schemmel@wdm.iowa.gov))  
**Subject:** 139 6th Street Building Renovation: ITC #18

Doug and Dominic,

Attached is ITC #18 to add painting the existing overhead door PT-9 (Urbane Bronze). I took another look around the building to make sure we weren't missing anything else. I found that the scupper and downspout on the West Elevation (Near Door E116) and the East Elevation (Near Door E130) will need to be painted PT-8 (Repose Gray). I've included this in the ITC as well. All of the other downspouts on the building are prefinished and should remain unpainted. Please review this and let me know if you see any additional items that might be missing. Thanks.

**jim henry** AIA | LEED AP

opn architects, inc.

100 court avenue, suite 100, des moines, iowa 50309  
telephone 515-309-0722 | [www.opnarchitects.com](http://www.opnarchitects.com)

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**BREIHZ**

1527 Maine Street  
Des Moines, IA 50314  
Ph : 515-288-6077

**Change Request**

To: James Henry  
OPN Architects  
100 Court Avenue  
Des Moines, IOWA 50309  
Ph: (515)309-0722 Fax: (515)309-0725

Number: 40  
Date: 12/26/14  
Job: 14-116 WDM 139 6th Street  
Phone:

Description: Credit for 2 SQ of Sod

We are pleased to offer the following specifications and pricing to make the following changes:

Credit for two squares of sod to be installed next spring by Owner

Labor and materials to install 2 - SQ of sos

Work performed by us:

Description	Quantity	Unit	Unit Price	Price
<del>Concrete Paving</del> SOD INSTALLATION	Labor	0.50 day	\$400.00	\$-200.00
<del>Concrete Paving</del> SOD INSTALLATION	Material			\$-80.00
			Subtotal:	\$-280.00
			Subtotal:	\$-280.00
	Tools Charge on Labor		-\$200.00	3.00%
	Equipment on Labor		-\$200.00	3.00%
	Sales Tax		-\$80.00	6.00%
	OH & P		-\$296.80	\$0.00
	Bond		-\$296.80	1.00%
			Total:	\$-299.77

THE COSTS IN THIS CHANGE REQUEST APPEAR TO BE IN ALIGNMENT WITH THE WORK REQUIRED AND ARE ACCEPTABLE.

JIM HENRY - OPN  
TYLER JENSEN - SNYDER & ASSOCIATES  
12/30/2014

If you have any questions, please contact me at (515)288-6077.

Submitted by: Filippelli, Dominic  
Breiholz Construction

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

Cc:



**BREIHOLZ**

1527 Maine Street  
Des Moines, IA 50314  
Ph : 515-288-6077

**Change Request**

To: James Henry  
OPN Architects  
100 Court Avenue  
Des Moines, IOWA 50309  
Ph: (515)309-0722 Fax: (515)309-0725

Number: 41  
Date: 1/22/15  
Job: 14-116 WDM 139 6th Street  
Phone:

**Description:** Add window blinds at Rooms 118, & 119

We are pleased to offer the following specifications and pricing to make the following changes:

Labor and materials to add MINI BLINDS:

The Bali S3000 One-Inch Aluminum Mini Blinds. Headrail to be 1" high x 1 1/2" with integrated valance/headrail, wand tilt control and lift cord lock, and 1" wide concave convex extruded aluminum slats, as manufactured by Bali/Graber Division of Springs Window Fashions. One color to be selected from manufacturer's standard colors.

QTY	SIZES	LOCATION
1 ea.	72" x 99"	Rm 118" - 2 lites 48" & 24"
1 ea.	96" x 99"	Rm 119 - 2 lites 48" & 48"

Labor to install..... \$ 113.00

Materials .....\$407.00

Work performed by subcontractors:

Description	Subcontractor	Price
Blinds, Shades, Shutters		\$520.00
	<b>Subtotal:</b>	<u>\$520.00</u>
	<b>Subtotal:</b>	<u>\$520.00</u>
	Tools Charge on Labor	\$0.00
	Equipment on Labor	\$0.00
	Sales Tax	\$0.00
	OH & P	\$520.00 10.00% \$52.00
	Bond	\$572.00 1.00% \$5.72
	<b>Total:</b>	<u><u>\$677.72</u></u>

**THE COSTS IN THIS CHANGE REQUEST  
APPEAR TO BE IN ALIGNMENT WITH THE  
WORK REQUIRED AND ARE ACCEPTABLE.**

**JIM HENRY - OPN**  
2/3/2015

If you have any questions, please contact me at (515)288-6077.

Submitted by: Filippelli, Dominic  
Breiholz Construction

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

Cc:





## 139 6th Street Location Map

0 15 30 60 90 120  
Feet



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

**ITEM: Approval, fourth amended and restated Inter-governmental agreement for the ownership and operation of a consolidated dispatch center.** **DATE: February 23, 2015**

**FINANCIAL IMPACT:** It is projected that West Des Moines estimated percentage of Westcom expenses will drop from 47.4 percent to 41.9 percent with the addition of Waukee to Westcom.

**BACKGROUND:** This amendment was prepared by the West Des Moines City Attorney's Office. This action amends the current Westcom 28E Agreement to add Waukee into Westcom, and switches all Westcom agencies to a population based calculation for a division of the expenses.

We will be adding two dispatchers to our employee compliment to accommodate the increased call volumes generated by adding Waukee into our system. We will make the fiscal adjustments in a future budget amendment.

This amendment was approved by the City of Waukee on February 2, 2015. This amendment will go for consideration by the Cities of Urbandale, Clive and Norwalk in the next few weeks.

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

**RECOMMENDATION:** Approval of agreement and direct the required filing by the Clerk's office.

**Lead Staff Member:**            Chief Jeff Dumermuth

**STAFF REVIEWS**

Department Director	J.Dumermuth <i>Jeff Dumermuth</i>
Appropriations/Finance	<i>[Signature]</i>
Legal	Witgraff <i>[Signature]</i>
Agenda Acceptance	<i>RTG</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A  
CHAPTER 28E AGREEMENT BY AND BETWEEN THE CITY OF CLIVE, THE CITY  
OF URBANDALE, AND THE CITY OF WEST DES MOINES, FOR THE OPERATION  
OF A CONSOLIDATED DISPATCH CENTER FOR POLICE, FIRE AND  
EMERGENCY MEDICAL SERVICES**

**WHEREAS**, the Cities of Clive, Urbandale and West Des Moines, also known as WestCom Authority Agencies, have operated a joint public safety dispatch center under the provision of Chapter 28E of the Code of Iowa, and

**WHEREAS**, the WestCom Authority Agencies desire to enter into a Fourth Amended and Restated 28E Agreement to add the City of Waukee as a contract user and revise how operating costs are divided amongst WestCom partner agencies; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WEST DES MOINES, IOWA**, that the 28E Agreement, a copy of which is hereto attached, be duly approved and is authorized to be filed in the office of the Iowa Secretary of State, and all things necessary to place said 28E Agreement in full force and effect in accordance with Chapter 28E, Code of Iowa is herewith authorized.

**BE IT FURTHER RESOLVED**, the Mayor and City Clerk are hereby authorized and directed to prepare and execute all documents necessary for the 28E Agreement, and the City Manager and City Clerk are directed to file the same with the State of Iowa as provided by Chapter 28E.

**IN WITNESS WHEREOF**, the parties hereto have set their hands, for the purpose herein expressed.

**PASSED AND APPROVED** this 23rd day of February, 2015.

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

ATTEST:

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

**FOURTH AMENDED AND RESTATED  
INTERGOVERNMENTAL AGREEMENT  
FOR THE OWNERSHIP AND OPERATION  
OF A CONSOLIDATED DISPATCH CENTER FOR  
POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES**

This Fourth Amended and Restated Agreement is made and entered into, on the effective date herein, by and among the City of Clive, Iowa ("Clive"), the City of Urbandale, Iowa ("Urbandale"), and the City of West Des Moines, Iowa ("West Des Moines"), (singular or plural, "Authority Member(s);" collectively, the "Authority") and the City of Norwalk, Iowa ("Norwalk") and the City of Waukee, Iowa ("Waukee") as Contract Users, as municipal corporations organized and existing under the laws of the State of Iowa, in consideration of the following promises and agreements and upon the following terms and conditions:

**1. PURPOSE:**

Authority Members share a common interest and desire to jointly own and operate a consolidated dispatch unit ("Westcom") for police, fire, emergency medical services, and such other communication requirements of the Authority Members as may from time to time be determined, and to proportionately share the associated costs thereof. This Agreement shall be construed to effectuate its purpose through the joint exercise of governmental power in the manner described in this Agreement and pursuant to Iowa Code Chapter 28E.

**2. EQUIPMENT:**

The Authority will own such equipment and other assets and individual Authority Members will possess such undivided ownership interests therein as is established in ¶8 below.

### **3. DEFINITIONS:**

- a. **CONTRACT USER:** For the purposes of this Agreement, the term "Contract User" shall mean users of the system who pay a fee for services to Westcom, but are not full Authority Members.
- b. **COORDINATING AGENCY:** For the purposes of this Agreement, the term "Coordinating Agency" shall mean West Des Moines.
- c. **SERVICE AREA:** For the purposes of this Agreement, the term "Service Area" shall mean the geographical area within the Authority Members' combined corporate limits as they exist on the effective date of this Agreement and as they may change in the future, as well as the geographical area of Contract User(s) of the system that have joined this Agreement or may join this Agreement in the future.

### **4. MANAGEMENT COMMITTEE**

- a. **POWERS.** This Agreement shall be administered by the Management Committee, which, except where this Agreement delegates or reserves powers to an Authority Member, shall make the managerial decisions necessary to accomplish the purposes of this Agreement. In addition to power thus implied, the Management Committee shall by means of the budget procedure specified hereinafter recommend to the City Manager or Administrator of each Authority Member and Contract User the levels of staffing, equipment, and budget. The Management Committee shall establish written policies pertaining to the operational procedures of the Westcom system, and shall appoint an individual as Westcom Director to be responsible for daily operational decisions.

- b. BUDGET.** Annually, at least one hundred twenty (120) days prior to the date City budgets are required to be filed with the County Auditor, the Westcom Director shall deliver to the City Manager or Administrator of each Authority Member for their review and approval a proposed Authority Budget for the next fiscal year which shall be subject to the approval of each respective Authority Member's City Councils. In the event the proposed Authority Budget is not approved by all Authority Members' City Councils, the Authority Budget for the current year, adjusted for inflation (consumer price index), shall remain in effect until approval of a new Authority Budget is given by all Authority Members' City Councils. Following review by the City Manager or Administrator of each Authority Member, the Authority Budget may be amended with the approval of all Authority Members' City Councils. The City Manager or Administrator and City Councils of the Contract Users will be consulted in the budgeting process.
- c. COMPOSITION.** The Management Committee shall consist of two (2) representatives from each Authority Member, one of whom shall be the Police Chief and one of whom shall be either the Fire Chief or Emergency Medical Services Chief and the City Manager acting as the Management Committee Chair. The City Manager for each Authority Member shall be *ex officio* Management Committee members. An Authority Member City Manager, chosen by the Authority Member City Managers, will act as the Management Committee Chair. Each Authority Member may designate alternate representatives to serve in the absence of Management Committee members. The Contract Users, collectively, shall designate two (2) representatives to serve on the Management Committee.

- d. MEETINGS.** The Management Committee shall meet at least once each calendar year and at such other times as it deems necessary. A special meeting may be called by the Chair or any three (3) Authority Members of the Committee. At any meeting each Authority Member, including the Chair but otherwise excluding ex officio Authority Members, shall have one (1) vote. A quorum shall consist of a number equal to fifty percent (50%) of the total Management Committee's voting members plus one (1). Except as otherwise provided herein, decisions of the Management Committee shall be made by a majority vote of Management Committee members present constituting a quorum. Minutes of all meetings shall be taken by the designated Secretary who shall cause all minutes to be forwarded to the City Clerk of each Authority Member and Contract User. Because the Management Committee and the Sub-Committees thereof are created by Authority Member City Councils, and make budget and other recommendations, the Management Committee and Sub-Committees thereof shall be deemed to constitute governmental bodies subject to the open meetings and open records law of Iowa, to wit: Chapters 21 and 22, Code of Iowa. Notice of meetings shall be sent to each Authority Member and Contract User.
- e. PROFESSIONAL SERVICES.** The Management Committee shall have the authority within the approved budget to engage legal and other professional services as may be necessary.
- f. SUB-COMMITTEES OF THE MANAGEMENT COMMITTEE.** There shall be Sub-Committees of the Management Committee, to wit: Operations & Technology, and such other sub-committees as may from time to time be established by the Management Committee.

**i. Operations & Technology Sub-Committee:**

- 1. Membership:** Each member of the Management Committee, except the City Manager-Chair and ex officio Authority Members, shall appoint two (2) members to the Operations & Technology Sub-Committee. Each Contract User shall appoint two (2) members to the Operations and Technology Sub-Committee. The Westcom Director shall appoint one (1) telecommunicator and one (1) Dispatch Shift Supervisor to the Operations & Technology Sub-Committee.
- 2. Duties:** The Operations & Technology Sub-Committee shall function as the Management Committee's liaison with the Coordinating Agency for operational, technology, system maintenance and system improvement issues, and shall develop recommended operational standard operating guidelines and protocols.

**5. COORDINATING AGENCY:** West Des Moines shall be the Coordinating Agency for the Project and hereby consents to such designation. Authority Members and Contract Users agree that:

- a. The Coordinating Agency shall act as the contracting authority for the Management Committee and will advertise for and hold the letting of all required bids.**
- b. Subject to review by the Management Committee, the Coordinating Agency shall employ under its Civil Service Rules and Procedures all regular and probationary employees needed for the operation of Westcom to carry out the purposes of this Agreement. The Coordinating Agency shall manage all Westcom personnel**



pursuant to its employee and administrative policies and procedures, union contracts, civil service, city ordinances and other applicable laws.

- c. The Coordinating Agency shall have custody of and maintain all books and records of Westcom on behalf of the individual Authority Members. Authority Members and Contract Users shall have the right, at any time upon reasonable notice, to review and inspect the books and records of Westcom. The books and records of Westcom shall be deemed to be the books and records of Authority Members individually with undivided ownership interests in proportion to their respective contributions to the Authority Budget plus original documented contributed capital, and neither the Authority nor the Coordinating Agency shall be deemed to possess an ownership interest by virtue of custody or the obligation to maintain said books and records.
  - d. Pursuant to policies and procedures adopted by the Management Committee and the Authority's adopted budget, the Coordinating Agency shall, through its accounts payable system, pay all bills of the Authority.
- 6. DIVISION OF ANNUAL OPERATING COSTS:** Authority Members and Contract Users shall annually budget for operating costs in accordance with the Authority Budget and each Authority Member and Contract User shall be responsible for contribution to budgeted costs. The division of annual operating costs, beginning with Fiscal Year 2015/2016, shall be based upon the population of each Authority Member and Contract User and other applicable data. For budgeting and "true-up" purposes, the population of Authority Members and Contract Users shall be determined in November of each year by either the most recent Federal Census or the most recent Federal Census Estimates as posted on <http://quickfacts.census.gov>. If all Authority Members have a Special Census certified in

the same calendar year that population will be used until that population is updated by a subsequent calendar year Federal Census Estimate for all Authority Members.

7. Authority Members and Contract Users shall remit payment to the Coordinating Agency on a monthly basis on or before the 15<sup>th</sup> day of each month its share of annual budgeted operating costs divided by twelve (12). The Coordinating Agency shall provide Authority Members and Contract Users with monthly statements of actual costs incurred. Any difference between actual and budgeted expenditures shall be an adjustment to the following year's payment of costs on a pro-rata basis.
8. **OWNERSHIP AND MAINTENANCE:** The location of Westcom offices shall be owned by the Coordinating Agency and, except as provided immediately below, all other Westcom assets and equipment shall be owned by the Authority as a joint exercise of the powers of the Authority Members, with undivided ownership interests in each Authority Member as equates to the respective proportions specified in ¶¶ 4 & 6 hereof. The backbone of the 800 MHZ system (including, among other components, the common antennas, transmission lines and central processing units) shall be deemed a Westcom asset owned by the Authority as a joint exercise of the powers of the Authority Members, with undivided ownership interests in each Authority Member as equates to the respective proportions specified in ¶6 hereof. Contract Users shall be responsible for their own initiation, installation, and maintenance costs to the Westcom system, which includes but is not limited to infrastructure, connection fees, radio charges for use of the master controller, radio towers, and software upgrades. Any equipment, including associated software and licenses as well as infrastructure purchased by the Contract User, shall remain the property of the Contract User. Contract Users shall have full responsibility for maintenance of such equipment and facilities.

**9. OPERATIONAL STANDARDS:** Authority Members and Contract Users shall maintain operational standards consistent with applicable national professional accrediting agencies.

**10. INDEMNIFICATION:** Each party agrees to indemnify and to hold the other parties, their elected officers, agents, employees and successors and assigns, harmless from and against all claims, demands, actions and/or causes of actions, judgments, settlements, or other costs, including reasonable attorney's fees, which the other parties, their successors and assigns, may incur or sustain a) by reason of indemnifying party's breach of this Agreement or failure to legally or timely meet the responsibilities imposed herein (including, but not limited to, any financial obligations herein), or b) by reason of the torts of indemnifying party. Clive shall indemnify, defend and hold harmless the Authority and all other Authority Members and Contract Users for damages, claims, demands, suits, judgments, costs and expenses arising from a loss or damage to private property and/or the death of or injury to private persons, relating to police, fire, emergency medical services or any other actions taken by Westcom personnel under the direction of the police chief, fire chief, or emergency medical chief for Clive or during any call initiated by Clive. Urbandale shall indemnify, defend and hold harmless the Authority and all other Authority Members and Contract Users for damages, claims, demands, suits, judgments, costs and expenses arising from a loss or damage to private property and/or the death of or injury to private persons, relating to police, fire, emergency medical services or any other actions taken by Westcom personnel under the direction of the police chief, fire chief, or emergency medical chief for Urbandale or during any call initiated by Urbandale. West Des Moines shall indemnify, defend and hold harmless the Authority and all other Authority Members and Contract Users for damages, claims, demands, suits, judgments, costs and expenses arising from a

loss or damage to private property and/or the death of or injury to private persons, relating to police, fire, emergency medical services or any other actions taken by Westcom personnel under the direction of the police chief, fire chief, or emergency medical chief for West Des Moines or during any call initiated by West Des Moines, provided, however, that West Des Moines' indemnification obligation shall not extend to actions by its personnel taken in its capacity as Coordinating Agency for or on behalf of the Authority rather than for on or behalf of West Des Moines. All actions by West Des Moines personnel in the performance of its functions as Coordinating Agency shall be the responsibility of Authority members and Contract Users collectively. Each ~~new Authority Member and Contract User~~ shall indemnify, defend and hold harmless the Authority and all other Authority Members and all other Contract Users for damages, claims, demands, suits, judgments, costs and expenses arising from loss or damage to private property and/or death of or injury to private persons, relating to police, fire, emergency medical services or any other actions taken by Westcom personnel under the direction of the police chief, fire chief, or emergency medical chief for said Contract User or during any call initiated by said Contract User. This Agreement shall not extend the liability of any Authority Member and each Authority Member and the Management Committee are authorized to insure any and all liabilities which may be incurred as a result of this Agreement or operations under it and where appropriate to accept insurance in lieu of other indemnification.

**11. AGREEMENT - METHOD OF APPROVAL:** The parties hereto approve this Agreement by Resolution, which Resolution shall authorize the respective Mayors to execute this Agreement.

**12. AGREEMENT – FILING WITH THE IOWA SECRETARY OF STATE:** When this Agreement has been approved by the Authority Members and Contract Users hereto, this Agreement shall be electronically filed with the Secretary of State of the State of Iowa in accordance with the provisions of 28E.8 Code of Iowa.

**13. AGREEMENT – EFFECTIVE DATE:** This Agreement shall become effective on July 1, ~~2014~~ 2015.

**14. DURATION AND TERMINATION:** This Agreement shall be effective from the date herein provided until terminated as herein provided. This Agreement shall replace all prior Iowa Code Chapter 28E agreements of the Authority Members and Contract Users that relate to Westcom. This Agreement shall continue until terminated by an Authority Member by giving written notice to the other parties not later than December 31 of any given year, whereupon this Agreement shall then terminate with respect to the notice-giving Authority Member(s) eighteen (18) months thereafter as of June 30. This Agreement shall continue until terminated by a Contract User by giving written notice to the other parties not later than February 28 of any given year, whereupon this Agreement shall then terminate with respect to the notice-giving Contract User(s) sixteen (16) months thereafter as of June 30.

**15. EFFECT OF TERMINATION:** In the event this Agreement is terminated by (a) mutual agreement of all of the Authority Members or (b) by a single Authority Member or Contract User giving a timely notice as provided immediately above, each Authority Member or Contract User shall continue to remain liable for its pro rata portion of the Authority Budget until termination takes effect eighteen (18) months thereafter for Authority Member(s) and sixteen (16) months thereafter for Contract User(s) as provided immediately above. In the event of termination of this Agreement by mutual agreement of all Authority Members, a determination of the respective ownership interests of each then

present Authority Member in the assets and equipment of the Authority shall be made on the basis of each Authority Member's total contributions to the Authority Budget plus initial contributed capital value from the effective date of this Agreement to the date of termination for each Authority Member.

**16. MODIFICATION OF THE AGREEMENT:** Modifications to this Agreement shall require the approval by resolution of all Authority Members' City Councils at the time of the proposed modification, except for the addition of new Contract Users. The Management Committee shall possess the power to recommend to the Coordinating Agency the addition of Contract Users. The Management Committee's recommendation shall be unanimous. The City Council of the new Contract User shall separately approve the new 28E Agreement by resolution. The Coordinating Agency shall consider and may adopt the new 28E Agreement to identify the new Contract User and confirm that the new Contract User accepts the terms and conditions of the existing 28E Agreement.

**17. NOTICES:** Any notice under this Agreement shall be in writing and shall be deemed to be given when deposited in United States Post Office.

a. Notices to Clive shall be addressed: City Manager, City of Clive, 1900 NW 114<sup>th</sup> Street, Clive, IA 50325.

b. Notices to Urbandale shall be addressed: City Manager, City of Urbandale, 3600 86<sup>th</sup> Street, Urbandale, IA 50322.

c. Notices to West Des Moines shall be addressed to: City Clerk, City of West Des Moines, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, IA 50265-0320.

d. Notices to Norwalk shall be addressed to: City Administrator, City of Norwalk, 705 North Avenue, Norwalk, IA 50211.

- e. Notices to Waukee shall be addressed to: City Administrator, City of Waukee, 230 W. Hickman Road, Waukee, IA 50263.
- f. If during the term of this Agreement an Authority Member or Contract User shall change the address of its City Hall or seat of municipal government, it shall notify the other Authority Members and Contract Users of said new address and the new address shall be by mutual agreement substituted for the address herein provided.
- g. The Westcom Director or designee shall read and review this Agreement to ensure correctness and accuracy by present practices by June 30 of even numbered years.

**18. ARBITRATION:** Should the parties be unable to agree upon the allocation of costs among them, or should any other dispute arise concerning the interpretation or operation of this Agreement which the parties are unable to resolve, then any such dispute shall be submitted to an arbitrator mutually agreeable to the parties; or, in absence of such agreement, to an arbitrator chosen by the Chief Judge of the Fifth Judicial District of the State of Iowa. In either event, the determination of such arbitrator as to the dispute submitted to the arbitrator shall be final.

**19. MUTUAL AID AGREEMENTS:** This Agreement is not intended to abrogate or unnecessarily amend existing mutual aid Agreements between the parties.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF WEST DES MOINES, IOWA**

By \_\_\_\_\_

**Steven K. Gaer, Mayor**

**ATTEST:**

\_\_\_\_\_

**Ryan Jacobsen, City Clerk**



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

DATE: February 23, 2015

**ITEM:**

Resolution - Approval of Restated 28E Agreement with the City of Clive - Joint Maintenance of Roads

**FINANCIAL IMPACT:**

City has assumed joint responsibility with the City of Clive for roadway maintenance responsibilities along University Avenue from 22<sup>nd</sup> St./NW 86<sup>th</sup> St. west to NW 142<sup>nd</sup> Street. Costs associated with this area were factored into the current fiscal year budget.

**BACKGROUND:**

This is an update of our current 28E Agreement with the City of Clive, adopted in 1998.

**RECOMMENDATION:**

City Council Adopt:

- Resolution approving restatement of 28E Agreement with the City of Clive and authorizing Mayor to execute Agreement.

Lead Staff Member: Bret Hodne, Director of Public Works

**STAFF REVIEWS**

<b>Department Director</b>	Bret Hodne, Public Works Director <i>BH</i>
<b>Finance Director</b>	Tim Stiles <i>TS</i>
<b>Legal</b>	Richard Scieszinski
<b>Agenda Acceptance</b>	<i>RTG</i>

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)		
<b>Published In</b>		<b>Committee</b>	<b>Public Works</b>	
<b>Dates(s) Published</b>		<b>Date Reviewed</b>	<b>February 17, 2015</b>	
		<b>Recommendation</b>	<b>Yes</b>	<b>No</b>
				<b>Split</b>

## RESOLUTION

**WHEREAS**, there is an existing Agreement between the City of Clive and the City of West Des Moines in accordance with provisions of Chapter 28E, Code of Iowa, providing for the joint maintenance and servicing of University Avenue from 22<sup>nd</sup> St./NW 86<sup>th</sup> St. west to NW 142<sup>nd</sup> street, and;

**WHEREAS**, the City of Clive and the City of West Des Moines desire to reestablish their Agreement under the provisions of Chapter 28E, 2009 Code of Iowa, and;

**WHEREAS**, under Chapter 28E of the 2014 Code of Iowa, the City of Clive, as a public agency, may enter into an Agreement with the City of West Des Moines, another public agency, to provide services to the mutual advantage of both agencies.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA**, that the 28E Agreement, a copy of which is hereto attached, be duly approved and is authorized to be filed in the office of the Iowa Secretary of State and the Recorder of Polk County, Iowa, and all things necessary to place said 28E Agreement in full force and effect in accordance with Chapter 28E, Code of Iowa, 2009, is herewith authorized.

**BE IT FURTHER RESOLVED**, the Mayor and City Clerk are hereby authorized and directed to prepare and execute all documents necessary for this 28E Road Maintenance Agreement, and the City Manager and City Clerk are directed to file the same with the State of Iowa as provided by Chapter 28E.

**IN WITNESS WHEREOF**, the parties here to have set their hands, for the purpose herein expressed.

**PASSED AND APPROVED** this 23<sup>th</sup> day of February, 2015.

---

Steven K. Gaer, Mayor

ATTEST:

---

Ryan Jacobson, City Clerk

## RESTATED JOINT MAINTENANCE AGREEMENT

THIS JOINT MAINTENANCE AGREEMENT ("Agreement") is entered into on the effective date herein provided, by and between the CITY OF CLIVE, IOWA, a municipal corporation organized and existing under the laws of the State of Iowa ("Clive") and the CITY OF WEST DES MOINES, IOWA, a municipal corporation organized and existing under the laws of the State of Iowa ("West Des Moines"), pursuant to Chapter 28E of the Iowa Code.

WHEREAS, Clive and West Des Moines have previously entered into one written agreement regarding the allocation of maintenance responsibilities along University Avenue from 22<sup>nd</sup> St/NW 86<sup>th</sup> St west to NW 142<sup>nd</sup> Street.

WHEREAS, Clive and West Des Moines desire to restate herein the agreements of the cities regarding the allocation of maintenance responsibilities along University Avenue from 22<sup>nd</sup> St/NW 86<sup>th</sup> St west to NW 142<sup>nd</sup> Street.

NOW, THEREFORE, in consideration of the following mutual promises and agreements, the parties agree as follows:

In consideration of the following promises and agreements and upon the following terms and conditions, the parties agree as follows:

1. **Purpose.** The purpose of this Agreement shall be to provide for the joint exercise of the respective powers of the cities hereto in connection with the maintenance project hereinafter described pursuant to the provisions of Chapter 28E of the Code of Iowa, and to supersede the existing 28E Agreement entitled "Joint Maintenance Agreement" adopted by the respective cities on or about the 24<sup>th</sup> day of September, 1998.
2. **Project.** The term "project" for the purpose of this Agreement shall mean the specific division of responsibility between the cities hereto for the maintenance, repair and reconstruction of University Avenue, a jointly owned public street, fiber optic cables and the automated traffic control signals, including any pertinent equipment which regulates traffic along such public street.
  - A. **Responsibility of Clive:** Clive shall be responsible, at its sole cost, for normal snow removal operations from WDM's 22<sup>nd</sup> Street to Clive's NW 142<sup>nd</sup> Street. Clive shall be responsible for pavement maintenance on all left turn lanes including the island tips in the westbound traffic lanes at its sole cost.
  - B. **Responsibility of West Des Moines:** West Des Moines shall be responsible for the maintenance of all traffic island signs, overhead lane directional signs, and street painting including traffic control markings, which shall include stop lines as well as signs and signals at the offset intersection located at WDM's 31<sup>st</sup> Street and Clive's 94<sup>th</sup> Street. West Des Moines shall be responsible for pavement maintenance on all left turn lanes including the island tips in the eastbound traffic lanes at its sole cost.
  - C. **Automated Traffic Control Signals:** The costs of materials for maintenance and repair or reconstruction of jointly owned traffic signals shall be shared equally by the cities.
    - (i) Costs for electric service, power and for maintenance materials for all traffic signals shall be incurred and paid by West Des Moines, and fifty percent (50%) of said incurred costs shall be billed to Clive for payment on a quarterly basis to West Des Moines.
    - (ii) West Des Moines shall be solely responsible for all in house labor costs related to locating, maintenance and repair or reconstruction of the jointly owned traffic signals. The sharing of costs as provided in this paragraph shall encompass not only existing traffic signals and necessary appurtenances, as shown in exhibit A, but shall also include such future traffic signal improvements as may be jointly constructed and owned by the Cities.

- (iii) Contractor labor costs related to maintenance and repair or reconstruction of the jointly owned traffic signals shall be shared equally by Clive and West Des Moines.
- (iv) Clive shall be solely responsible for the maintenance and cost of the Emergency Vehicle Preemption system.

D. Fiber Optic Cable(s) and related equipment: Jointly owned fiber optic cables and the related equipment is installed along University Avenue and extends from 22<sup>nd</sup> St/NW 86<sup>th</sup> St west to NW 142<sup>nd</sup> Street along University Avenue. Joint owners of this fiber optic cable and equipment are the West Des Moines and Clive.

- (i) The sharing of costs as provided in this paragraph shall encompass not only existing jointly owned fiber optic cable and necessary appurtenances, as shown in exhibit B, but shall also include such future fiber optic system improvements as may be jointly constructed and owned by West Des Moines and Clive
- (ii) If either city or a contractor operating under the direction of said city is required to perform any splicing, access any splice cases, or perform any other procedure that could accidentally disrupt the passage of light in the fibers or otherwise directly impact the other city's activity, they must communicate that proposed activity to the other city in a reasonable time.
- (iii) West Des Moines will perform maintenance on all the fiber cable and appurtenances along the University Avenue corridor, including locating of the Fiber facility, Fiber repairs, Fiber restoration, and Fiber relocation that becomes necessary during the term of this Agreement. Clive will pay its proportionate cost based on the number of fiber in a sheath(s) that are allocated to the Clive. West Des Moines shall be solely responsible for all labor cost performed by their staff. If maintenance is performed by a contractor Clive shall pay its proportionate cost based on the number of fiber in a sheath(s). Clive has the responsibility to locate the fiber cable on NW 94<sup>th</sup> Street from University Avenue north to Indian Hills School up to the entry point of the building.
- (iv) West Des Moines and Clive shall mutually agree to allow the use of either cities dark fiber by another third party entity.

E. Responsibility of Cities Separately: Each City shall separately be responsible for its respective side of University Avenue for all pavement maintenance, street sweeping, street lighting and traffic control devices other than those mentioned above.

F. Responsibility of Cities Jointly: Both cities shall jointly be responsible for major pavement repairs, major snow emergencies and other major improvement projects.

3. Project Administration. The project shall be administered by the Project Administration Committee, which shall consist of the City Manager of each City and their respective Public Works Director or City Engineer.
4. Exercise of Powers. Each City shall exercise its powers within its respective corporate jurisdiction in furtherance of the project and shall retain sole responsibility for its jurisdictional authority.
5. Finances. Each City shall finance its share of the cost of maintenance responsibilities set forth in Paragraph 2(c) of this Agreement in such a manner as shall be determined by its respective City Council and as permitted by law. Both cities agree to cooperate to the extent necessary to allow both cities to fully

comply with all laws applicable to the financing of and contracting for any work or activity contemplated by this Agreement.

6. Method of Approval. The cities shall approve this Agreement by passage of its respective Resolution, which shall authorize the Mayor and City Clerk to execute this Agreement.
7. Filing with Secretary of State. Upon approval of this Agreement by the cities, this Agreement shall be filed with the Secretary of State of the State of Iowa in accordance with the provisions of Section 28E.8 of the Code of Iowa.
8. Filing of Agreement with Iowa Secretary of State. After execution by the parties, this Agreement shall be filed with the Secretary of State of the State of Iowa in accordance with the provisions of Section 28E.8 of the Code of Iowa.
9. Effective Date. This Agreement shall become effective from and after the date on which this Agreement is recorded in the Office of the Polk County Recorder.
10. Termination. In the event that either City desires to terminate this Agreement, a written notice of termination shall be served upon the other City and this Agreement shall terminate thirty (30) days from the date of receipt of such notice by the other City.
11. Notices. Any notice under this Agreement shall be in writing and shall be deemed to be effective when personally served or deposited in the United States Mail, postage prepaid, addressed to the parties at the respective address set forth below:

To West Des Moines: City Manager  
City of West Des Moines  
Post Office Box 65320  
4000 George M. Mills Civic Parkway  
West Des Moines, Iowa 50265-0320  
To Clive: City Manager  
City of Clive  
1900 NW 114<sup>th</sup> Street  
Clive, Iowa 50325

12. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Iowa.
13. Entire Agreement. This Agreement contains the entire Agreement between the cities and may not be changed except by an amendment in writing signed by the cities hereto.
14. Severability. If any portion of this Agreement is held invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Agreement shall continue in full force and effect.
15. Miscellaneous Headings. Title to articles, paragraphs and subparagraphs are for information purposes only and shall not be considered a substantive part of this Agreement.
16. Further Assurances. Each party agrees to execute and deliver such additional instruments and documents and to take all such other action as the other party may reasonably request from time to time in order to effect the provisions and purposes of this Agreement.

IN WITNESS WHEREOF, the City of West Des Moines has caused this Agreement to be executed in three (3) counterparts, each of which shall be considered an original, this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF WEST DES MOINES

By: \_\_\_\_\_  
Steven Gaer, Mayor

(SEAL)

ATTEST:

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

IN WITNESS WHEREOF, the City of Clive has caused this Agreement to be executed in three (3) counterparts, each of which shall be considered an original, this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CLIVE

BY: \_\_\_\_\_  
Scott Cirksena, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Joyce Cortum, City Clerk

STATE OF IOWA)

)ss:

COUNTY OF POLK )

On this \_\_\_\_ day of \_\_\_\_\_ 2015, before me, \_\_\_\_\_, a Notary Public in and for the State of Iowa, personally appeared Steven Gaer and Ryan Jacobson , to me personally known, and, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Clive, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Ordinance No. \_\_\_\_ passed (the Resolution adopted) by the City Council, under Roll Call No. \_\_\_\_ of the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2015, and that \_\_\_\_\_ and \_\_\_\_\_ acknowledged the execution of said instrument to be their voluntary act and deed and the voluntarily act and deed of the corporation, by it voluntarily executed.

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

STATE OF IOWA )

) ss:

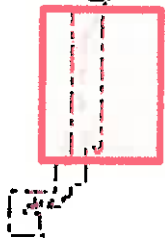
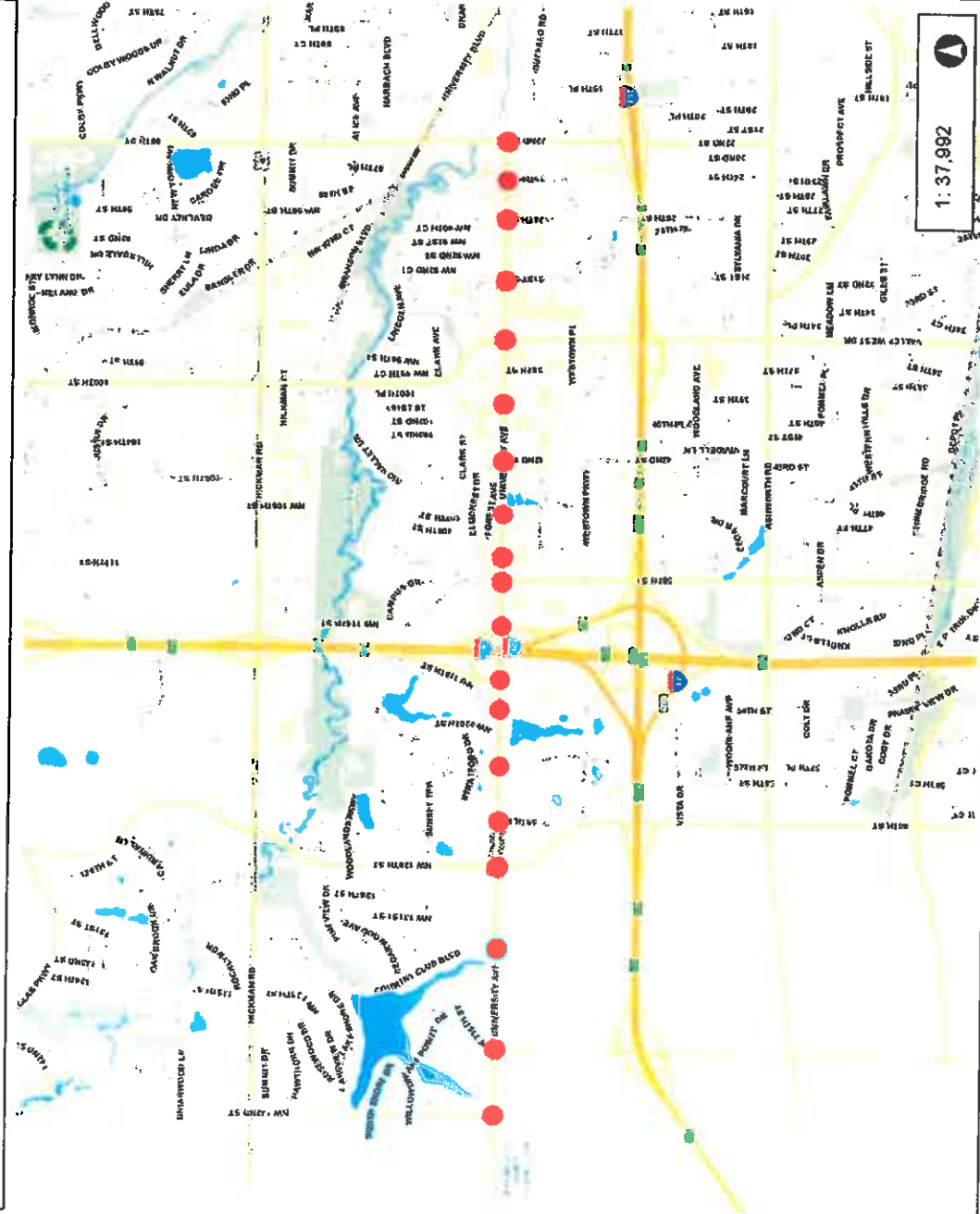
COUNTY OF POLK)

On this \_\_\_\_ day of \_\_\_\_\_ 2015, before me, \_\_\_\_\_, a Notary Public in and for the State of Iowa, personally appeared Scott Cirksena and Joyce Cortum, to me personally known, and, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Urbandale, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Ordinance No. \_\_\_\_ passed (the Resolution adopted) by the City Council, under Roll Call No. \_\_\_\_ of the City Council on the \_\_\_\_ day of \_\_\_\_\_,2015, and that \_\_\_\_\_ and \_\_\_\_\_ acknowledged the execution of said instrument to be their voluntary act and deed and the voluntarily act and deed of the corporation, by it voluntarily executed.

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

# Exhibit A

## University Ave Traffic Signal Location - Clive/WDM



**Legend**

- Counties\_Poly <all other values>
- Corp\_Point\_Labels
- Corporate\_Limits
- Major Roads
  - Main
  - Ramp
  - State Highway
  - US Highway
  - Interstate
- Major Roads-Background
  - Interstate
  - Main
  - Ramp
  - State Highway
  - US Highway
- RailRoads
- Airports
- Structure
- Land
- IT\_Side\_IT\_GIS\_HydroMajorsStr
- Parks\_Poly
- Counties\_Line
- Counties\_Poly <all other values>

**Notes**

1:37,992

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

6,332.1 3,166.04 6,332.1 Feet

NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet



**Exhibit B**

**Designated Fiber: University Avenue Fiber Optic Cables  
West Des Moines - Clive**

**University Avenue - 22nd Street to 50th Street**

<b>Sheath Identifier</b>	<b>Tube/Strand Identifier</b>	<b>Ownership</b>
72 Strand Single Mode Sheath	Blue	WDM Schools
	Orange	WDM Schools
	Green	WDM Schools
	Brown	Clive
	Slate	West Des Moines
	White	West Des Moines

24 Multi Mode Sheath	Blue	West Des Moines/Clive
	Orange	West Des Moines/Clive
48 Single Mode Sheath	Green	West Des Moines/Clive
	Brown	West Des Moines
	Slate	West Des Moines
	White	Clive

**University Avenue - 50th Street to NW 142nd Street**

<b>Sheath Identifier</b>	<b>Tube/Strand Identifier</b>	<b>Ownership</b>
72 Strand Single Mode Sheath	Blue	Clive
	Orange	Clive
	Green	Clive
	Brown	West Des Moines
	Slate	West Des Moines
	White	West Des Moines

24 Multi Mode Sheath	Slate	West Des Moines/Clive
	White	West Des Moines/Clive
48 Single Mode Sheath	Blue	West Des Moines/Clive
	Orange	West Des Moines
	Green	West Des Moines/Clive
	Brown	Clive

STATE OF IOWA)

)ss:

COUNTY OF POLK )

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

STATE OF IOWA )

) ss:

COUNTY OF POLK)

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

STATE OF IOWA)

)ss:

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

STATE OF IOWA )

) ss:

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

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

**DATE:** February 23, 2015

**ITEM:** Resolution - Order Construction and Notice of Public Hearing on Plans, Specifications, Form of Contract, Estimate of Cost, and Direct Advertisement of Bids – 2015 Concrete Trail Renovation Project

**FINANCIAL IMPACT:** None at this time. The preliminary estimated cost the project is \$207,695.36. Project expenses will be paid with budgeted funds in the following C.I.P. accounts: 60<sup>th</sup> Street Trail (6523.75.840.6.7910) and Miscellaneous Trail Improvements (6996.75.840.6.7910). There is a total of \$213,000 available in FY 14-15.

**BACKGROUND:** This Resolution is for repair and replacement of portions of existing concrete trail located in several areas of the city. The locations are shown on the attached map. The areas being addressed were identified as a high priority following the inspection of the entire trail system in the fall of 2014 by City staff.

The majority of defects in the existing trail involve deflections and cracking of the concrete trail surface. Defective areas of the trail are being replaced with 6" thick reinforced PCC (Portland Cement Concrete) to help prevent future problems. This will further extend the life of the new trail.

**OUTSTANDING ISSUES:** None.

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

**Lead Staff Member:** Sally Ortgies 

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	N/A
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation	Yes	No	Split

**Resolution Ordering Construction and  
Notice of Public Hearing on Plans, Specifications,  
Form of Contract, Estimate of Cost and  
Directing Advertisement for Bids**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that the following described public improvement:

**2015 Concrete Trail Renovation Project**

is hereby ordered constructed according to the Plans and Specifications prepared by City staff and now on file in the office of City Clerk.

**BE IT FURTHER RESOLVED**, that the detailed Plans and Specifications, Form of Contract, Bid Security and Notice to Bidders are hereby approved, subject to hearing thereon, and that the same are now on file in the office of City Clerk for public inspection.

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby directed to publish notice of hearing on the Plans and Specifications, Form of Contract, Bid Security and Estimate of Costs for said project to be held at 5:35 p.m. on **March 9, 2015** with said notice published not less than four (4) days nor more than twenty (20) days prior to the date heretofore fixed.

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby directed to publish Notice to Bidders for said project with publication not less than four (4) days nor more than forty-five (45) days prior to the date for receiving bids. Said bids are to be filed prior to 2:00 o'clock p.m. on **Wednesday, March 4, 2015**.

**BE IT FURTHER RESOLVED**, that bids received for construction of said improvements will be opened, publicly read and tabulated by the City Clerk or Deputy City Clerk at 2:00 o'clock p.m. on **Wednesday, March 4, 2015** and the results of said bids shall be considered at a meeting of this Council on **March 9, 2015** at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

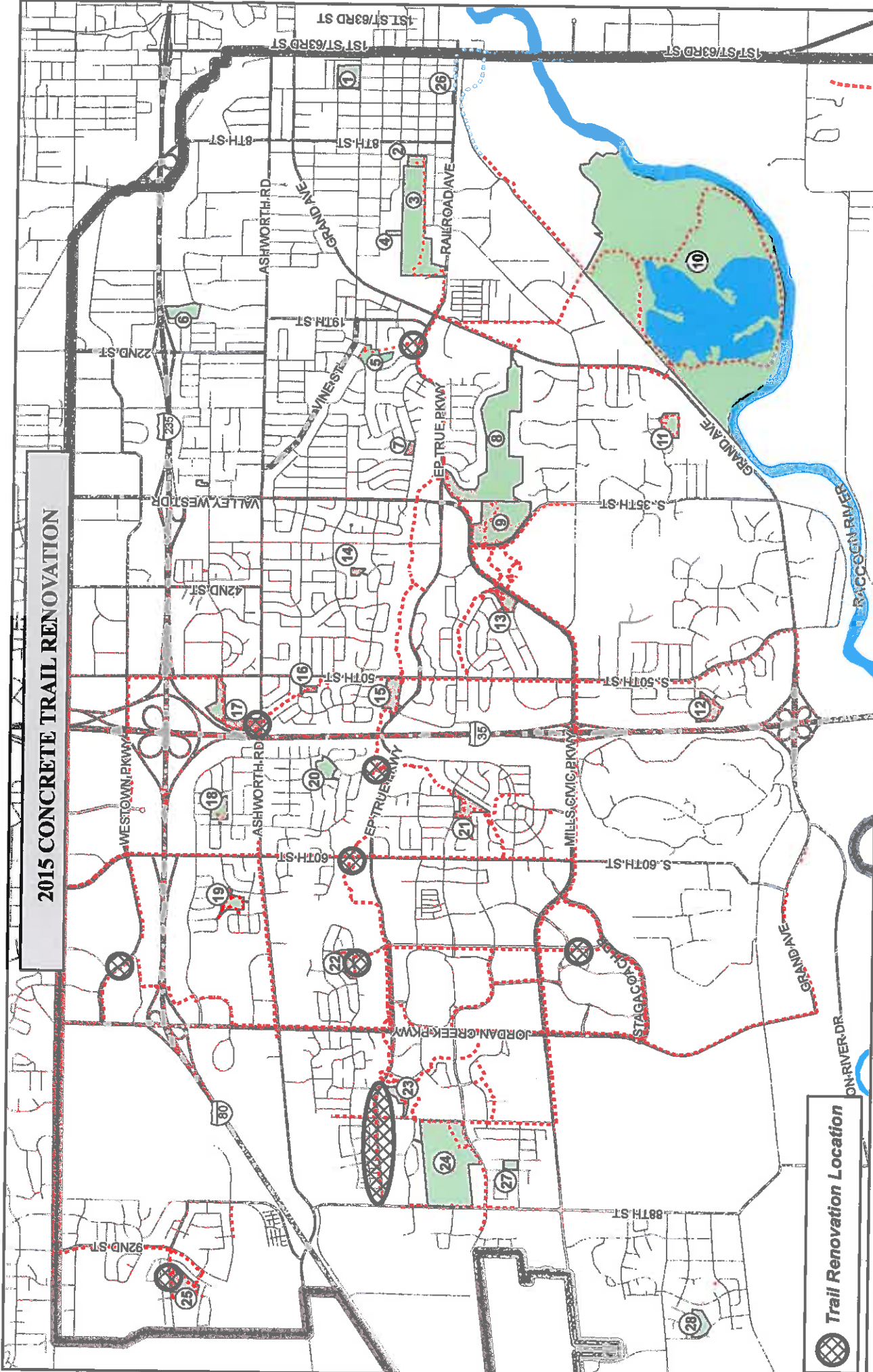
**PASSED AND APPROVED** this 23<sup>rd</sup> day of February, 2015.

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

ATTEST:

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

# 2015 CONCRETE TRAIL RENOVATION



**City Limit**

**Water Areas**

**City Parks**

**Streets**

**Existing Trails**

## Trail Renovation Location

- |                     |                           |                         |                         |
|---------------------|---------------------------|-------------------------|-------------------------|
| 1. Legion Park      | 8. East Jordan Creek Park | 15. Jordan Creek Park   | 22. Wild Rose Park      |
| 2. Wilson Park      | 9. Southwoods Park        | 16. Knolls Park         | 23. Brookview Park      |
| 3. Holiday Park     | 10. Raccoon River Park    | 17. CrossRoads Park     | 24. Valley View Park    |
| 4. Florer Park      | 11. Scenic Valley Park    | 18. Jaycee Park         | 25. Maple Grove Park    |
| 5. Fairmeadows Park | 12. Quail Cove Park       | 19. Peony Park          | 26. Railroad Park       |
| 6. Pearson Park     | 13. Ashawa Park           | 20. Meadowview Park     | 27. Huston Ridge Park   |
| 7. Kiwanis Park     | 14. Western Hills Park    | 21. Willow Springs Park | 28. Woodland Hills Park |

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

**DATE: February 23, 2015**

**ITEM:**

Resolution - Ordering Construction  
2015 HMA Resurfacing Program

**FINANCIAL IMPACT:**

The engineering estimate of construction cost for the 2015 HMA Resurfacing Program is \$968,316.75. Payments will be made from budgeted account number 4286.75.820.6.7910.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, March 4, 2015, and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, March 9, 2015. The contract would be awarded on Monday, March 9, 2015, and work will begin shortly thereafter.

This project will resurface various locations in the City of West Des Moines. Types of work including approximately 630 tons of 1 million ESAL ½” Hot Mix Asphalt (HMA) surface course, 153 tons of 1 million ESAL ½” HMA leveling course 2,323 tons of 3 million ESAL ½” Hot Mix Asphalt (HMA) surface course, 2325 tons of 3 million ESAL ½” Hot Mix Asphalt (HMA) intermediate course, 350 tons of 3 million ESAL ½” Hot Mix Asphalt (HMA) leveling course, 4,046 square yards of grinding butt joints, 7,561 square yards of surface milling, surface cleaning/tack coat, 1,042 square yards of PCC full depth patching, HMA full depth patching, HMA partial depth patching, , fixture adjustments, pavement markings, traffic control, and miscellaneous items. This project is scheduled to be completed by October 1, 2015.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the 2015 HMA Resurfacing Program.
- Fixing 2:00 p.m. on Wednesday, March 4, 2015, as time and date for project Bid Letting.
- Ordering the City Clerk to publish notice of Letting and Public Hearing.

Lead Staff Member: Jeff Nash, P.E. *JLN*

**STAFF REVIEWS**

Department Director	Bret Hodne, Public Works Director <i>BH</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	
Agenda Acceptance	<i>RTG</i>

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

Published In	Des Moines Register
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Public Works		
Date Reviewed	February 17, 2015		
Recommendation	Yes	No	Split

**Resolution Ordering Construction and  
Notice of Public Hearing on Plans, Specifications,  
Form of Contract, Estimate of Cost, and  
Directing Advertisement for Bids**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that the following described public improvement:

**2015 HMA Resurfacing Program  
Project No. 0510-007-2015**

is hereby ordered constructed according to the Plans and Specifications prepared by the City of West Des Moines and now on file in the office of City Clerk.

**BE IT FURTHER RESOLVED**, that the detailed Plans and Specifications, Form of Contract, Bid Security, and Notice to Bidders are hereby approved, subject to hearing thereon, and that the same are now on file in the office of City Clerk for public inspection.

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby directed to publish notice of hearing on the Plans and Specifications, Form of Contract, Bid Security and Estimate of Costs for said project to be held at 5:35 p.m. on Monday, March 9, 2015, with said notice published not less than four (4) days nor more than twenty (20) days prior to the date heretofore fixed.

**BE IT FURTHER RESOLVED**, that prospective actions by the City Clerk in publishing a Notice to Bidders for said project (publication to be not less than four (4) days nor more than forty-five (45) days prior to the date for receiving bids) are hereby approved. Said bids are to be filed prior to 2:00 p.m. on Wednesday, March 4, 2015.

**BE IT FURTHER RESOLVED**, that the bids received for construction of said improvements will be opened, publicly read and tabulated by the City Clerk or Deputy City Clerk at 2:00 p.m. on Wednesday, March 4, 2015, and the results of said bids shall be considered at a meeting of this Council on Monday, March 9, 2015, at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** this 23rd day of February, 2015

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

**ATTEST:**

\_\_\_\_\_  
Jody E. Smith, CMFA, MMC  
City Clerk





**ENGINEER'S ESTIMATE  
2015 HMA RESURFACING PROGRAM  
WEST DES MOINES, IOWA**

**PROJECT NO. 0510-007-2015**

	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Extended Price</u>
	<b>Fixture Adjustments</b>				
100	Sewer Manholes (Re-use Casting & Adjust W/ Concrete Rings)	EA.	4	\$750.00	\$3,000.00
110	Sewer Manholes (Replace Casting & Adjust W/ Concrete Rings)	EA.	4	\$1,500.00	\$6,000.00
120	Utility Manholes (Adjust W/ Concrete Rings)	EA.	2	\$750.00	\$1,500.00
130	PCC 5' x 5' Manhole Boxouts	EA.	11	\$1,500.00	\$16,500.00
140	Water Valve Box Adjustment	EA.	7	\$150.00	\$1,050.00
150	Retro to Slide Type Water Valve Top Replacement	EA.	1	\$1,500.00	\$1,500.00
160	Intake Castings, M-A & M-C (1 1/2" Risers)	EA.	1	\$400.00	\$400.00
170	Intake Castings, M-D & M-E (1 1/2" Risers)	EA.	15	\$650.00	\$9,750.00
180	Gas Valve Box Adjustment	EA.	1	\$200.00	\$200.00
	<b>Excavation, Backfill, Grading and Shoulders</b>				
200	Not Used				
	<b>Street Patching and Pavement Repair</b>				
300	PCC Full Depth Patches (M-4)	SY	942	\$125.00	\$117,750.00
310	PCC Full Depth Patches (IA DOT 5 Hr. PCC Mix)	SY	100	\$185.00	\$18,500.00
320	HMA Full Depth Patches	SY	50	\$75.00	\$3,750.00
330	HMA Partial Depth Patches	SY	196	\$60.00	\$11,760.00
340	4" Sidewalk Replacement and Removal	SY	57	\$60.00	\$3,420.00
350	6" Sidewalk Replacement and Removal	SY	25	\$70.00	\$1,750.00
360	2' x 4' Truncated Dome Panels	EA.	4	\$300.00	\$1,200.00
370	Replace Top Beams and Castings Only (M-D & M-I)	EA.	1	\$4,000.00	\$4,000.00
380	Replace Top Beams and Castings Only (M-A & M-C)	EA.	1	\$3,000.00	\$3,000.00
	<b>Surface Preparation For HMA Resurfacing</b>				
400	Surface Cleaning/Tack Coat	SY	31,926	\$0.75	\$23,944.50
410	Tack Coat	SY	26,653	\$0.20	\$5,330.60
420	Surface Milling	SY	7,561	\$4.25	\$32,134.25
430	Grinding-Butt Joints	SY	4,046	\$10.00	\$40,460.00
	<b>Hot Mix Asphalt (HMA)</b>				
500	1/2" HMA Surface Course (1 million ESAL) (65% Crushed)	TON	630	\$97.00	\$61,110.00
510	1/2" HMA Leveling Course (1 million ESAL) (65% Crushed)	TON	153	\$97.00	\$14,841.00
520	1/2" HMA Surface Course (3 million ESAL) (75% Crushed)	TON	2,323	\$97.00	\$225,331.00
530	1/2" HMA Intermediate Course (3 million ESAL) (75% Crushed)	TON	2,325	\$97.00	\$225,525.00
540	1/2" HMA Leveling Course (3 million ESAL) (75% Crushed)	TON	350	\$97.00	\$33,950.00
	<b>Traffic Control</b>				
600	Traffic Control	LS	1	\$75,000.00	\$75,000.00



**ENGINEER'S ESTIMATE  
2015 HMA RESURFACING PROGRAM  
WEST DES MOINES, IOWA**

**PROJECT NO. 0510-007-2015**

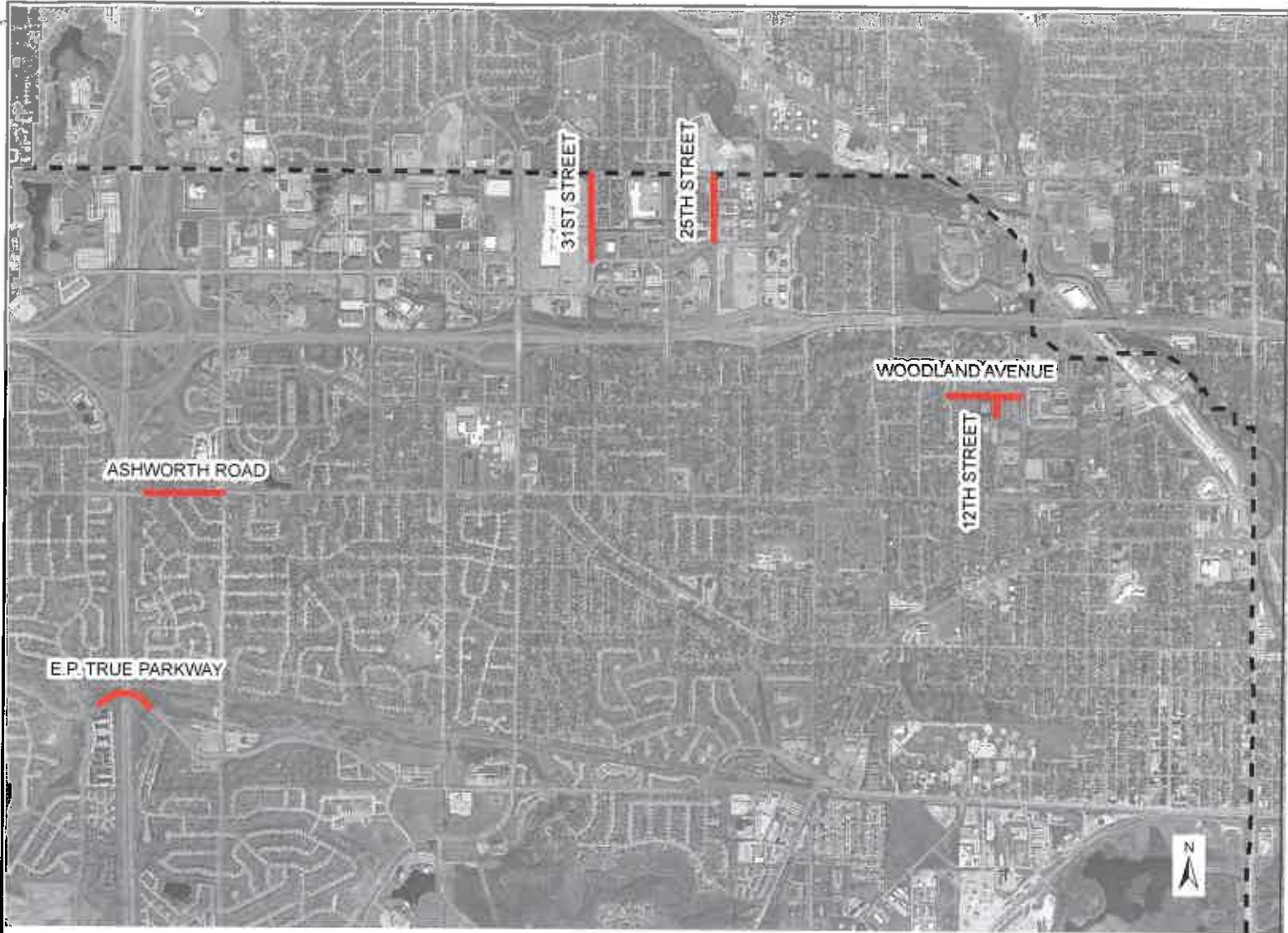
<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Extended Price</u>
<b>Painted Pavement Markings</b>				
700 Broken White Line 4" (Equivalent)	Sta.	16.76	\$70.00	\$1,173.20
710 Double Yellow Lines 4"-8"-4" (Equivalent)	Sta.	88.34	\$70.00	\$6,183.80
720 Solid White Line 4" (Equivalent)	Sta.	8.62	\$70.00	\$603.40
730 Left Turn Arrow	EA.	11	\$110.00	\$1,210.00
740 Right Turn Arrow	EA.	4	\$110.00	\$440.00
750 White Stop Bar	EA.	1	\$250.00	\$250.00
760 White Pedestrian Crossing	EA.	2	\$400.00	\$800.00
<b>Traffic Signal Items</b>				
800 Traffic Detection Loops	EA.	15	\$1,000.00	\$15,000.00
<b>Total Project Cost:</b>				<b>\$968,316.75</b>



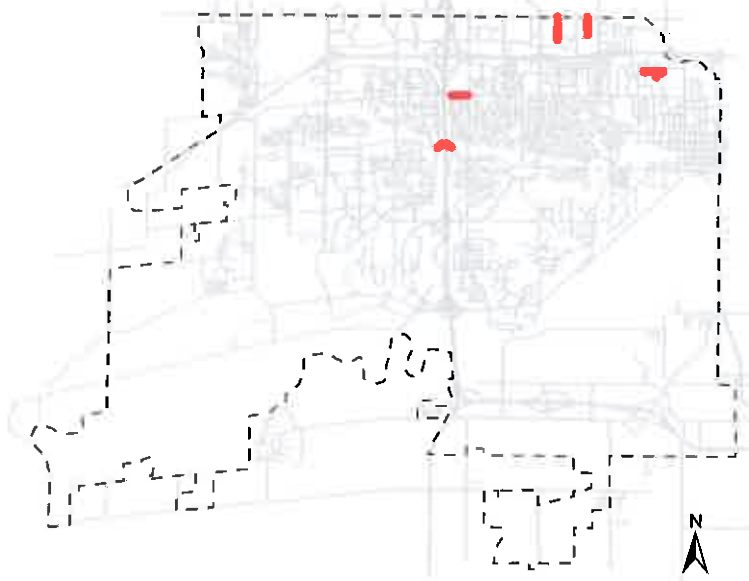
I HEREBY CERTIFY THAT THIS ENGINEER'S ESTIMATE OF CONSTRUCTION COSTS WERE PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

*Jeffrey L. Nash*  
 \_\_\_\_\_  
 Jeffrey L. Nash, P.E.  
 Registration Expires December 31, 2016

*2-13-15*  
 \_\_\_\_\_  
 Date



**VICINITY MAP**



**LEGEND**

PROJECT LOCATIONS 



**DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION**  
560 S. 16TH STREET (515)222-3475  
WEST DES MOINES, IOWA 50265  
FAX NO. (515)222-3478

PROJECT: **2015 HMA RESURFACING PROGRAM  
0510-007-2015**

LOCATION: **VARIOUS**

DRAWN BY: REF

DATE: 2/12/2015

SHT. 1 OF 1

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

**ITEM:**

**DATE: February 23, 2015**

Resolution - Ordering Construction  
Grand Prairie Parkway Tree Cutting  
Mills Civic Parkway to Wendover Road

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the Grand Prairie Parkway Tree Cutting Project is \$105,000.00. All costs will be paid from City funds. Payments will be made from budgeted account no. 4287.75.820.6.7910 with the ultimate funding intended to come from General Obligation bonds.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, March 4, 2015, and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, March 9, 2015. The contract would be awarded on Monday, March 9, 2015, and work will begin shortly thereafter.

The trees will be cut by March 31, 2015. The project is scheduled to be completed by April 17, 2015.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the Grand Avenue Tree Cutting Project.
- Fixing 2:00 p.m. on Wednesday, March 4, 2015, as the time and date for project Bid Letting.
- Ordering the City Clerk to publish notice of Letting and Public Hearing.

**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	RTG

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Public Works		
Date Reviewed	February 17, 2015		
Recommendation	Yes	No	Split

**Resolution Ordering Construction and  
Notice of Public Hearing on Plans, Specifications, Form of Contract, Estimate of Cost, and Directing  
Advertisement for Bids**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA,**  
that the following described public improvement:

**Grand Prairie Parkway Tree Cutting  
Project No. 0510-024-2015**

is hereby ordered to be constructed according to the Plans and Specifications prepared by the Engineering Division of the City of West Des Moines and now on file in the office of the City Clerk.

**BE IT FURTHER RESOLVED,** that the detailed Plans and Specifications, Form of Contract, Bid Security, and Notice to Bidders are hereby approved, subject to hearing thereon, and that the same are now on file in the office of the City Clerk for public inspection.

**BE IT FURTHER RESOLVED,** that the City Clerk is hereby directed to publish notice of hearing on the Plans and Specifications, Form of Contract, Bid Security and Estimate of Costs for said project to be held at 5:35 p.m. on Monday, March 9, 2015, with said notice published not less than four (4) days nor more than twenty (20) days prior to the date heretofore fixed.

**BE IT FURTHER RESOLVED,** that the City Clerk is hereby directed to publish Notice to Bidders for said project with publication not less than four (4) days nor more than forty-five (45) days prior to the date for receiving bids. Said bids are to be filed prior to 2:00 p.m. on Wednesday, March 4, 2015.

**BE IT FURTHER RESOLVED,** that the bids received for construction of said improvements will be opened, publicly read and tabulated by the City Clerk, Deputy City Clerk, or City Clerk designee at 2:00 p.m. on Wednesday, March 4, 2015, and the results of said bids shall be considered at a meeting of this Council on Monday, March 9, 2015, at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED 23rd day of February, 2015.**

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

ATTEST:

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



ENGINEER'S OPINION OF PROBABLE COST

Grand Prairie Parkway Tree Cutting

Mills Civic Parkway to Wendover Road

West Des Moines, Iowa

Project Number: 0510-024-2015

Date: February 18, 2015




ITEM NO.	ITEM CODE	ITEM	UNIT	QUANTITY	UNIT PRICE	Total Cost
<b>DIVISION 1 - GENERAL</b>						
1		CONSTRUCTION SURVEY	LS	1	\$ 5,000.00	\$ 5,000.00
2		CLEARING	LS	1	\$ 85,000.00	\$ 85,000.00
3		TRAFFIC CONTROL	LS	1	\$ 2,000.00	\$ 2,000.00
4		CONSTRUCTION FENCE	LF	1300	\$ 10.00	\$ 13,000.00
<b>SUBTOTAL</b>						\$ 105,000.00
CONTINGENCY (5%)						\$ 5,250.00
<b>TOTAL ESTIMATED CONSTRUCTION COSTS</b>						\$ 111,000.00

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.

*Bradley D. Hopkey* 2/18/15  
DATE

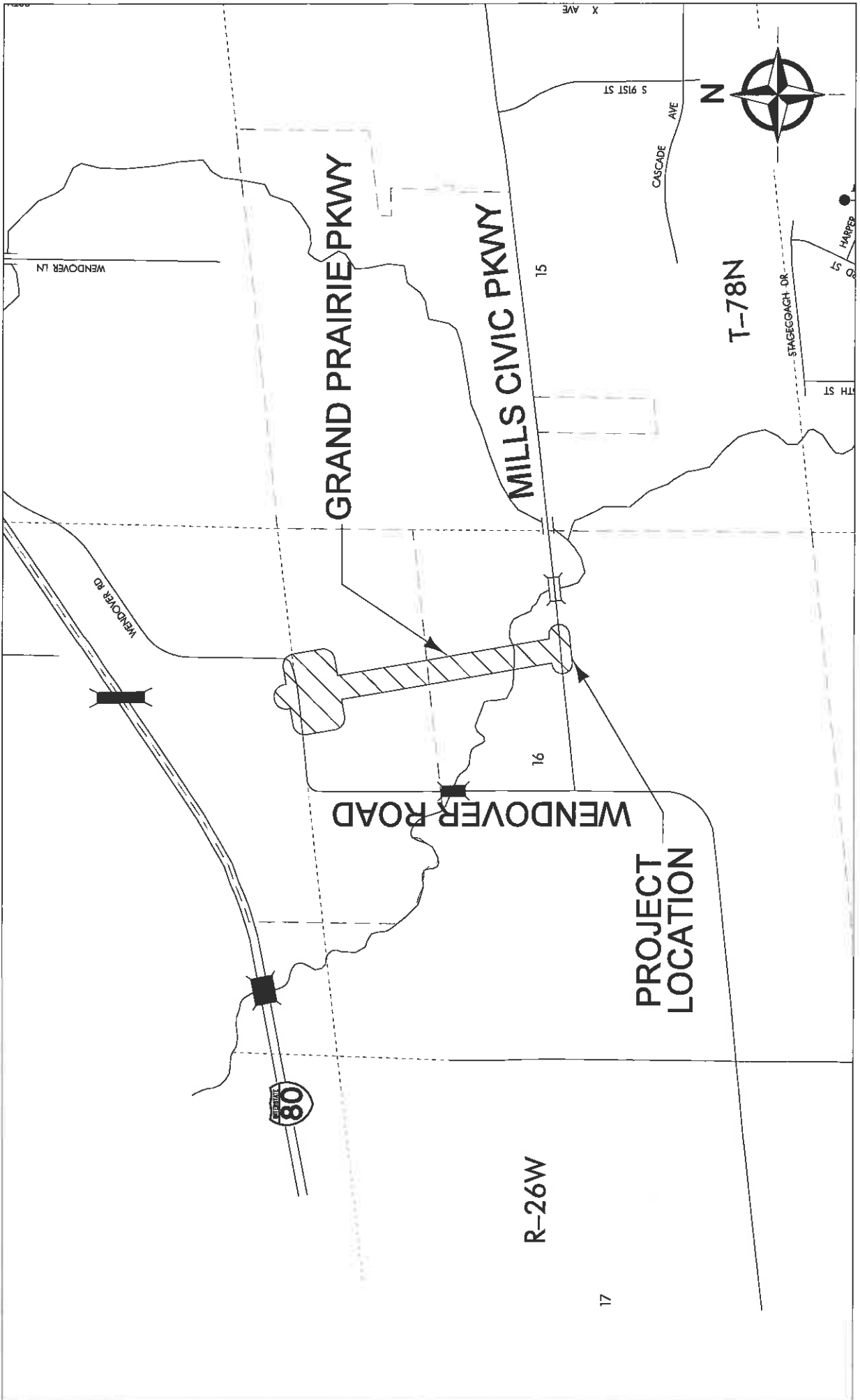
BRADLEY D. HOPKEY, P.E.  
License Number: 16305  
My license renewal date is DECEMBER 31, 2016.  
Pages or sheets covered by this seal: Page 1



Foth Infrastructure and Environment, LLC  
 6191 Birchwood Court, Suite L  
 Johnston, Iowa 50131  
 Phone: (515) 254-1393  
 Fax: (515) 254-1642

# LOCATION MAP

NOT TO SCALE



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

**4(m)1**

**DATE: February 23, 2015**

**ITEM:**

Resolution - Accepting Work  
Southwest Connector - Phase 3  
Elder Corporation

**FINANCIAL IMPACT:**

The total construction cost for the Southwest Connector Phase 3 was \$1,618,296.45 which was paid from budgeted Account No. 4070.75.820.6.7910. The original cost of the project was \$1,694,500.00. There were (3) Change Orders on the project that totaled \$76,203.55.

**BACKGROUND:**

Elder Corporation was working under an agreement dated January 21, 2013, for construction services for the Southwest Connector - Phase 3.

This project is the third in a series of four possible projects to construct Veterans Parkway (formerly the SW Connector) from Relocated Highway 5 to Highway 28. This specific project is located southwesterly from Highway 28 approximately 1,500 feet.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:  
- Resolution Accepting Work

**Lead Staff Member: Duane C. Wittstock, P.E., L.S., City Engineer**

*DeW*

**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>RTJ</i>

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)		
Published In		Committee	Public Works	
Dates(s) Published		Date Reviewed	February 17, 2015	
		Recommendation	Yes	No
				Split



**Resolution Accepting Work**

**WHEREAS**, on January 21, 2013, the City Council entered into a contract with Elder Corporation of Des Moines, Iowa, for the following described public improvement:

**Southwest Connector - Phase 3  
0510-014-2010**

And,

**WHEREAS**, said contractor has substantially completed the construction of said improvement in accordance with plans and specifications as shown by the report of the City Engineer filed with the City Clerk on February 23, 2015.

Therefore

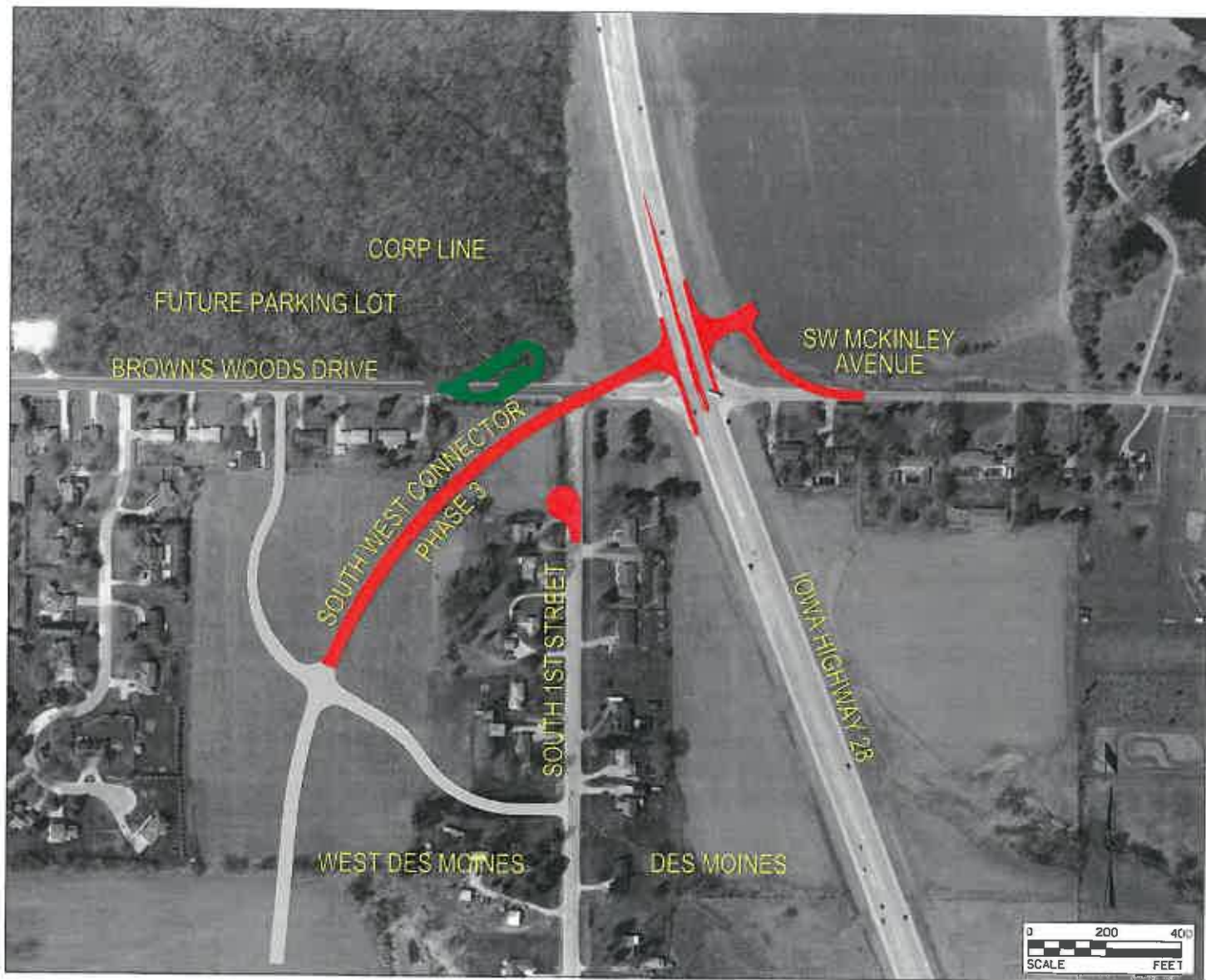
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that said report of the City Engineer is hereby approved and said public improvement is accepted as having been substantially completed in accordance with plans and specifications and the total final construction cost of said improvement is \$1,618,296.45 as shown in said report.

**PASSED AND APPROVED** this 23rd day of February, 2015.

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

ATTEST:

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



VICINITY MAP  
 SW CONNECTOR - PHASE 3  
 CITY PROJECT NO. 0510-014-2010

**LEGEND**

- PROPOSED CONSTRUCTION 2013
- FUTURE BROWNS WOODS PARKING LOT



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

**4(m)2**

**DATE: February 23, 2015**

**ITEM:**

Resolution - Accepting Work  
2014 Intake Repair Program  
The Underground Company, Ltd.

**FINANCIAL IMPACT:**

The total construction cost for the 2014 Intake Repair Program was \$123,232.50 which was paid from budgeted Account No. 5546.80.820.6.7910. The original cost of the project was \$139,900.00. There was (1) Change Order on the project that totaled **(\$16,667.50)**.

**BACKGROUND:**

The Underground Company, Ltd. was working under an agreement dated April 21, 2014, for construction services for the 2014 Intake Repair Program.

This project is the removal and replacement of eighteen (18) intake structures at various locations in the City of West Des Moines, PCC patching, traffic control, and miscellaneous related work.



**RECOMMENDATION:**

City Council Adopt:

- Resolution Accepting Work

Lead Staff Member: <sup>BJC</sup> Benjamin J. McAlister, P.E.

**STAFF REVIEWS**

Department Director	Bret Hodne, Public Works Director 
Appropriations/Finance	Tim Stiles, Finance Director 
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	<i>RTJ</i>

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)			
Published In		Committee	Public Works		
Dates(s) Published		Date Reviewed	February 17, 2015		
		Recommendation	Yes	No	Split

**Resolution Accepting Work**

**WHEREAS**, on April 21, 2014, the City Council entered into a contract with The Underground Company, Ltd. of Carlisle, Iowa, for the following described public improvement:

**2014 Intake Repair Program  
0510-029-2014**

And,

**WHEREAS**, said contractor has substantially completed the construction of said improvement in accordance with plans and specifications as shown by the report of the City Engineer filed with the City Clerk on February 23, 2015.

Therefore

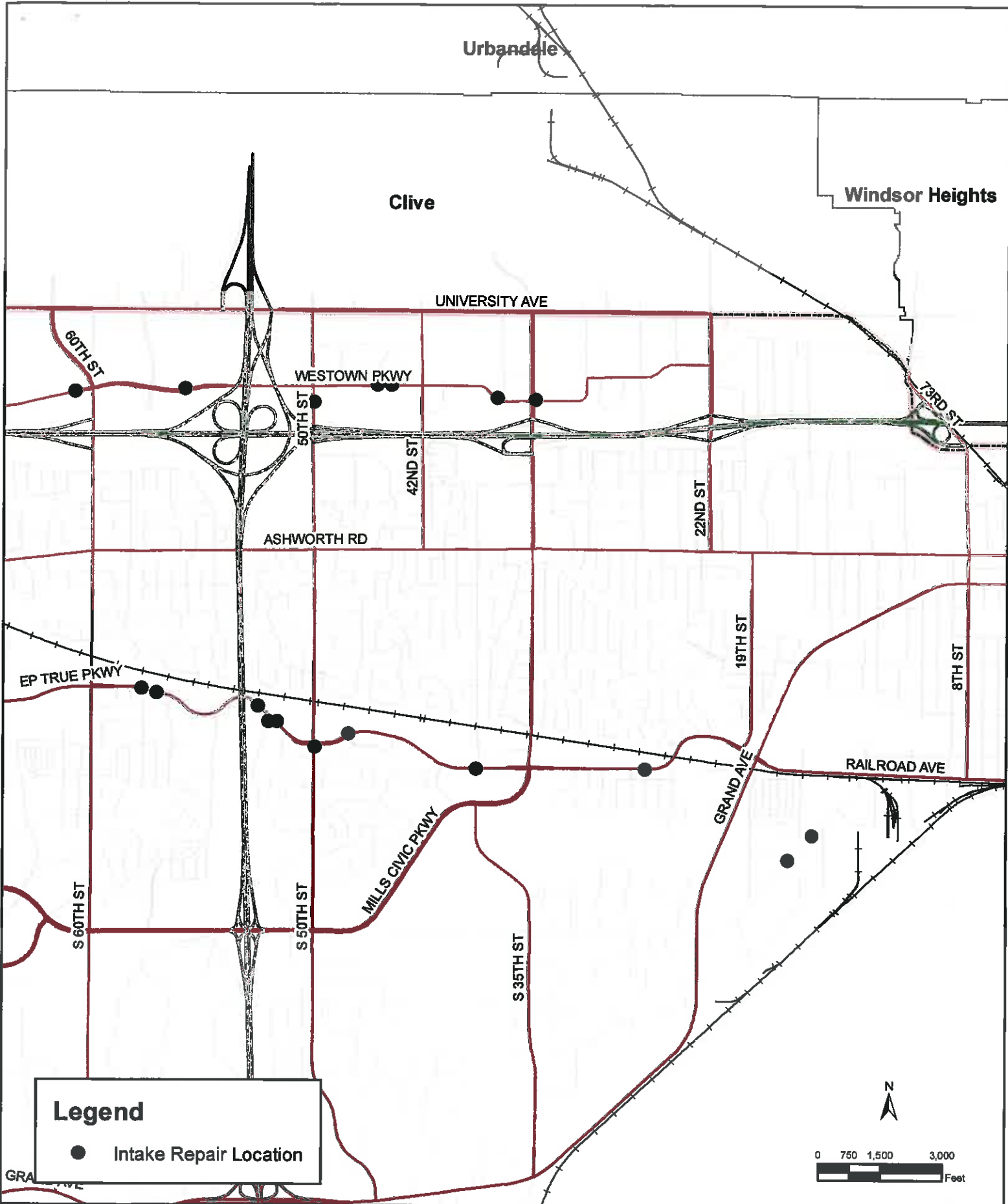
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that said report of the City Engineer is hereby approved and said public improvement is accepted as having been substantially completed in accordance with plans and specifications and the total final construction cost of said improvement is \$123,232.50 as shown in said report.

**PASSED AND APPROVED** this 23rd day of February, 2015.

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

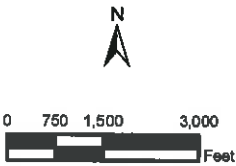
ATTEST:

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



**Legend**

- Intake Repair Location




**DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION**  
 560 S. 16TH STREET (515)222-3475  
 WEST DES MOINES, IOWA 50265  
 FAX NO. (515)222-3478

PROJECT: <b>2014 Intake Repair Program</b>		
LOCATION: <b>Vicinity Map</b>		
PROJECT NO. - 0510-029-2014		
DRAWN BY: BJM	DATE: 02/03/2014	SHT. A.01

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

**4(m)3**

**DATE: February 23, 2015**

**ITEM:**

Resolution - Accepting Work  
2014 Sewer Rehabilitation Program  
The Underground Company, Ltd.

**FINANCIAL IMPACT:**

The total construction cost for the 2014 Sewer Rehabilitation Program was \$131,555.87 which was paid from budgeted Account No. 5082.80.820.6.7910. The original cost of the project was \$131,875.00. There was one (1) Change Order on the project that totaled **(\$319.13)**.

**BACKGROUND:**

The Underground Company, Ltd. was working under an agreement dated June 2, 2014, for construction services for the 2014 Sewer Rehabilitation Program.

This project is part of the ongoing program to rehabilitate existing portions of West Des Moines' sanitary sewer system. The project includes excavation and repair of broken sanitary sewer pipes at five (5) different locations throughout the City and removal and replacement of three (3) sanitary sewer manholes at different locations throughout the City.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Accepting Work

Lead Staff Member: <sup>CAC JMS</sup> Jason M. Schlickbernd, P.E.

**STAFF REVIEWS**

Department Director	Bret Hodne, Public Works Director <i>ML</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>MS</i>
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	<i>RTG</i>

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)			
Published In		Committee	Public Works		
Dates(s) Published		Date Reviewed	February 17, 2015		
		Recommendation	Yes	No	Split

**Resolution Accepting Work**

**WHEREAS**, on June 2, 2014, the City Council entered into a contract with The Underground Company, Ltd. of Carlisle, Iowa, for the following described public improvement:

**2014 Sewer Rehabilitation Program  
0510-011-2014**

And,

**WHEREAS**, said contractor has substantially completed the construction of said improvement in accordance with plans and specifications as shown by the report of the City Engineer filed with the City Clerk on February 23, 2015.

Therefore

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that said report of the City Engineer is hereby approved and said public improvement is accepted as having been substantially completed in accordance with plans and specifications and the total final construction cost of said improvement is \$131,555.87 as shown in said report.

**PASSED AND APPROVED** this 23rd day of February, 2015.

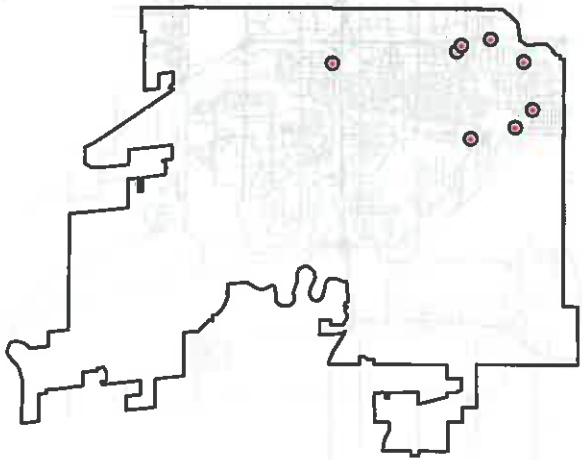
\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

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



**VICINITY MAP**



**LEGEND**

● PROJECT LOCATION



**DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION**  
580 S. 16TH STREET (515)222-3475  
WEST DES MOINES, IOWA 50265  
FAX NO. (515)222-3478

PROJECT:	<b>2014 SEWER REHABILITATION PROGRAM</b>	
	PROJECT NO. - 0510-011-2014	
LOCATION:	<b>VARIOUS LOCATIONS</b>	
DRAWN BY:	JMS	DATE: 05/01/2014
		SHT. 1 OF 1



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

**4(m)4**

**DATE: February 23, 2015**

**ITEM:**

Resolution - Accepting Work  
Thornwood Area Sanitary Sewer - Phase 2  
Halbrook Excavating

**FINANCIAL IMPACT:**

The total construction cost for the Thornwood Area Sanitary Sewer - Phase 2 was \$122,922.00 which was paid from budgeted Account No. 5011.80.820.6.7910. The original cost of the project was \$171,741.00. There was one (1) Change Order on the project that totaled \$31.00. The contractor, under supplemental agreement, will be responsible to install four (4) grinder pumps and supporting facilities should the City make that request up to five (5) years after the project acceptance. The remaining balance of the contract (\$48,850.00) is to cover those potential costs associated to the work.

**BACKGROUND:**

Halbrook Excavating was working under an agreement dated September 17, 2012, for construction services for the Thornwood Area Sanitary Sewer - Phase 2.

This project is the third of a four phase project to provide sanitary sewer service to the Thornwood development.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:  
- Resolution Accepting Work

**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 <i>DCW</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	Richard Scieszinski, City Attorney <i>RS</i>
Agenda Acceptance	<i>RTJ</i>

<b>PUBLICATION(S) (if applicable)</b>		<b>SUBCOMMITTEE REVIEW (if applicable)</b>		
Published In		Committee	Public Works	
Dates(s) Published		Date Reviewed	February 17, 2015	
		Recommendation	Yes	No Split

**Resolution Accepting Work**

**WHEREAS**, on September 17, 2012, the City Council entered into a contract with Halbrook Excavating of Ankeny, Iowa, for the following described public improvement:

**Thornwood Area Sanitary Sewer - Phase 2  
0510-040-2011**

And,

**WHEREAS**, said contractor has substantially completed the construction of said improvement in accordance with plans and specifications as shown by the report of the City Engineer filed with the City Clerk on February 23, 2015.

Therefore

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that said report of the City Engineer is hereby approved and said public improvement is accepted as having been substantially completed in accordance with plans and specifications and the total final construction cost of said improvement is \$122,922.00 as shown in said report.

**PASSED AND APPROVED** this 23rd day of February, 2015.

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

ATTEST:

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

**WEST DES MOINES, IOWA  
 THORNWOOD AREA SANITARY SEWER  
 PRESSURE SEWER PHASE 2**



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

**ITEM:** Direct Advertisement for Sale, Approval of Electronic Bidding Procedures, and Approval of Official Statement – Issuance of \$22,490,000 General Obligation Urban Renewal Bonds      **DATE:** February 23, 2015

**FINANCIAL IMPACT:** Ultimate debt service amounts (principal and interest) are undetermined, pending interest rate bids received on Monday, March 9, 2015. Interest is estimated to range from 1.02% to 2.92% with an approximate overall interest rate of 2.70%, with final maturity scheduled for June 1, 2029 (14 year bonds). Interest payments begin December 1, 2015 and continue semiannually thereafter. Interest will be computed on the basis of a 360-day year of twelve 30-day months. Bonds due after June 1, 2023, will be subject to call for prior redemption on said date or on any day thereafter upon terms of par plus accrued interest to date of call.

**BACKGROUND:** This action allows the sale of \$22,490,000 of General Obligation Bonds (Series 2015A), to partially defray the costs of constructing a number of CIP projects related to Project Alluvion. Staff has factored the cost of the proposed issuance compared to the total amount of funds available from the Alluvion Urban Renewal Area in order to maintain positive cash flow throughout the life of the bond issuance and the urban renewal area.

The resolution for this item also approves a Preliminary Official Statement and authorizes its distribution with respect to the above-referenced issues. The Council is encouraged to review the Official Statement as its preparation is subject to Federal Securities Law regulation. As such, the City must be certain that facts and representations are true and correct in all material respects, up to and including the date of the delivery of the bonds. A copy of the Preliminary Official Statement has been sent electronically to the Councilmembers and is available for review in the offices of the City Clerk and Finance Director.

On June 2, 2014, a public hearing was held to institute proceedings on the issuance of “not to exceed” \$87 million General Obligation Bonds, covering all issuances of Alluvion-related bonds. No public comments were received at the previous hearing.

Proposals will be received Monday, March 9, 2015, at 10:00am, and either staff or a representative of the City’s Financial Advisory Firm, Public Financial Management (PFM), will report on the results to Council at its meeting scheduled for that same evening.

**RECOMMENDATION:** Adoption of Resolution instituting proceeds to take additional action, approval of the Preliminary Official Statement, and authorization of electronic bidding procedures for the issuance of not to exceed \$22,490,000 General Obligation Urban Renewal Bonds

**Lead Staff Member:** Tim Stiles, Finance Director

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$22,490,000 GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2015A, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT" and moved its adoption. Council Member \_\_\_\_\_ seconded the Resolution to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the resolution duly adopted as follows:

**RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$22,490,000 GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2015A, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT**

WHEREAS, the Issuer is in need of funds to pay costs of aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Urban Renewal Plan for the Alluvion Urban Renewal Area, including public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm water conveyance structures, bridges, railroad crossings, bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, landscaping, street lights and related improvements for portions of Connector Street, South 8th Street, Maffitt Lake Road, County Line Road, and Pine Avenue; water storage improvements including facility and wells, installation, signage, security fencing, and other related improvements, including land acquisition; water lines to connect supply distribution system; sanitary sewer improvements including extension and construction of new sewer lines; power line relocation, essential corporate urban renewal purpose project(s), and it is deemed necessary and advisable that the City issue General Obligation Urban Renewal Bonds, for such purpose(s) to the amount of not to exceed \$87,000,000 as authorized by Sections 384.25 and 403.12 of the Code of Iowa; and

WHEREAS, pursuant to notice published as required by Sections 384.24 (3)(q), 384.25, and 403.12 this Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of said Bonds, and all objections, if any, to such Council action made by any resident or property owner of the City were received and considered by the Council; and no petition having been filed, it is the decision of the Council that additional action

be taken for the issuance of said Bonds for such purpose(s), and that such action is considered to be in the best interests of the City and the residents thereof.

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

Section 1. That the receipt of electronic bids by facsimile machine and through the Parity Competitive Bidding System described in the Notice of Sale and Official Statement are hereby found and determined to provide reasonable security and to maintain the integrity of the competitive bidding process, and to facilitate the delivery of bids by interested parties in connection with the offering at public sale.

Section 2. That \$22,490,000 General Obligation Urban Renewal Bonds, Series 2015A, of City of West Des Moines, State of Iowa, in the amount of \$22,490,000, to be issued as referred to in the preamble of this Resolution, to be dated April 7, 2015, be offered for sale pursuant to the published advertisement.

Section 3. That the preliminary Official Statement in the form presented to this meeting be and the same hereby is approved as to form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission, subject to such revisions, corrections or modifications as the Mayor and City Clerk, upon the advice of bond counsel and the City's Municipal Advisor, shall determine to be appropriate, and is authorized to be distributed in connection with the offering of the Bonds for sale.

Section 4. That the Clerk is hereby directed to publish notice of sale of the Bonds at least once, the last one of which shall be not less than four clear days nor more than twenty days before the date of the sale. Publication shall be made in the "Des Moines Register", a legal newspaper, printed wholly in the English language, published within the county in which the Bonds are to be offered for sale or an adjacent county. The notice is given pursuant to Chapter 75 of the Code of Iowa, and shall state that this Council, on the 9<sup>th</sup> day of March, 2015, at 5:30 P.M., will hold a meeting to receive and act upon bids for said Bonds, which bids were previously received and opened by City Officials at 10:00 A.M. on said date. The notice shall be in substantially the following form:

(Notice to be published on or before: March 3, 2015)

## NOTICE OF BOND SALE

**Time and Place of Sealed Bids:** Bids for the sale of Bonds of the City of West Des Moines, State of Iowa, hereafter described, must be received at the office of the City Clerk, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa; Telephone: 515-222-3600 (the "Issuer") before 10:00 A.M., on the 9<sup>th</sup> day of March, 2015. The bids will then be publicly opened and referred for action to the meeting of the City Council in conformity with the TERMS OF OFFERING.

**The Bonds:** The Bonds to be offered are the following:

GENERAL OBLIGATION URBAN RENEWAL BONDS,  
SERIES 2015A, in the amount of \$22,490,000\*, to be dated April  
7, 2015;

TAXABLE GENERAL OBLIGATION URBAN RENEWAL  
BONDS, SERIES 2015B, in the amount of \$12,835,000\*, to be  
dated April 7, 2015; and

GENERAL OBLIGATION URBAN RENEWAL REFUNDING  
BONDS, SERIES 2015C, in the amount of \$3,475,000\*, to be  
dated April 7, 2015

(collectively the "Bonds")

\*Subject to principal adjustment pursuant to official Terms of Offering.

**Manner of Bidding:** Open bids will not be received. Bids will be received in any of the following methods:

- **Sealed Bidding:** Sealed bids may be submitted and will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265.
- **Electronic Internet Bidding:** Electronic internet bids will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265. The bids must be submitted through the PARITY® competitive bidding system.
- **Electronic Facsimile Bidding:** Electronic facsimile bids will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265 (facsimile number: 515-222-3620). Electronic facsimile bids will be treated as sealed bids.

**Consideration of Bids:** After the time for receipt of bids has passed, the close of sealed bids will be announced. Sealed bids will then be publicly opened and announced. Finally, electronic internet bids will be accessed and announced.

**Sale and Award:** The sale and award of the Bonds will be held at the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa at a meeting of the City Council on the above date at 5:30 P.M.

**Official Statement:** The Issuer has issued an Official Statement of information pertaining to the Bonds to be offered, including a statement of the Terms of Offering and Official Bid Forms, which are incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the City Clerk, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa; Telephone: 515-222-3600 or the Issuer's Municipal Advisor, Public Financial Management, Inc., 801 Grand Avenue, Suite 3300, Des Moines, Iowa, 50309, Telephone: 515-243-2600.

**Terms of Offering:** All bids shall be in conformity with and the sale shall be in accord with the Terms of Offering as set forth in the Official Statement.

**Legal Opinion:** The Bonds will be sold subject to the opinion of Ahlers & Cooney, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished together with the printed Bonds without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the Bonds, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the Bonds.

**Rights Reserved:** The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

By order of the City Council of the City of West Des Moines, State of Iowa.

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

(End of Notice)



PASSED AND APPROVED this 23<sup>rd</sup> day of February, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

**ITEM:** Direct Advertisement for Sale, Approval of Electronic Bidding Procedures, and Approval of Official Statement – Issuance of \$12,835,000 Taxable General Obligation Urban Renewal Bonds      **DATE:** February 23, 2015

**FINANCIAL IMPACT:** Ultimate debt service amounts (principal and interest) are undetermined, pending interest rate bids received on Monday, March 9, 2015. Interest is estimated to range from 1.52% to 3.07% with an approximate overall interest rate of 2.84%, with final maturity scheduled for June 1, 2025 (10 year bonds). Interest payments begin December 1, 2015 and continue semiannually thereafter. Interest will be computed on the basis of a 360-day year of twelve 30-day months. Bonds due after June 1, 2023, will be subject to call for prior redemption on said date or on any day thereafter upon terms of par plus accrued interest to date of call.

**BACKGROUND:** This action allows the sale of \$12,835,000 of General Obligation Bonds (Series 2015B), to partially defray the costs of constructing a number of CIP projects related to Project Alluvion. Staff has factored the cost of the proposed issuance compared to the total amount of funds available from the Alluvion Urban Renewal Area in order to maintain positive cash flow throughout the life of the bond issuance and the urban renewal area.

The resolution for this item also approves a Preliminary Official Statement and authorizes its distribution with respect to the above-referenced issues. The Council is encouraged to review the Official Statement as its preparation is subject to Federal Securities Law regulation. As such, the City must be certain that facts and representations are true and correct in all material respects, up to and including the date of the delivery of the bonds. A copy of the Preliminary Official Statement has been sent electronically to the Councilmembers and is available for review in the offices of the City Clerk and Finance Director.

On June 2, 2014, a public hearing was held to institute proceedings on the issuance of "not to exceed" \$87 million General Obligation Bonds, covering all issuances of Alluvion-related bonds. No public comments were received at the previous hearing.

Proposals will be received Monday, March 9, 2015, at 10:00am, and either staff or a representative of the City's Financial Advisory Firm, Public Financial Management (PFM), will report on the results to Council at its meeting scheduled for that same evening.

**RECOMMENDATION:** Adoption of Resolution instituting proceeds to take additional action, approval of the Preliminary Official Statement, and authorization of electronic bidding procedures for the issuance of not to exceed \$12,835,000 General Obligation Urban Renewal Bonds

**Lead Staff Member:** Tim Stiles, Finance Director *Tim Stiles*

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>RTG</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$12,835,000 TAXABLE GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2015B, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT" and moved its adoption. Council Member \_\_\_\_\_ seconded the Resolution to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$12,835,000 TAXABLE GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2015B, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT

WHEREAS, the Issuer is in need of funds to pay costs of aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Urban Renewal Plan for the Alluvion Urban Renewal Area, including power line relocation; funding incentives pursuant to a development agreement with Microsoft, essential corporate urban renewal purpose project(s), and it is deemed necessary and advisable that the City issue Taxable General Obligation Urban Renewal Bonds, for such purpose(s) to the amount of not to exceed \$87,000,000 as authorized by Sections 384.25 and 403.12 of the Code of Iowa; and

WHEREAS, pursuant to notice published as required by Sections 384.24 (3)(q), 384.25, and 403.12 this Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of said Bonds, and all objections, if any, to such Council action made by any resident or property owner of the City were received and considered by the Council; and no petition having been filed, it is the decision of the Council that additional action be taken for the issuance of said Bonds for such purpose(s), and that such action is considered to be in the best interests of the City and the residents thereof.

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

Section 1. That the receipt of electronic bids by facsimile machine and through the Parity Competitive Bidding System described in the Notice of Sale and Official Statement are hereby found and determined to provide reasonable security and to maintain the integrity of the competitive bidding process, and to facilitate the delivery of bids by interested parties in connection with the offering at public sale.

Section 2. That \$12,835,000 Taxable General Obligation Urban Renewal Bonds, Series 2015B, of City of West Des Moines, State of Iowa, in the amount of \$12,835,000, to be issued as referred to in the preamble of this Resolution, to be dated April 7, 2015, be offered for sale pursuant to the published advertisement.

Section 3. That the preliminary Official Statement in the form presented to this meeting be and the same hereby is approved as to form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission, subject to such revisions, corrections or modifications as the Mayor and City Clerk, upon the advice of bond counsel and the City's Municipal Advisor, shall determine to be appropriate, and is authorized to be distributed in connection with the offering of the Bonds for sale.

Section 4. That the Clerk is hereby directed to publish notice of sale of the Bonds at least once, the last one of which shall be not less than four clear days nor more than twenty days before the date of the sale. Publication shall be made in the "Des Moines Register", a legal newspaper, printed wholly in the English language, published within the county in which the Bonds are to be offered for sale or an adjacent county. The notice is given pursuant to Chapter 75 of the Code of Iowa, and shall state that this Council, on the 9<sup>th</sup> day of March, 2015, at 5:30 P.M., will hold a meeting to receive and act upon bids for said Bonds, which bids were previously received and opened by City Officials at 10:00 A.M. on said date. The notice shall be in substantially the following form:

(Notice to be published on or before: March 3, 2015)

## NOTICE OF BOND SALE

**Time and Place of Sealed Bids:** Bids for the sale of Bonds of the City of West Des Moines, State of Iowa, hereafter described, must be received at the office of the City Clerk, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa; Telephone: 515-222-3600 (the "Issuer") before 10:00 A.M., on the 9<sup>th</sup> day of March, 2015. The bids will then be publicly opened and referred for action to the meeting of the City Council in conformity with the TERMS OF OFFERING.

**The Bonds:** The Bonds to be offered are the following:

GENERAL OBLIGATION URBAN RENEWAL BONDS,  
SERIES 2015A, in the amount of \$22,490,000\*, to be dated April 7, 2015;

TAXABLE GENERAL OBLIGATION URBAN RENEWAL  
BONDS, SERIES 2015B, in the amount of \$12,835,000\*, to be dated April 7, 2015; and

GENERAL OBLIGATION URBAN RENEWAL REFUNDING  
BONDS, SERIES 2015C, in the amount of \$3,475,000\*, to be dated April 7, 2015

(collectively the "Bonds")

\*Subject to principal adjustment pursuant to official Terms of Offering.

**Manner of Bidding:** Open bids will not be received. Bids will be received in any of the following methods:

- **Sealed Bidding:** Sealed bids may be submitted and will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265.
- **Electronic Internet Bidding:** Electronic internet bids will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265. The bids must be submitted through the PARITY® competitive bidding system.
- **Electronic Facsimile Bidding:** Electronic facsimile bids will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265 (facsimile number: 515-222-3620). Electronic facsimile bids will be treated as sealed bids.

Consideration of Bids: After the time for receipt of bids has passed, the close of sealed bids will be announced. Sealed bids will then be publicly opened and announced. Finally, electronic internet bids will be accessed and announced.

Sale and Award: The sale and award of the Bonds will be held at the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa at a meeting of the City Council on the above date at 5:30 P.M.

Official Statement: The Issuer has issued an Official Statement of information pertaining to the Bonds to be offered, including a statement of the Terms of Offering and Official Bid Forms, which are incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the City Clerk, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa; Telephone: 515-222-3600 or the Issuer's Municipal Advisor, Public Financial Management, Inc., 801 Grand Avenue, Suite 3300, Des Moines, Iowa, 50309, Telephone: 515-243-2600.

Terms of Offering: All bids shall be in conformity with and the sale shall be in accord with the Terms of Offering as set forth in the Official Statement.

Legal Opinion: The Bonds will be sold subject to the opinion of Ahlers & Cooney, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished together with the printed Bonds without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the Bonds, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the Bonds.

Rights Reserved: The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

By order of the City Council of the City of West Des Moines, State of Iowa.

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

(End of Notice)

PASSED AND APPROVED this 23<sup>rd</sup> day of February, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

**ITEM:** Direct Advertisement for Sale, Approval of Electronic Bidding Procedures, and Approval of Official Statement – **DATE:** February 23, 2015  
Issuance of \$3,475,000 General Obligation Urban Renewal Refunding Bonds

**FINANCIAL IMPACT:** Ultimate debt service amounts (principal and interest) are undetermined, pending interest rate bids received on Monday, March 9, 2015. Interest is estimated to range from 0.73% to 1.21% with an approximate overall interest rate of 1.43%, with final maturity scheduled for June 1, 2020 (5 year bonds). Interest payments begin December 1, 2015 and continue semiannually thereafter. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

**BACKGROUND:** This action allows the sale of \$3,475,000 of General Obligation Bonds (Series 2015B), to crossover refund the City's existing Series 2008B General Obligation Urban Renewal Bonds.

The resolution for this item also approves a Preliminary Official Statement and authorizes its distribution with respect to the above-referenced issues. The Council is encouraged to review the Official Statement as its preparation is subject to Federal Securities Law regulation. As such, the City must be certain that facts and representations are true and correct in all material respects, up to and including the date of the delivery of the bonds. A copy of the Preliminary Official Statement has been sent electronically to the Councilmembers and is available for review in the offices of the City Clerk and Finance Director.

At this Council Meeting, a public hearing will be held to institute proceedings on this issuance. The amount requested as a "not-to-exceed" is slightly higher (\$3,680,000 to accommodate potential uncertainty in the final sale).

Proposals will be received Monday, March 9, 2015, at 10:00am, and either staff or a representative of the City's Financial Advisory Firm, Public Financial Management (PFM), will report on the results to Council at its meeting scheduled for that same evening.

**RECOMMENDATION:** Adoption of Resolution instituting proceeds to take additional action, approval of the Preliminary Official Statement, and authorization of electronic bidding procedures for the issuance of \$3,475,000 General Obligation Urban Renewal Bonds

**OUTSTANDING ISSUES:** Conduct the public hearing associated with this issuance – scheduled for this meeting (February 23, 2015).

**Lead Staff Member:** Tim Stiles, Finance Director *Tim Stiles*

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>RTJ</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	January 24, 2015		
Recommendation	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Split



Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$3,475,000 GENERAL OBLIGATION URBAN RENEWAL REFUNDING BONDS, SERIES 2015C, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT" and moved its adoption. Council Member \_\_\_\_\_ seconded the Resolution to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$3,475,000 GENERAL OBLIGATION URBAN RENEWAL REFUNDING BONDS, SERIES 2015C, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT

WHEREAS, the Issuer is in need of funds to pay costs of aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Amended and Restated Urban Renewal Plan for the Mills Parkway Urban Renewal District, including refunding the outstanding General Obligation Urban Renewal Bonds, Series 2008B, essential corporate urban renewal purpose project(s), and it is deemed necessary and advisable that the City issue General Obligation Urban Renewal Bonds, for such purpose(s) to the amount of not to exceed \$3,680,000 as authorized by Sections 384.25 and 403.12 of the Code of Iowa; and

WHEREAS, pursuant to notice published as required by Sections 384.24 (3)(q), 384.25, and 403.12 this Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of said Bonds, and all objections, if any, to such Council action made by any resident or property owner of the City were received and considered by the Council; and no petition having been filed, it is the decision of the Council that additional action be taken for the issuance of said Bonds for such purpose(s), and that such action is considered to be in the best interests of the City and the residents thereof.

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

Section 1. That the receipt of electronic bids by facsimile machine and through the Parity Competitive Bidding System described in the Notice of Sale and Official Statement are hereby found and determined to provide reasonable security and to maintain the integrity of the competitive bidding process, and to facilitate the delivery of bids by interested parties in connection with the offering at public sale.

Section 2. That \$3,475,000 General Obligation Urban Renewal Refunding Bonds, Series 2015C, of City of West Des Moines, State of Iowa, in the amount of \$3,475,000, to be issued as referred to in the preamble of this Resolution, to be dated April 7, 2015, be offered for sale pursuant to the published advertisement.

Section 3. That the preliminary Official Statement in the form presented to this meeting be and the same hereby is approved as to form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission, subject to such revisions, corrections or modifications as the Mayor and City Clerk, upon the advice of bond counsel and the City's Municipal Advisor, shall determine to be appropriate, and is authorized to be distributed in connection with the offering of the Bonds for sale.

Section 4. That the Clerk is hereby directed to publish notice of sale of the Bonds at least once, the last one of which shall be not less than four clear days nor more than twenty days before the date of the sale. Publication shall be made in the "Des Moines Register", a legal newspaper, printed wholly in the English language, published within the county in which the Bonds are to be offered for sale or an adjacent county. The notice is given pursuant to Chapter 75 of the Code of Iowa, and shall state that this Council, on the 9<sup>th</sup> day of March, 2015, at 5:30 P.M., will hold a meeting to receive and act upon bids for said Bonds, which bids were previously received and opened by City Officials at 10:00 A.M. on said date. The notice shall be in substantially the following form:

(Notice to be published on or before: March 3, 2015)

## NOTICE OF BOND SALE

**Time and Place of Sealed Bids:** Bids for the sale of Bonds of the City of West Des Moines, State of Iowa, hereafter described, must be received at the office of the City Clerk, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa; Telephone: 515-222-3600 (the "Issuer") before 10:00 A.M., on the 9<sup>th</sup> day of March, 2015. The bids will then be publicly opened and referred for action to the meeting of the City Council in conformity with the TERMS OF OFFERING.

**The Bonds:** The Bonds to be offered are the following:

GENERAL OBLIGATION URBAN RENEWAL BONDS,  
SERIES 2015A, in the amount of \$22,490,000\*, to be dated April  
7, 2015;

TAXABLE GENERAL OBLIGATION URBAN RENEWAL  
BONDS, SERIES 2015B, in the amount of \$12,835,000\*, to be  
dated April 7, 2015; and

GENERAL OBLIGATION URBAN RENEWAL REFUNDING  
BONDS, SERIES 2015C, in the amount of \$3,475,000\*, to be  
dated April 7, 2015

(collectively the "Bonds")

\*Subject to principal adjustment pursuant to official Terms of Offering.

**Manner of Bidding:** Open bids will not be received. Bids will be received in any of the following methods:

- **Sealed Bidding:** Sealed bids may be submitted and will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265.
- **Electronic Internet Bidding:** Electronic internet bids will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265. The bids must be submitted through the PARITY® competitive bidding system.
- **Electronic Facsimile Bidding:** Electronic facsimile bids will be received at the office of the City Clerk at City Hall, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265 (facsimile number: 515-222-3620). Electronic facsimile bids will be treated as sealed bids.

Consideration of Bids: After the time for receipt of bids has passed, the close of sealed bids will be announced. Sealed bids will then be publicly opened and announced. Finally, electronic internet bids will be accessed and announced.

Sale and Award: The sale and award of the Bonds will be held at the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa at a meeting of the City Council on the above date at 5:30 P.M.

Official Statement: The Issuer has issued an Official Statement of information pertaining to the Bonds to be offered, including a statement of the Terms of Offering and Official Bid Forms, which are incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the City Clerk, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa; Telephone: 515-222-3600 or the Issuer's Municipal Advisor, Public Financial Management, Inc., 801 Grand Avenue, Suite 3300, Des Moines, Iowa, 50309, Telephone: 515-243-2600.

Terms of Offering: All bids shall be in conformity with and the sale shall be in accord with the Terms of Offering as set forth in the Official Statement.

Legal Opinion: The Bonds will be sold subject to the opinion of Ahlers & Cooney, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished together with the printed Bonds without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the Bonds, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the Bonds.

Rights Reserved: The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

By order of the City Council of the City of West Des Moines, State of Iowa.

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

(End of Notice)

PASSED AND APPROVED this 23<sup>rd</sup> day of February, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

**ITEM:** Determining the Necessity and Setting Dates of Consultation Meeting and Public Hearing—Amendment No. 1 to Alluvion Urban Renewal Area – City-initiated

**DATE:** February 23, 2015

**RESOLUTION:** Determine the Necessity and Establish Consultation Meeting and Public Hearing – Urban Renewal Plan –Amendment No. 1 to Alluvion

**FINANCIAL IMPACT:** The City anticipates spending up to approximately \$62 million, plus financing costs, which will include road improvements of up to \$23 million, water storage/wells of up to \$6 million, water distribution lines of up to \$9.5 million, sanitary sewer improvements of up to \$4 million, power line relocation of up to \$3 million, and a public safety facility of up to \$16 million. In addition, the City expects to provide economic development grants of up to \$11 million to incent various costs related to the development of a fiber optic capable facility for the Microsoft Project. Each of these costs will be funded by incremental property tax revenues generated by properties within the Alluvion Urban Renewal Area.

**BACKGROUND:** Staff has initiated the process to amend the Alluvion Urban Renewal Plan. Land is proposed to be added to the Area in order to accommodate the location of public improvement projects that were listed in the Original Plan. In addition, since the Original Plan was approved, staff has been able to acquire more detailed estimates on the costs of various projects and so, where appropriate, those numbers have been updated. The result is that the cost of public infrastructure is expected to be \$20 million less than previously listed in the Original Plan.

Per the Code of Iowa, the first step in the process to amend an Urban Renewal Plan is for the City Council to set a date for a consultation meeting with all affected taxing entities and to set a date for a City Council public hearing on the proposed Plan. Staff is proposing the consultation meeting date be set for March 4, 2015, and the public hearing be set for the March 23, 2015 City Council meeting.

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

**RECOMMENDATION:** Staff recommends the City Council approve a resolution setting March 4, 2015 as the date for a consultation meeting for the Alluvion Urban Renewal Plan Amendment, and setting March 23, 2015 as the public hearing date for the Alluvion Urban Renewal Plan Amendment, as required by the Code of Iowa.

Lead Staff Member: Naomi Hamlett, AICP, Planner *NH*

**STAFF REVIEWS**

Department Director	Chloe Evans, Community and Economic Development Department <i>CE</i>
Appropriations/Finance	<i>JH</i>
Legal	<i>JBW</i>
Agenda Acceptance	<i>RTG</i>

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

Published In	NA
Date(s) Published	NA
Letter sent to surrounding property owners	NA

**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:**

- Attachment I - Resolution
- Exhibit I - Proposed Alluvion Urban Renewal Plan Amendment

ATTACHMENT I

February 23, 2015

The City Council of the City of West Des Moines, State of Iowa, met in \_\_\_\_\_ session, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, at 5:30 o'clock P.M., on the above date. There were present Mayor \_\_\_\_\_, in the chair, and the following named Council Members:

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

\*\*\*\*\*

Council Member \_\_\_\_\_ then introduced the following proposed Resolution entitled "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN IN THE CITY OF WEST DES MOINES, STATE OF IOWA", and moved that the same be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the Resolution duly adopted as follows:



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

RESOLUTION SETTING DATES OF A CONSULTATION  
AND A PUBLIC HEARING ON A PROPOSED AMENDMENT  
NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN IN THE  
CITY OF WEST DES MOINES, STATE OF IOWA

WHEREAS, by Resolution No. 14-05-19-14, adopted May 19, 2014, 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 Alluvion Urban Renewal Plan (the "Plan") for the Alluvion Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Polk and Dallas Counties; and

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

ORIGINAL URBAN RENEWAL AREA

THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED;

AND,

THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED;

AND,

THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED;

AND,

THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA;

AND,

SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA;

AND,

THE WEST ONE-HALF OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA;

AND,

THE WEST ONE-HALF OF THE EAST ONE-HALF OF SAID SECTION 35;

AND,

THE EAST ONE-HALF OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, WARREN COUNTY, IOWA;

AND,

THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4;

AND,

AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER OF SAID SECTION 4;

AND,

AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, WARREN COUNTY, IOWA ALSO KNOWN AS TAX PARCEL ID No. 93025040263 FORMALLY ALL OR IN PART OF THE CHICAGO & NORTHWESTERN TRANSPORTATION CO. RIGHT-OF-WAY.

ALL OF WHICH IS DESCRIBED AS:

BEGINNING AT SOUTHWEST CORNER OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER (E.1/2-SE.1/4) OF SECTION 28, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA; THENCE NORTH ALONG THE WEST LINE OF THE E.1/2-SE.1/4 OF SAID SECTION 28 TO THE INTERSECTION OF THE WEST LINE OF THE E.1/2-SE.1/4 OF SAID SECTION 28 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE EASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD THROUGH THE SOUTH ONE-HALF OF SECTIONS 28 AND 27, AND THE SOUTHWEST QUARTER OF SECTION 26, ALL IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA, TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW.1/4) OF SAID SECTION 26; THENCE SOUTH ALONG THE EAST LINE OF THE SW.1/4 OF SAID SECTION 26 TO THE NORTHWEST CORNER OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER (W.1/2-NE.1/4) OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA; THENCE EAST ALONG THE NORTH LINE OF THE W.1/2-NE.1/4 TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER (W.1/2-NE.1/4) OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH ALONG THE EAST LINE OF THE W.1/2-NE.1/4 OF SAID SECTION 35 AND ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE

SOUTHEAST QUARTER (W.1/2-SE.1/4) OF SAID SECTION 35 TO THE SOUTHEAST CORNER OF THE W.1/2-SE.1/4 OF SAID SECTION 35; THENCE WEST ALONG THE SOUTH LINE OF SECTIONS 35, AND 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA TO THE NORTHEAST CORNER OF THE NORTHEAST FRACTIONAL QUARTER (NE.FRAC.1/4) OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, WARREN COUNTY, IOWA; THENCE SOUTH ALONG THE EAST LINE OF THE NE.FRAC.1/4 OF SAID SECTION 4 TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE.1/4) OF SAID SECTION 4; THENCE SOUTH ALONG THE EAST LINE OF THE SE.1/4 OF SAID SECTION 4 AND ALONG THE EAST LINE OF FOX VALLEY PLAT 1, AN OFFICIAL PLAT, WEST DES MOINES, WARREN COUNTY, IOWA TO THE SOUTHEAST CORNER OF SAID FOX VALLEY PLAT 1; THENCE WEST ALONG THE SOUTH LINE OF SAID FOX VALLEY PLAT 1 AND ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER (N.1/2-SE.1/4) OF SAID SECTION 4 TO THE SOUTHWEST CORNER OF THE N.1/2-SE.1/4 OF SAID SECTION 4; THENCE NORTH ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE.1/4) OF SAID SECTION 4 TO THE NORTHWEST CORNER OF THE SE.1/4 OF SAID SECTION 4; THENCE EAST ALONG THE NORTH LINE OF THE SE.1/4 OF SAID SECTION 4 TO THE SOUTHWEST CORNER OF AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW.1/4-NE.1/4) OF SAID SECTION 4, ALSO KNOWN AS TAX PARCEL ID No. 93025040263 FORMERLY ALL OR IN PART A PORTION OF THE CHICAGO & NORTHWESTERN TRANSPORTATION CO. RIGHT-OF-WAY AS IT WAS PREVIOUSLY ESTABLISHED; THENCE NORTHEASTERLY ALONG SAID TAX PARCEL No. 93025040263 TO THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST FRACTIONAL QUARTER (E.1/2-NE.FRAC.1/4) OF SAID SECTION 4; THENCE NORTH ALONG THE WEST LINE OF THE E.1/2-NE.FRAC.1/4 OF SAID SECTION 4 TO THE SOUTHWEST CORNER OF EAST ONE-HALF OF SOUTHEAST QUARTER (E.1/2-SE.1/4) OF SAID SECTION 33; THENCE NORTH ALONG THE WEST LINE OF THE E.1/2-SE.1/4 OF SAID SECTION 33 TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER (E.1/2-NE.1/4) OF SAID SECTION 33; THENCE NORTH ALONG THE WEST LINE OF THE E.1/2-NE.1/4 OF SAID SECTION 33 TO THE POINT OF BEGINNING;

**EXCEPT,**

A PORTION OF LOTS 3 AND 5, BRUBAKER ESTATE, AN OFFICIAL PLAT, WEST DES MOINES, POLK COUNTY, IOWA, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE S 00°12'58" E ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MAFFITT LAKE COURT, AS IT IS PRESENTLY ESTABLISHED

(FORMERLY KNOWN AS S.W. 72<sup>ND</sup> AVENUE), AND TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°12'58" E ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 592.08 FEET; THENCE S 32°34'31" W A DISTANCE OF 166.81 TO A POINT ON THE SOUTH LINE OF SAID LOT 3; THENCE N 89°54'37" W ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 193.33 FEET; THENCE NORTHWESTERLY ALONG A 1886.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WHOSE CHORD HAS A BEARING OF N 48°10'18" W AND A CHORD LENGTH OF 444.51 FEET, A DISTANCE OF 445.55 FEET; THENCE N 40°01'54" W, A DISTANCE OF 73.68 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3, SAID POINT BEING 440.54 FEET SOUTH OF THE N.W. CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE EAST LINE OF SAID LOT 5; THENCE CONTINUING N 40°01'54" W, A DISTANCE OF 394.62 FEET; THENCE N 03°09'43" E, A DISTANCE OF 78.90 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID MAFFITT LAKE COURT, SAID POINT BEING 60.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 5; THENCE S 89°54'30" E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MAFFITT LAKE COURT, PARALLEL WITH AND 60.00 FEET SOUTH OF THE NORTH LINE OF SAID LOTS 5 AND 3, A DISTANCE OF 909.00 FEET TO THE POINT OF BEGINNING;

**AND EXCEPT,**

AN IRREGULAR SHAPED PORTION OF LOT 8, BRUBAKER ESTATE DESCRIBED AS;

LOT 8 (8) BRUBAKER ESTATE, AN OFFICIAL PLAT, POLK COUNTY, IOWA EXCEPT: COMMENCING AT THE SW CORNER OF SAID SECTION 34 WITH THE SOUTH LINE OF SAID SECTION HAVING AN ASSUMED TRUE BEARING OF N 90°00' E, WITH ALL SUBSEQUENT BEARINGS REFERENCED THEREFROM; THENCE N 0°23' W, A DISTANCE OF 33 FEET; THENCE N 90°00' E, A DISTANCE OF 33 FEET TO THE POINT OF BEGINNING; THENCE N 0°23' W, A DISTANCE OF 488.6 FEET; THENCE N 90°00' E, A DISTANCE OF 1,104 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE CHICAGO, GREAT WESTERN RAILROAD; THENCE SOUTHWESTERLY ALONG THE SAID RAILROAD NORTHWESTERLY RIGHT-OF-WAY LINE FORMED BY A SPIRAL CURVE CONCAVE SOUTHEASTERLY, A DISTANCE OF 233.8 FEET TO THE POINT OF CURVE (PC); THENCE S 40°35' W, A DISTANCE OF 409.5 FEET; THENCE N 90°00' W, A DISTANCE OF 680.5 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 10.0 ACRES MORE OR LESS;

**AND EXCEPT,**

THE SOUTH 36.50 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>th</sup> P.M., WEST DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 150 FEET OF THE SOUTH 532.2 FEET OF THE EAST 290 FEET THEREOF;

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 1 to the Plan (“Amendment” or “Amendment No. 1”), 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 land and to add and/or update the list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the Amendment; and

WHEREAS, this proposed Amendment No. 1 to the Urban Renewal Plan adds land, as follows:

#### AMENDMENT NO. 1 AREA

##### PART 1

A TRACT OF LAND IN SECTIONS 28 AND 33 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT NO. 1 OF THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, POLK COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, TO THE SOUTH RIGHT-OF-WAY LINE OF MAFFITT LAKE ROAD;

THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MAFFITT LAKE ROAD, A DISTANCE OF 465.89 FEET;

THENCE NORTH, A DISTANCE OF 33 FEET, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH 10°36'53" EAST (ASSUMED BEARING), A DISTANCE OF 957.67 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5;

THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID RELOCATED HIGHWAY 5, TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TO THE NORTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5;

THENCE EAST, ALONG NORTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5, TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 22<sup>ND</sup> STREET;

THENCE NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH 22<sup>ND</sup> STREET, TO THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD;

THENCE CONTINUING NORTH, NORMAL TO THE CENTERLINE OF SAID ARMY POST ROAD, TO THE NORTH RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD, TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28, TOWNSHIP 78 NORTH, RANGE 25 NORTH OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28, TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TO THE POINT OF BEGINNING.

## PART 2

A TRACT OF LAND IN SECTIONS 26 AND 27 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT No. 1 TO THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD AND THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27; TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD, TO THE WEST RIGHT-OF-WAY LINE OF FORMER SOUTH 11<sup>TH</sup> STREET;

THENCE NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF FORMER SOUTH 11<sup>TH</sup> STREET, TO A POINT LOCATED 685 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 27;

THENCE EAST, TO A POINT 685 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 27 LOCATED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89°33'31" EAST (ASSUMED BEARING), A DISTANCE OF 445.00 FEET;

THENCE SOUTH 00°00'00" EAST (ASSUMED BEARING), A DISTANCE OF 360.00 FEET;

THENCE NORTH 89°33'31" WEST (ASSUMED BEARING), A DISTANCE OF 400.00 FEET, TO THE EAST RIGHT-OF-WAY LINE OF FORMER SOUTH 11<sup>TH</sup> STREET;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE AND THE EAST RIGHT-OF-WAY LINE EXTENDED OF FORMER SOUTH 11<sup>TH</sup> STREET, TO THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD, SAID LINE IS ALSO THE NORTH LINE OF THE ORIGINAL ALLUVION URBAN RENEWAL PLAN;

THENCE WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD (NORTH LINE OF ORIGINAL ALLUVION URBAN RENEWAL PLAN), TO THE POINT OF BEGINNING.

### PART 3

A TRACT OF LAND IN SECTIONS 35 AND 36 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA, IS INCLUDED IN AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 78 NORTH RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA;

THENCE EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 35, TO THE NORTHEAST CORNER OF SAID SECTION 35;

THENCE SOUTH 00°13'15" EAST (ASSUMED BEARING), ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, POLK COUNTY, IOWA, A DISTANCE OF 254.16 FEET;

THENCE NORTH 73°58'30" EAST (ASSUMED BEARING), A DISTANCE OF 526.10 FEET;

THENCE SOUTH 89°58'00" EAST (ASSUMED BEARING), A DISTANCE OF 50.00 FEET;

THENCE SOUTH 00°02'00" WEST (ASSUMED BEARING), A DISTANCE OF 37.64 FEET;

THENCE SOUTH 73°58'30" WEST (ASSUMED BEARING), A DISTANCE OF 577.89 FEET, TO THE EAST LINE OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN;

THENCE SOUTH 00°13'15" EAST (ASSUMED BEARING), A DISTANCE OF 398.04 FEET ALONG THE EAST LINE OF SAID SECTION 35;

THENCE SOUTH 89°46'45" WEST (ASSUMED BEARING), A DISTANCE OF 450.00 FEET;

THENCE NORTH 00°13'15" WEST (ASSUMED BEARING), A DISTANCE OF 423.04 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF THE GREAT WESTERN TRAIL;

THENCE SOUTHWESTERLY, ALONG THE SOUTH LINE OF SAID GREAT WESTERN TRAIL, TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35;

THENCE NORTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35, TO THE POINT OF BEGINNING; 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. 1 to the Alluvion 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. 1 to the Alluvion 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. 1 to the Alluvion Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 4th day of March, 2015, in the Training Room, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, at 10:00 o'clock A.M., and the City Clerk, 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. 1 to the Alluvion 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. 1 TO THE ALLUVION  
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 10:00 o'clock A.M. on March 4, 2015, in the Training Room, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa concerning a proposed Amendment No. 1 to the Alluvion 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 City Clerk, 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. 1 to the Alluvion 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 \_\_\_\_\_, 2015.

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

(End of Notice)

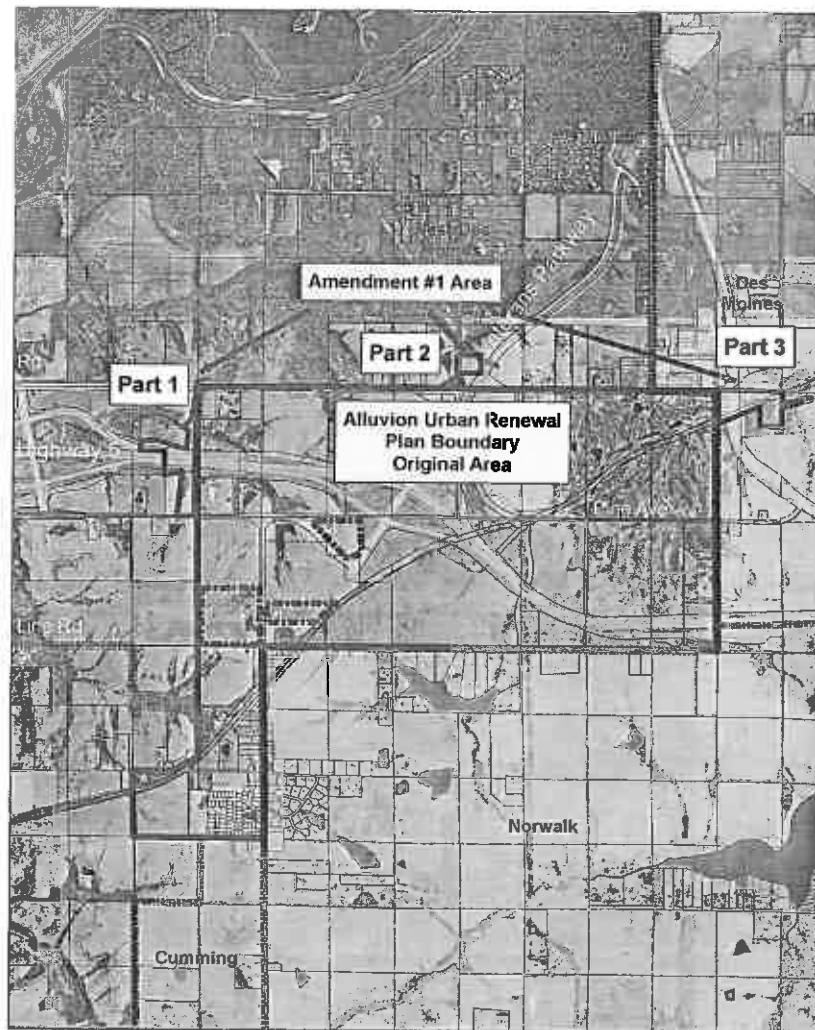
Section 3. That a public hearing shall be held on the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan before the City Council at its meeting which commences at 5:35 o'clock P.M. on March 23, 2015, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa.

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. 1 TO THE ALLUVION  
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 5:35 o'clock P.M. on March 23, 2015 in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider adoption of a proposed Amendment No. 1 to the Alluvion Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in the City of West Des Moines, State of Iowa, generally depicted in the following map:



**N**  
**Location Map**  
**Alluvion Urban Renewal Plan - Amendment #1**

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, or cause to be undertaken, 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 City also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. 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 initially proposes specific public infrastructure or site improvements to be undertaken by the City or to be contracted for by the City, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 1 would add land and to add and/or update the list of proposed projects to be undertaken within the Urban Renewal Area. 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 \_\_\_\_\_, 2015.

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

(End of Notice)

Section 5. That the proposed Amendment No. 1 to the Alluvion 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. 1 to the Alluvion 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 23rd day of February, 2015.

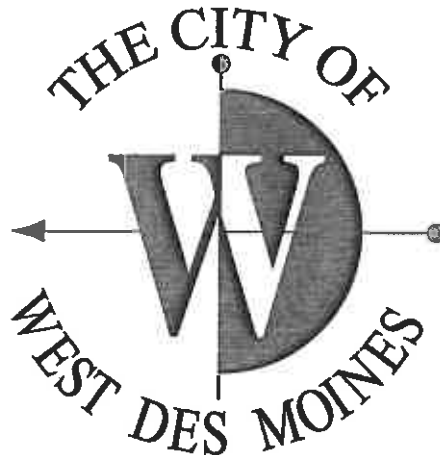
\_\_\_\_\_  
Mayor

ATTEST:

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

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

**EXHIBIT I**



**AMENDMENT NO. 1**

**to the**

**ALLUVION  
URBAN RENEWAL PLAN**

**City of West Des Moines, Iowa**

**Original Area Adopted – 2014**

**Amendment No. 1 – 2015**

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**AMENDMENT NO. 1**  
**to**  
**ALLUVION**  
**URBAN RENEWAL PLAN**  
**CITY OF WEST DES MOINES, IOWA**

**I. INTRODUCTION**

The **Alluvion** Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the **Alluvion** Urban Renewal Area ("Area" or "Urban Renewal Area"), originally adopted in 2014 is being amended by this Amendment No. 1 to Alluvion Urban Renewal Plan ("Amendment No. 1" or "Amendment") to add land and revise the list of proposed urban renewal projects to be undertaken within the Urban Renewal Area.

The material changes by this Amendment include the following:

1. Update the Eligible Urban Renewal Projects. See Pages 2-6.
2. Addition of right-of-way for water lines, a parcel for the construction of a booster station, and a parcel for a water storage facility. See Exhibit A for Legal Description of Amendment No. 1 Area.
3. New map showing Original Area and Amendment No. 1 Area. See Exhibit B.
4. New map showing Urban Renewal Area in context to entire City. See Exhibit C.
5. Updating Financial Data. See Page 6.

Except as modified by this Amendment, the provisions of the original **Alluvion** Urban Renewal Plan 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 or language not mentioned in this Amendment shall continue to apply to the Plan unless the subsection or language is changed by this Amendment.

**II. DESCRIPTION OF URBAN RENEWAL AREA**

The legal description of the property being added to the Urban Renewal Area, called the Amendment No. 1 Area, is attached hereto as Exhibit "A". A map of the entire Urban Renewal Area (Original Area plus Amendment No. 1 Area) is attached as Exhibit "B". A map of the Area in context with the rest of the City is attached hereto as Exhibit "C".

**III. AREA DESIGNATION**

The City continues to designate the Urban Renewal Area as an economic development area that is appropriate for the promotion of new commercial and/or industrial development.

**IV. PLAN OBJECTIVES**

The objectives of the Plan are unchanged. At this time, the objectives of this Plan are related to Microsoft's construction of a data center within the Area. As such, public infrastructure and economic development incentives for the Microsoft facility are the primary urban renewal projects at this time. The urban renewal projects include land acquisition, development, construction, re-construction, and expansion of streets, existing or proposed, within the Urban Renewal Area, and associated utilities and sewers, bridges, railroad crossings, bike trails, traffic signals and signage, turn lanes, median improvements, etc.

**V. TYPES OF RENEWAL ACTIVITIES**

The types of renewal activities previously described continue. The City may elect to construct the urban renewal projects itself or may elect to contract for the construction of the projects.

**VI. ELIGIBLE URBAN RENEWAL PROJECTS**

The following Urban Renewal Projects were previously eligible and are continuing. Since the Microsoft Alluvion Project is still in the planning stages, the estimated costs for the public improvements listed below in "Section A, Public Improvements" may vary between projects depending on site design decisions, however, the total cost of public improvements will not exceed the dollar amount listed as a Subtotal below, unless the City formally amends the Plan. Such projects have been updated, if required.

**A. Public Improvements:**

Description of Urban Renewal Project	Est. Time Period	Estimated cost to be reimbursed by tax increment financing	Rationale (why economic development is promoted)
SE White Crane Road improvements, generally from 8th Street to an access point for the Microsoft Project. Public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm water conveyance structures, bridges, railroad crossings,	2014-2020	\$1,500,000 - \$3,000,000.	The construction of a Connector Street on the south side of the Microsoft Project will provide southern site access to the Microsoft Project.

Description of Urban Renewal Project	Est. Time Period	Estimated cost to be reimbursed by tax increment financing	Rationale (why economic development is promoted)
bike lanes and bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, landscaping, street lights, and related items. Approximately .5 miles long.			
South 8th Street improvements, generally from Army Post Road to County Line Road. Public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm water conveyance structures, bridges, railroad crossings, bike lanes and bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, landscaping, street lights, and related items. Approximately 1.25 miles long.	2014 - 2020	\$5,000,000-\$7,500,000. Some of the cost may be covered by a RISE grant, pursuant to which the State will provide partial funding, potentially resulting in a decreased amount of tax increment needed for the project. Any local match requirement for a RISE grant for road improvements under the Plan is expected to be funded/reimbursed from tax increment.	The improvements to South 8th Street will provide direct paved access to Microsoft Project, and will also provide access to any additional development that may take place between Army Post Road and County Line Road.
Maffitt Lake Road improvements, generally from Veterans Parkway to South 8th Street, including a 600' connecting segment of County Line Rd. Public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm	2014-2020	\$4,500,000-\$6,500,000	The improvements to Maffitt Lake Road will provide paved access to the Microsoft Project from the south, and will also provide a parallel link along Highway 5 from Maffitt Lake to 8th Street which will

Description of Urban Renewal Project	Est. Time Period	Estimated cost to be reimbursed by tax increment financing	Rationale (why economic development is promoted)
<p>water conveyance structures, bridges, railroad crossings, bike lanes and bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, landscaping, street lights, and related items. Approximately 1 mile long.</p>			<p>provide secondary access to any additional development that may take place south of Highway 5.</p>
<p>Pine Avenue improvements, generally from Veterans Parkway to the West Des Moines corporate boundary on the east. Public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm water conveyance structures, bridges, railroad crossings, bike lanes and bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, landscaping, street lights, and related items. Approximately 1 mile long.</p>	2014-2020	\$4,000,000 – \$6,000,000	<p>The improvements to Pine Avenue will provide paved access to the Microsoft Project from the north, and will also provide access to any additional development that may take place north of Pine Avenue.</p>
<p>Water storage/wells. Construct a water storage facility and any needed wells; install all related utilities, signage, security fencing, and other projects/items associated with said water storage and/or wells; and purchase/acquisition of any real or personal property necessary for the construction and operation of said water storage and/or wells. This project will be located on the</p>	2014-2020	\$4,000,000 - \$6,000,000	<p>Additional water storage and/or wells would be required to provide water to large commercial and industrial users within the approximately 1,300 acres included in this Urban Renewal Plan.</p>

Description of Urban Renewal Project	Est. Time Period	Estimated cost to be reimbursed by tax increment financing	Rationale (why economic development is promoted)
land included in the Amendment No. 1 Area. The City may contract with Des Moines Water Works related to the construction of all or part of this project.			
Water lines. Extend and construct water lines to connect existing water supply distribution system to new areas of development. Water lines will run along existing ROW, some of which will be located in the Amendment No. 1 Area.	2014-2020	\$7,000,000- \$9,500,000	The extension of water lines would allow for commercial and industrial development in the Area.
Sanitary sewer improvements. Extend and construct sewer lines to connect existing sanitary sewer system to new areas of development; may also entail other effluent "treatment" options.	2014-2020	\$3,750,000 - \$4,000,000	The extension of sewer lines would allow for commercial and industrial development in the Area.
Power line relocation (MidAmerican Energy project). Reimburse MidAmerican Energy, the owner of power lines to move said power lines that presently are located in the middle of the property Microsoft plans to develop.	2014-2020	\$2,000,000 - \$3,000,000	The existing power line bisects a central portion of the Area, which divides developable property in such a way that makes development difficult. Moving the power line to the perimeter allows for development to occur in the adjacent area.
Sanitary Sewer Analysis and Public Recreation Trail Study	2015-2020	\$250,000	Before the sewer and trail serving this Area can be built, studies are required to determine where and how they

Description of Urban Renewal Project	Est. Time Period	Estimated cost to be reimbursed by tax increment financing	Rationale (why economic development is promoted)
			should be built to most efficiently serve the Area.
Public Safety Facility. Construct and equip a municipal public safety facility and install all needed utilities and sewers, bike/pedestrian trails, street lights, traffic signals and signage, streets, turn lanes, and other projects associated with said public safety facility, as well as purchase/acquire any real or personal property necessary for the construction and operation of said public safety facility.	2015-2020	\$15,000,000 - \$16,000,000	A public safety facility will help protect the multi-million dollar investments of future commercial and industrial developments, as well as protect the motoring public in the area. See the Original Plan, Section XII, Public Building Analysis for further information on how a public safety building within the Area promotes economic development.
Subtotal			\$47,000,000 – \$61,750,000 This total does not include financing costs related to debt issuance, which will be incurred over the life of the Area.

Note: It may be that the above costs will be reduced by the application of state and/or federal grants or programs; cost-sharing agreements with other entities; or other available sources of funds.

**B. Tax Rebate or Other Development Agreements**

The City entered into a development agreement with Microsoft related to the Microsoft Alluvion Project whereby Microsoft agreed to a minimum assessment agreement, setting a minimum assessed value of the Microsoft Project and the

creation of at least 84 jobs. The minimum assessment agreement states that the Project will be assessed at various values, with a high of approximately \$243,000,000 in assessed valuation, over potentially a twenty year period. Subject to the terms and conditions of the development agreement, the City expects to construct road improvements, which will total up to \$23 million, water storage/wells of up to \$6 million, water distribution lines of up to \$9.5 million, sanitary sewer improvement of up to \$4 million, power line relocation of up to \$3 million (all described above under "Public Improvements"). In addition, the City expects to provide economic development grants of up to \$11 million to incent various costs related to the development of a fiber optic capable facility for the Microsoft Project. The Tax Increment generated by the construction of the Project will be used to pay the debt service on general obligation City Bonds proposed to be issued to fund the public use improvements and economic development grant. Project amounts and terms and conditions may vary upon completion of a development agreement. At this time no other development agreements are contemplated.

- C. Planning, engineering fees (for urban renewal plans), attorney fees, other related costs to support urban renewal projects and planning

Project	Date	Estimated Cost
Fees and costs	Undetermined	\$100,000

**VII. DEBT**

1.	July 1, 2014 constitutional debt limit:	\$ 305,500,079
2.	Outstanding general obligation debt:	\$ 92,567,844
3.	Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Eligible Urban Renewal Projects has not yet been determined. This document is for planning purposes. 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. Subject to the foregoing, it is estimated that the cost of the Urban Renewal Projects as described above will be approximately:	\$47,000,000 - \$62,000,000 plus financing costs

**VIII. PROPERTY ACQUISITION/DISPOSITION**

While the City does not expect it, in the event acquisition/disposition of property does occur, the City will follow any applicable requirements for the acquisition and disposition of property.

**IX. LAND USES AND DEVELOPMENT PLAN**

The Area is currently planned for the following land uses:

- Light Industrial
- Medium Density Residential
- Community Commercial
- Highway Commercial
- Support Commercial
- Office
- Single Family Residential
- Open Space

The Plan, as amended, is consistent 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 this Plan are consistent with the West Des Moines Comprehensive Plan. This Urban Renewal Plan does not change or in any way replace the City's current land use planning or zoning regulation process.

**X. URBAN RENEWAL PLAN AMENDMENTS**

The **Alluvion** Urban Renewal Plan may be amended from time to time for a variety of reasons, including but not limited to, adding or deleting land, adding urban renewal projects, or to modify goals or types of renewal activities.

The City Council may amend this Plan in accordance with applicable state law.

**XI. EFFECTIVE PERIOD**

This Urban Renewal Plan Amendment No. 1 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, any prior amendment, resolution, or document the Urban Renewal Plan shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, will be for the maximum time allowed by law



**XII. REPEALER**

Any parts of the previous Plan, as previously amended, in conflict with this Amendment are hereby repealed.

**XIII. 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 the previous amendments to the Plan, or any part of the Plan not determined to be invalid or unconstitutional.

**XIV. CITY OF DES MOINES CONSENT**

In accordance with paragraph 4 of Section 403.17 of the Code of Iowa, a city may exercise urban renewal powers with respect to property which is located outside but within two miles of the boundary of a city only if the city obtains the consent of the city within which such property is located. The water storage/wells urban renewal project described above may be located in Part 3 within the Amendment No. 1 Area, which property is located within the City of Des Moines (Des Moines Water Works) property. See Exhibit B. The City of Des Moines adopted a resolution dated February 9, 2015 declaring a need for its land to be included in the Amendment No. 1 Area. No TIF Ordinance will be placed on the City of Des Moines area that is included within the Alluvion Urban Renewal Area. A copy of the City of Des Moines resolution is on file with the City of West Des Moines' Clerk's office.

**Exhibit A**

**LEGAL DESCRIPTION  
AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN  
WEST DES MOINES, IOWA**

**PART 1**

A TRACT OF LAND IN SECTIONS 28 AND 33 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT NO. 1 OF THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, POLK COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, TO THE SOUTH RIGHT-OF-WAY LINE OF MAFFITT LAKE ROAD;

THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MAFFITT LAKE ROAD, A DISTANCE OF 465.89 FEET;

THENCE NORTH, A DISTANCE OF 33 FEET, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH 10°36'53" EAST (ASSUMED BEARING), A DISTANCE OF 957.67 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5;

THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID RELOCATED HIGHWAY 5, TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TO THE NORTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5;

THENCE EAST, ALONG NORTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5, TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 22<sup>ND</sup> STREET;

THENCE NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH 22<sup>ND</sup> STREET, TO THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD;

THENCE CONTINUING NORTH, NORMAL TO THE CENTERLINE OF SAID ARMY POST ROAD, TO THE NORTH RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD, TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28, TOWNSHIP 78 NORTH, RANGE 25 NORTH OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28, TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TO THE POINT OF BEGINNING.

## PART 2

A TRACT OF LAND IN SECTIONS 26 AND 27 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT No. 1 TO THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD AND THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27; TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD, TO THE WEST RIGHT-OF-WAY LINE OF FORMER SOUTH 11<sup>TH</sup> STREET;

THENCE NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF FORMER SOUTH 11<sup>TH</sup> STREET, TO A POINT LOCATED 685 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 27;

THENCE EAST, TO A POINT 685 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 27 LOCATED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH  $89^{\circ}33'31''$ EAST (ASSUMED BEARING), A DISTANCE OF 445.00 FEET;

THENCE SOUTH  $00^{\circ}00'00''$  EAST (ASSUMED BEARING), A DISTANCE OF 360.00 FEET;

THENCE NORTH  $89^{\circ}33'31''$ WEST (ASSUMED BEARING), A DISTANCE OF 400.00 FEET, TO THE EAST RIGHT-OF-WAY LINE OF FORMER SOUTH 11<sup>TH</sup> STREET;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE AND THE EAST RIGHT-OF-WAY LINE EXTENDED OF FORMER SOUTH 11<sup>TH</sup> STREET, TO THE NORTH RIGHT-OF WAY LINE OF ARMY POST ROAD, SAID LINE IS ALSO THE NORTH LINE OF THE ORIGINAL ALLUVION URBAN RENEWAL PLAN;

THENCE WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD (NORTH LINE OF ORIGINAL ALLUVION URBAN RENEWAL PLAN), TO THE POINT OF BEGINNING.

### PART 3

A TRACT OF LAND IN SECTIONS 35 AND 36 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 78 NORTH RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA;

THENCE EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 35, TO THE NORTHEAST CORNER OF SAID SECTION 35;

THENCE SOUTH  $00^{\circ}13'15''$  EAST (ASSUMED BEARING), ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF

THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, POLK COUNTY, IOWA, A DISTANCE OF 254.16 FEET;

THENCE NORTH 73°58'30" EAST (ASSUMED BEARING), A DISTANCE OF 526.10 FEET;

THENCE SOUTH 89°58'00" EAST (ASSUMED BEARING), A DISTANCE OF 50.00 FEET;

THENCE SOUTH 00°02'00" WEST (ASSUMED BEARING), A DISTANCE OF 37.64 FEET;

THENCE SOUTH 73°58'30" WEST (ASSUMED BEARING), A DISTANCE OF 577.89 FEET, TO THE EAST LINE OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN;

THENCE SOUTH 00°13'15" EAST (ASSUMED BEARING), A DISTANCE OF 398.04 FEET ALONG THE EAST LINE OF SAID SECTION 35;

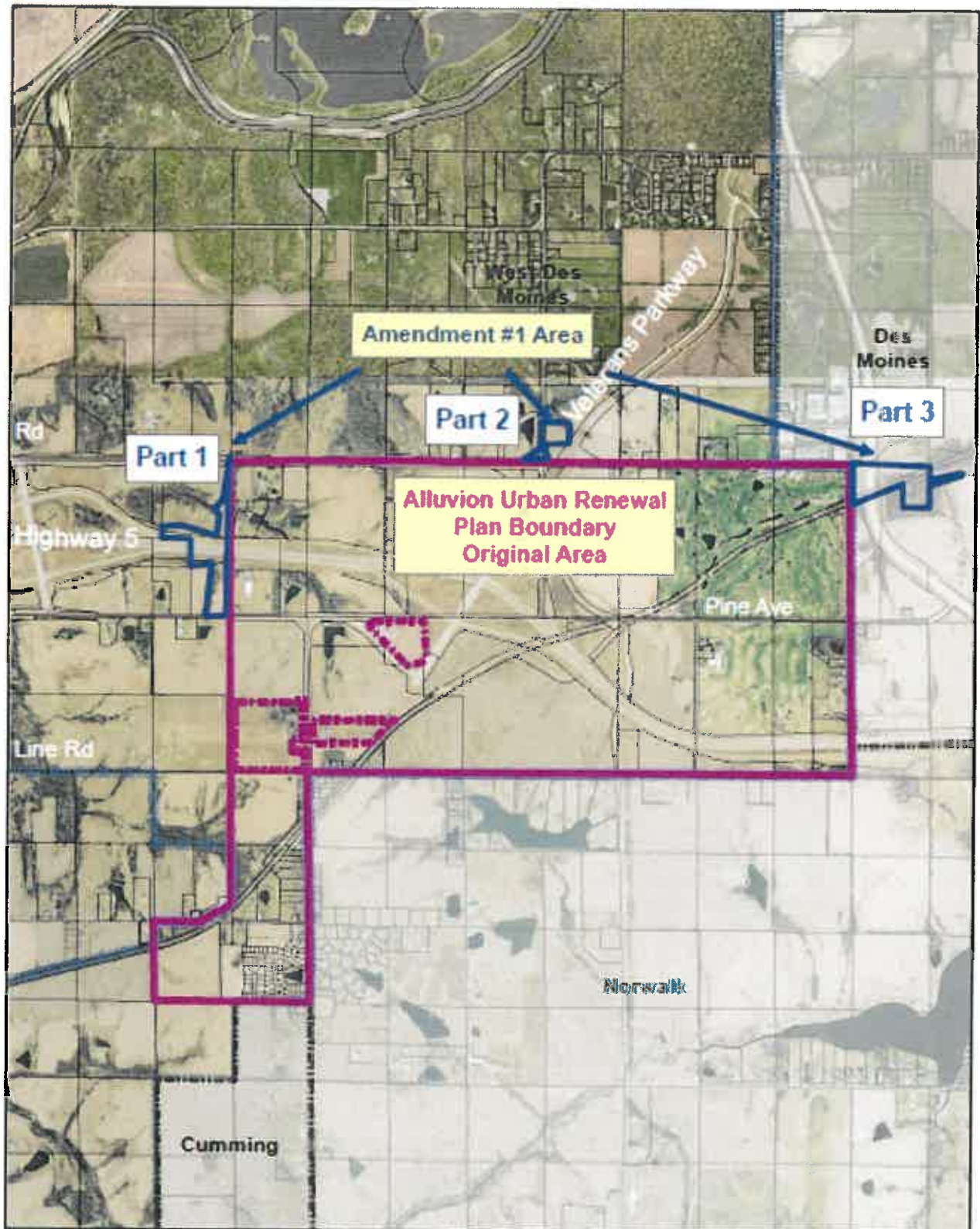
THENCE SOUTH 89°46'45" WEST (ASSUMED BEARING), A DISTANCE OF 450.00 FEET;

THENCE NORTH 00°13'15" WEST (ASSUMED BEARING), A DISTANCE OF 423.04 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF THE GREAT WESTERN TRAIL;

THENCE SOUTHWESTERLY, ALONG THE SOUTH LINE OF SAID GREAT WESTERN TRAIL, TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35;

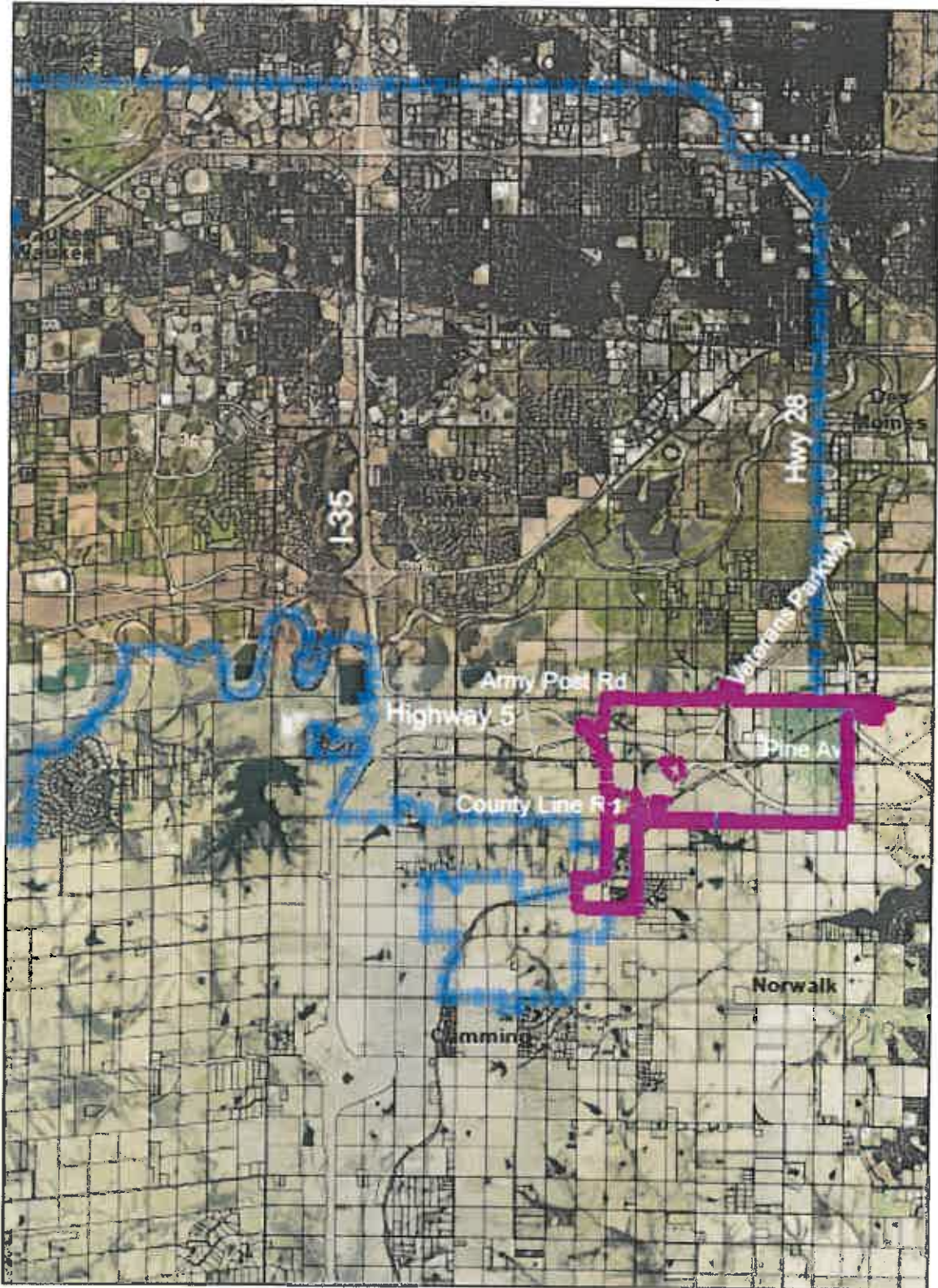
THENCE NORTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35, TO THE POINT OF BEGINNING.

**Exhibit B**  
**Original Area and Amendment No. 1 Area**



**Location Map**  
**Alluvion Urban Renewal Plan - Amendment #1**

**Exhibit C**  
**Urban Renewal Area Within Context of City**



 Vicinity Map  
Alluvion Urban Renewal Area - Amendment #1

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

**ITEM:** Approval of Settlement Agreement – Athene/IEDA/City of West Des Moines **DATE:** February 23, 2015

Resolution - Approval of Settlement Agreement

**FINANCIAL IMPACT:** None.

**BACKGROUND:** In 2008, Aviva (now known as Athene), the Iowa Department of Economic Development (now known as the Iowa Economic Development Authority (IEDA)), and the City of West Des Moines signed a contract (P0701M01259) as part of the High Quality Job Creation Program that outlined job creation requirements for Aviva. Also in 2008, Aviva and the City of West Des Moines signed a development agreement that outlined job creation requirements for Aviva.

The State’s requirements for job creation by Aviva were different and separate from the City’s requirements. The development agreement between Aviva and the City requires that Aviva, and now Athene, annually prove to the City how many people they employ, which is tied to a tax rebate. Aviva, and then Athene have been timely in providing this information and have maintained the required job levels to receive the tax rebate.

However, the required number of jobs required by IEDA in the High Quality Job Creation Program contract has not been met. In response to the deficient job levels, IEDA and Athene have agreed to a Settlement Agreement. Since the Settlement Agreement is in reference to the original contract signed by the three parties, the City of West Des Moines must also sign the Settlement Agreement.

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

**RECOMMENDATION:** That the City Council pass a resolution, authorizing the Mayor to sign the Settlement Agreement.

**Lead Staff Member:** Naomi Hamlett, AICP, Community and Economic Development

**STAFF REVIEWS**

Department Director	Clyde E. Evans, Director, Community and Economic Development <i>CEE</i>
Appropriations/Finance	
Legal	<i>JBW</i>
Agenda Acceptance	<i>RTJ</i>

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

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

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	February 11, 2015		
Recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

**Attachments:** Exhibit I – Settlement Agreement  
Exhibit II – Resolution



## EXHIBIT I

### SETTLEMENT AGREEMENT

THIS AGREEMENT, between the Iowa Economic Development Authority (hereinafter referred to as "IEDA" and formerly known as the Iowa Department of Economic Development) and Athene USA Corporation (formerly known as Aviva USA Corporation and hereinafter referred to as "Business" which shall include successors and assigns);

WHEREAS, IEDA awarded to Business a \$1,000,000 Forgivable Loan from the Physical Infrastructure Assistance Program (PIAP), a \$500,000 Forgivable Loan and \$132,000 Loan from the Community Economic Betterment Account (CEBA) and \$13,392,500 of tax credits from the High Quality Jobs Creation Program (HQJC) pursuant to the terms of Master Contract Number P0701M01295 (Funding Agreement Numbers 08-PIAPIVFGF-004, 08-CEBAIVFGF-017, and 08-HQJC-038) and exhibits attached thereto, which was approved by IEDA's Board of Directors on September 25, 2007, (referred to as the "Contract");

WHEREAS, under the Contract, to receive the full amount of the PIAP and CEBA funds, Business was required to create 544 new jobs, all of which met the qualifying wage of \$22.99 per hour including benefits, and to receive the full amount of the HQJC tax credits, Business was required to create 485 jobs which met the qualifying wage of \$28.29 by the Project Completion Date of September 30, 2012, maintain the project jobs for 2 years until the Project Maintenance Date of September 30, 2014, and meet certain investment requirements; and

WHEREAS, IEDA disbursed the \$1,000,000 PIAP Forgivable Loan and the \$632,000 CEBA Loan/Forgivable Loan pursuant to the terms of the Contract; and the \$132,000 CEBA Loan has been repaid and the \$1,000,000 PIAP Forgivable Loan and the \$500,000 CEBA Forgivable Loan have been forgiven in full; and

WHEREAS, Business filed claims with the Iowa Department of Revenue totaling \$1,659,078 of tax credit benefits, pursuant to the terms of the Contract; and

WHEREAS, on the Project Maintenance Date of September 30, 2014 Business had not maintained the required jobs; and

WHEREAS, as a result of this job shortfall, Business acknowledges its obligation to repay a portion of the benefits and funds awarded under the Contract; and

WHEREAS, Business is desirous of reaching a settlement with IEDA in which Business would agree to reduce the maximum HQJC tax credit benefits by \$4,020,975; and

WHEREAS, the IEDA Board of Directors approved a Negotiated Settlement on December 19, 2014, on the terms and conditions described herein;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. **Acknowledgement of Job Shortfall.** Business acknowledges its job shortfall under the terms of the Contract. Business has failed to maintain 544 new qualified jobs above a base employment of 591 full-time equivalent jobs ("FTE") for the CEBA and PIAP Awards, and 485 qualified jobs above a base of 428 full-time equivalent ("FTE") jobs for the HQJC Award through the Project Maintenance Date as specified in the Contract.
2. **Settlement Terms:**
  - a. **Total award reduction.** The maximum amount of the HQJC Award is reduced by \$4,020,975.
  - b. **Full repayment.** The award reduction in (2)(a) serves as full repayment of all obligations owed by Business under default or any other provisions under the Contract and any funding agreements for the job shortfall listed in (1).
  - c. **HQJC Funding Agreement.** The HQJC funding agreement and the Master Contract shall terminate upon execution of this Settlement Agreement, but the parties agree that Business's rights to claim tax credits under those agreements shall continue in full force and effect pursuant to the timelines laid out in the agreements, subject to the reduced award listed in (2)(a).
3. **Expenses.** Each party is responsible for the legal fees and other expenses incurred in entering into this Settlement Agreement. If IEDA is required to bring suit to enforce the terms of this Settlement Agreement, and if IEDA substantially prevails in recovering any or all of the amounts demanded in such suit, Business agrees to pay to IEDA all expenses incurred or paid by IEDA, including attorney's fees and court costs in connection with such enforcement action.
4. **Successors and assigns.** This Settlement Agreement shall be binding upon and inure to the benefit of Business and IEDA, and each of their respective legal representatives, successors and assigns.
5. **Severability.** If any provision of this Settlement Agreement is held invalid by any court, the remainder shall not be invalid, but shall be enforced as written consistent with the purposes of this Settlement Agreement and the intent of the parties.
6. **Integration.** This Settlement Agreement represents the full agreement between the parties concerning settlement of amounts owed due to Business's job creation shortfall under the Contract and no promise or expectation of any further consideration has been made by any party.

7. Upon execution of this Settlement Agreement, the CEBA and PIAP Funding Agreements are hereby considered terminated, including all rights and obligations of any party to such agreements and all related documents.
8. Upon execution of this Settlement Agreement, Article 6 of the Master Contract is hereby considered terminated and all security or collateral held thereunder may be released by Business.
9. Business freely and voluntarily enters into this Settlement Agreement.

*-This section is deliberately left blank. Signature Page follows.-*



## **EXHIBIT II**

Prepared by: NHamlett, Community and Economic Development. P.O. Box 65320. West Des Moines, IA 50265-0320. 515-273-0770  
When Recorded, Return to: City Clerk. City of West Des Moines, and P.O. 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 MAYOR TO SIGN THE SETTLEMENT AGREEMENT REGARDING MASTER CONTRACT #P0701M01259 BETWEEN THE IOWA ECONOMIC DEVELOPMENT AUTHORITY (FORMERLY IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT), ATHENE USA CORPORATION (FORMERLY KNOWN AS AVIVA USA CORPORATION) AND THE CITY OF WEST DES MOINES**

**WHEREAS**, in July of 2008, the City of West Des Moines entered into a contract (#P0701M01259) with the Iowa Department of Economic Development (now known as Iowa Economic Development Authority or "IEDA") and Aviva to award Aviva financial assistance based on high quality job creation;

**WHEREAS**, Aviva USA has since been purchased by Athene USA, who has assumed all responsibilities of said contract;

**WHEREAS**, Athene has not maintained/created the required jobs by the project maintenance date of September 2014;

**WHEREAS**, IEDA and Athene have settled on terms of the job shortfall;

**WHEREAS**, the job requirements listed by IEDA in said contract are different than job requirements listed in the development agreement between the City and Athene, and are not the subject of this action;

**NOW, THEREFORE**, the City Council of the City of West Des Moines authorizes the Mayor to sign the Settlement Agreement.

**PASSED AND APPROVED** on the 23<sup>rd</sup> day of February 2015.

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

**ATTEST:**

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

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

**DATE: February 23, 2015**

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement and Easements for the Fox Creek Sanitary Sewer Project

**FINANCIAL IMPACT:** \$50,555.00 (previously budgeted)

**SYNOPSIS:** Purchase Agreements have been negotiated for the acquisition of easements necessary for the Fox Creek Sanitary Sewer Project. The easements have been acquired at the appraised fair market value from the owners shown on Exhibit "A," with additional costs not reflected in the appraisal shown in bold. The attached resolution approves the Purchase Agreements and, for policy and title purposes, formally accepts the easements and authorizes the filing of all relevant documents. Costs associated with acquisition of the easements will be paid from Account No. 5061.80.820.6.7930.

**RECOMMENDATION:**

Adopt resolution approving and accepting the purchase agreements and easements to the City of West Des Moines for the Fox Creek Sanitary Sewer Project

**Lead Staff Member:** Greta Truman, Assistant City Attorney

**STAFF REVIEWS**

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	<i>AS</i>
Legal	<i>AS</i>
Agenda Acceptance	<i>RTG</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

**AUTHORIZING APPROVAL AND ACCEPTANCE OF PURCHASE AGREEMENTS AND  
PERMANENT AND TEMPORARY EASEMENTS FOR THE CONSTRUCTION OF THE  
FOX CREEK SANITARY SEWER, PROJECT NUMBER 0510-010-2012**

**WHEREAS**, on February 21, 2011, the City Council heretofore ordered preparation of plans, specifications, form of contract and estimate of cost for the public improvement project known the Fox Creek Sanitary Sewer Project, Project Number 0510-010-2012; and

**WHEREAS**, previously, on May 5, 2014, after public hearing, the City Council approved the acquisition of property, including agricultural property, for the Fox Creek Sanitary Sewer Project; and

**WHEREAS**, it is the policy of the City of West Des Moines, Iowa, to approve the conveyance of all property interests to the City; and

**WHEREAS**, the City of West Des Moines has negotiated a purchase agreement for the acquisition of property and easements necessary for the Project; and

**WHEREAS**, documents conveying property interests for permanent public utility easements and associated improvements have been presented to the City for approval; and

**WHEREAS**, the name of the property owners and the fair market value of the property to be acquired is attached hereto as Exhibit "A" and made a part of this resolution; and

**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:**

1. The documents described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council's approval and acceptance.
3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreement to acquire the property.
4. The documents shall be filed with the county recorder as appropriate.
5. The Director of Finance is authorized to make payment to the property owners shown on the attached Exhibit "A" pursuant to the terms and conditions of the Purchase Agreement.

**PASSED AND ADOPTED** this 23rd day of February, 2015.

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

ATTEST:

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



**Exhibit "A"**

**FOX CREEK SANITARY SEWER PROJECT  
PROJECT NUMBER 0510-010-2012**

<b><u>PARCEL #</u></b>	<b><u>PROPERTY OWNER</u></b>	<b><u>ACQUIRED PRICE-FMV</u></b>	
4	Stephanie Warywoda and Eric Krahn	\$555.00	
13	Daniel and Heather Barth	\$50,000.00	<b>*includes additional \$1,600 for permanent easement, \$1,100 for temporary easement, \$2,500 for landscaping, and \$2,000 for administrative settlement</b>
	<b>TOTAL</b>	<b>\$50,555.00</b>	

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

**DATE: February 23, 2015**

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement, Deed and Easement for the Frink Creek Sanitary Sewer Project

**FINANCIAL IMPACT:** \$31,222.50 (previously budgeted)

**SYNOPSIS:** For policy and title purposes, formal acceptance by the City of easements is required. Easements have been acquired from a property owner for construction of the Frink Creek Sanitary Sewer (Project Number 0510-030-2010) in order to comply with the Comprehensive Plan. The attached Resolution authorizes the acceptance of the deed and easements, filing of all relevant documents and payment for the acquisition areas. Costs associated with the property acquisition will be paid from Account No. 5071.80.820.6.7930.

**RECOMMENDATION:**

Adopt resolution approving and accepting the purchase agreement, deed and easements to the City of West Des Moines for the Frink Creek Sanitary Sewer Project

**Lead Staff Member:** Greta Truman, Assistant City Attorney

**STAFF REVIEWS**

Department Director	Richard J. Scieszinski, City Attorney <i>RS</i>
Appropriations/Finance	<i>RTG</i>
Legal	
Agenda Acceptance	<i>RTG</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

**AUTHORIZING APPROVAL AND ACCEPTANCE OF PURCHASE AGREEMENT, DEED,  
AND PERMANENT AND TEMPORARY EASEMENTS FOR THE CONSTRUCTION OF THE  
FRINK CREEK SANITARY SEWER, PROJECT NUMBER #0510-030-2010**

**WHEREAS**, previously, on June 28, 2010, the City Council heretofore ordered preparation of plans, specifications, form of contract and estimate of cost for the public improvement project known the Frink Creek Sanitary Sewer Project, Project Number 0510-030-2010; and

**WHEREAS**, on July 23, 2012, the City Council established a public hearing date and authorized notice to property owners regarding acquisition of agricultural property for the Project; and

**WHEREAS**, it is the policy of the City of West Des Moines, Iowa to approve the conveyance of all property interests to the City; and

**WHEREAS**, the City of West Des Moines has negotiated a purchase agreement for the acquisition of easements necessary for the Project; and

**WHEREAS**, the name of the property owner and the just compensation is attached hereto as Exhibit "A" and made a part of this resolution; and

**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:**

1. The documents described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council's approval and acceptance.
3. The documents shall be filed with the county recorder as appropriate.
4. The Director of Finance is authorized to make payment to the above-referenced property owners pursuant to the terms and conditions of the Easement Agreements.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of February, 2015.

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

ATTEST:

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

**Exhibit "A"**

**FRINK CREEK SANITARY SEWER PROJECT  
PROJECT NUMBER 0510-030-2010**

<u>PARCEL #</u>	<u>PROPERTY OWNER</u>	<u>ACQUIRED PRICE-FMV</u>
8	Barbara Heckman	\$31,222.50 *includes \$8,837.50 for plumbing (abandon existing septic)
	<b>TOTAL</b>	<b>\$31,222.50</b>

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

**DATE: February 23, 2015**

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement and Property for the Ashworth Low Pressure Sewer System Project, Project Number 0510-025-2014

**FINANCIAL IMPACT:** \$2,035.00 (previously budgeted)

**SYNOPSIS:** Property necessary for the Ashworth Low Pressure Sewer System Project has been acquired through negotiated Purchase Agreements. The property has been acquired at the appraised fair market value from the owners shown on Exhibit "A". The attached resolution approves the Purchase Agreement(s) and, for policy and title purposes, formally accepts the property and authorizes the filing of all relevant documents. Costs associated with acquisition of the easements will be paid from Account No. 5091.80.820.6.7910.

**RECOMMENDATION:** Adopt a resolution approving and accepting purchase agreement(s) and property to the City of West Des Moines for the Ashworth Low Pressure Sewer Project.

**Lead Staff Member:** Greta Truman, Assistant City Attorney

**STAFF REVIEWS**

Department Director	Richard J. Scieszinski, City Attorney <i>RS</i>
Appropriations/Finance	<i>RTG</i>
Legal	
Agenda Acceptance	<i>RTG</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

**AUTHORIZING APPROVAL AND ACCEPTANCE OF PURCHASE AGREEMENTS AND PROPERTY FOR THE CONSTRUCTION OF THE ASHWORTH LOW PRESSURE SEWER PROJECT, PROJECT NUMBER 0510-025-2014**

**WHEREAS**, the City Council of the City of West Des Moines, Iowa, approved the establishment of the Ashworth Road Low Pressure Sewer Connection Fee District on July 28, 2014, and authorized the preparation of plans and specifications for the Project, Project Number 0510-025-2014; and

**WHEREAS**, on August 14, 2014, after public hearing, the City Council approved the acquisition of property, for the Ashworth Low Pressure Sewer Project; and

**WHEREAS**, it is the policy of the City of West Des Moines, Iowa, to approve the conveyance of all property interests to the City; and

**WHEREAS**, the City of West Des Moines has negotiated purchase agreements for the acquisition of property necessary for the Project; and

**WHEREAS**, documents conveying property have been presented to the City for approval; and

**WHEREAS**, the name of the property owners and the fair market value of the properties to be acquired is attached hereto as Exhibit "A" and made a part of this resolution; and

**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:**

1. The documents described above conveying property to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council's approval and acceptance.
3. The Director of Finance is authorized to make payment to the property owners shown on the attached Exhibit "A" pursuant to the terms and conditions of the Purchase Agreements.
4. The documents shall be filed with the county recorder as appropriate.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of February, 2015.

ATTEST:

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

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

**Exhibit "A"**

**ASHWORTH ROAD LOW PRESSURE SEWER  
WDM PROJECT NO. 0510-025-2014**

<b><u>PARCEL #</u></b>	<b><u>PROPERTY OWNER</u></b>	<b><u>ACQUIRED PRICE-FMV</u></b>
5	Eric and Sandra Donielson 5531 Ashworth Road (prorated taxes)	\$2,035.00 *includes \$190 for landscaping/tree removal and additional \$300 for irrigation relocation
	<b>TOTAL</b>	<b>\$2,035.00</b>

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

**DATE: February 23, 2015**

**ITEM:** Ryan Companies Build-to-Suit Office, 6770 Westown Parkway – Approval and acceptance of an Agreement & Waiver for future Traffic Signal – SP-002397-2014

**RESOLUTION: Approval and Acceptance of Agreement & Waiver for future traffic signal**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** Attached as Exhibit B, is an Agreement and Waiver for up to ¼ of the cost of a potential fully functioning traffic signal to be located at the intersection of Lake Drive and Westown Parkway. The applicant, 6770 Westown Parkway, LLC, owners of property located at 6770 Westown Parkway has provided the City with an Agreement and Waiver for a share of the cost to install a future traffic signal required as part of the development review process of a Site Plan for Ryan Companies Build-to-Suit Office building (Case #SP-002397-2014). The site plan was approved by the City Council on September 22, 2014. For policy and title purposes, formal acceptance by the City Council of property being conveyed to the City is required.

**CITY COUNCIL SUBCOMMITTEE:** Due to the fact that acceptance of this document by Council is a required formality, this item was not presented to the Development and Planning City Council Subcommittee.

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

**RECOMMENDATION:** Adopt resolution approving and accepting the Agreement and Waiver for up to ¼ of the cost of a future, fully functioning, traffic signal at the intersection of Lake Drive and Westown Parkway.

Lead Staff Member: Lynne Twedt

**STAFF REVIEWS**

Department Director	JA
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	RTG

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

Published In	Noticing not required
Date(s) Published	
Letter sent to surrounding property owners	

**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 A - Resolution
- Exhibit B - Agreement & Waiver – Traffic Signal



Prepared by: L. Twedt, 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 AGREEMENT AND WAIVER CONVEYING PROPERTY INTERESTS TO THE CITY OF WEST DES MOINES, IOWA**

**WHEREAS**, it is the policy of the City of West Des Moines, Iowa to approve the conveyance of all property interests to the City; and

**WHEREAS**, the following documents conveying property interests to the City have been presented to the City for approval; and

**An Agreement and Waiver for up to ¼ of the cost of a fully functioning traffic signal to be erected in the future at the intersection of Lake Drive and Westtown Parkway from 6770 Westtown Parkway, LLC, owners of property located at 6770 Westtown Parkway and legally described as Lot 16, West Lakes Office Park Plat 3, an official plat in the City of West Des Moines, Dallas County, Iowa**

**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 interests to and from 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 23rd day of February, 2015.

\_\_\_\_\_  
Steven K 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 February 23, 2015 by the following vote:

ATTEST:

---

Ryan T. Jacobson  
City Clerk

# ATTACHMENT B

Prepared by: J. Bradley Munford 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

**Project: Ryan Companies Build-to-Suit Office**  
**Project Number: SP-002397-2014**

## AGREEMENT AND WAIVER

THIS AGREEMENT AND WAIVER, made and entered into by and between the City of West Des Moines, Iowa, hereinafter referenced as the CITY, and 6770 Westown Parkway, LLC., hereinafter referred to as "PROPERTY OWNERS".

WITNESSETH:

**WHEREAS**, the City desires to encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services and utilities consistent with the City's Comprehensive Plan, as adopted in December, 1993, and as amended in September, 2010, and in accordance with Iowa Code Chapter 354, Platting, Division and Subdivision of Land; and

**WHEREAS**, pursuant to Goal 6 of Chapter 3, Growth Policies, West Des Moines Comprehensive Plan, the City endeavors to provide for the safe and efficient movement of people, goods, and services throughout the City, and more specifically:

As part of the development of vacant land or as part of an expansion of use on developed land, the property owner or developer shall dedicate, widen and/or extend and construct their proportional share of street and parkway improvements (including necessary drainage structures) and on-site and/or off-site improvements reasonably related to the project according to the standards set forth in the Circulation Table and City standards;

and

**WHEREAS**, a property owner or developer may construct and dedicate, or obtain a bond for the necessary public improvements, or in accordance with Iowa Code Section 384.38, Certain Costs Assessed to Private Property, the City may assess to private property within the City the proportionate share of the cost of construction and repair of public improvements within the City; and

**WHEREAS**, as initiated by the City, or upon petition as provided in Iowa Code Section 384.41, Petition by Property Owners, the City may assess to private property affected by public improvements within three miles of the City's boundaries the cost of construction and repair of public improvements within that area; and

**WHEREAS**, the City may propose or be requested to construct certain Improvements (the "Improvements") generally described as:

**Fully activated traffic signal at the intersection of Lake Drive and Westtown Parkway.  
Property Owner, as indicated above, shall be responsible for  
one-fourth (¼) of the financial cost of the initial installation and operation of said signal.**

**NOW, THEREFORE, BE IT AGREED AMONG THE PARTIES AS FOLLOWS:**

1. As soon as practicable the City shall have the right to cause the above-described Improvements to be constructed in accordance with such plans and specifications as it shall deem appropriate. The construction of said Improvements shall be under the supervision of an engineer to be selected by the City.
2. For the purpose of this Agreement, the City may elect to enter into a contract for the construction of said Improvements as a part of any contract(s) for a public improvement project entered into prior to the receipt of this instrument as authorized by Section 384.41(2) of the Code of Iowa.
3. In consideration of the construction of said Improvements by the City, the undersigned Property Owners hereby WAIVE the following:
  - A. All legal formalities of whatsoever kind or character required by the laws of Iowa to be observed by cities in the construction of said Improvements where the expense of such Improvements is to be assessed against private property; and
  - B. Each and every question of jurisdiction, the intention of the Property Owners being to authorize and direct said City to construct the Improvements without requiring any of the formalities or legal proceedings required of cities by the statutes of Iowa; and
  - C. Any limitation of the amount of said assessment as a percentage of valuation as provided in Section 384.62 of the Code of Iowa, subject to Paragraph 6, below; and
  - D. Any right to defer or postpone the payment of any such assessment.
4. It is further agreed that:
  - A. When said Improvements have been constructed in accordance with the plans and specifications, the City may make assessments against the properties of the undersigned Property Owners, or their successors or assigns, for their pro-rata share of the entire cost of the construction of said Improvements, including acquisition of necessary easements and right-of-way, the cost of engineering, supervision, and preparation of assessment schedule.
  - B. Said assessments will be paid to the City of West Des Moines and shall be a lien upon the properties hereinafter described. Further, each of the undersigned Property Owners hereby agree to accept responsibility for the assessment which is thus assessed against the Owner's property.
  - C. Said assessments shall have the same legal force and effect as if all the legal formalities provided by law in such cases had been fully and faithfully performed and observed.
  - D. Said assessment shall be paid within the time provided by statute for the payment of special assessments for such Improvements.
  - E. All Property Owners entitled to Agricultural Deferment under Chapter 384 of the City Code of Iowa hereby WAIVE their right to such deferral.
5. The amount and proportion of the cost of the Improvements to be paid shall be ascertained and determined by the Engineers and reported to the City Council, which shall make such changes or alterations as they may require. When said assessments are finally passed by the Council and by it levied, they shall constitute the assessments against the properties.

6. Any assessment, and the methodology of calculating the assessment, shall be made in accordance with Iowa law and the City's ordinance pertaining to special assessments for streets (Ordinance No. 1389) and any amendments thereto, in effect as of the date the City Council sets the date for a public hearing on the plans and specifications for the Improvement(s). During the assessment process the Property Owners retain the right to request of the City a review of the proposed assessment. In the sole discretion of the City Council, a reduction in the assessment may be made to ensure that the amount of the assessment is proportional to the benefit provided by the Improvements. The Property Owners also retain the right to request a review of the mathematical calculations made to ensure their accuracy and compliance with Ordinance No. 1389, and any amendments thereto. No assessment will be made by the City Council unless notice to all Property Owners has been given as provided by state statute and City ordinance.
7. Property Owners hereby authorize the City Council to pass any Resolution requisite or necessary to order and secure said Improvements, to provide for the construction of the same and to make the assessments herein provided. Any such Resolution may contain recitals that said Improvements are ordered or made by the Council without petition of Property Owners, without in any way qualifying this Agreement or releasing the Property Owners from their obligation to pay the assessments levied against their property for the cost of said Improvements, and to issue improvement bonds payable out of said assessments.
8. Each Property Owner warrants that the real estate described below is free and clear of all liens and encumbrances other than for ordinary taxes, except for matters of record.
9. Each Property Owner further agrees that the terms of this Agreement and Waiver shall become a covenant which runs with the land of the above-referenced property, and shall be binding upon all successors and assigns.
10. The signatories and the City agree this document will be recorded in the office of the appropriate county recorder to ensure that any and all future purchasers of property are put on notice of the above conditions.

**Description of Property: Lot 16, WEST LAKES OFFICE PARK PLAT 3, Dallas County, Iowa**

**PROPERTY OWNER: 6770 Westown Parkway, LLC.**

By: \_\_\_\_\_

Name: Timothy M. Gray

Title: Governor

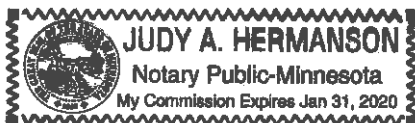
Date: November 11, 2014

STATE OF MINNESOTA)

)ss

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 11 day of November, 2014, by Timothy M. Gray, the Governor of 6770 Westown Parkway, LLC, a Minnesota limited liability company, for and on behalf of said limited liability company.



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

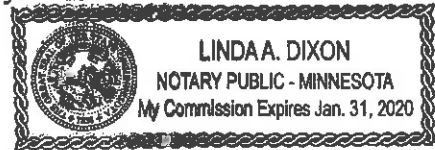
**LIENHOLDER: U.S. Bank National Association**

By: Caleb Frostman  
Name: Caleb Frostman  
Title: Assistant Vice President  
Date: 11/14/14  
Witness: Luke Accola  
Name: Luke Accola

STATE OF Minnesota  
COUNTY OF Hennepin )ss

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of November, 2014, by Caleb Frostman the Asst. VP of U.S. Bank National Association, a national banking association, for and on behalf of said association.

Linda A. Dixon  
Notary Public



Presented and approved by the City Council on \_\_\_\_\_, 2014.

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

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

DATE: February 23, 2015

**ITEM:** 503 Restaurant and Nightclub, 1238 8<sup>th</sup> Street - Approval and Acceptance of Irrevocable Offer of Dedication and Sanitary Sewer Easement – KATJAM Financial Corporation – PC-002584-2015

**Resolution:** **Approval and Acceptance of Irrevocable Offer of Dedication and Sanitary Sewer Easement**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The Board of Adjustment approved a permitted conditional use permit for 503 Restaurant and Nightclub to be located at 1238 8<sup>th</sup> Street on February 11, 2015 (PC-002584-2015). As part of the approval of the permitted conditional use permit an irrevocable offer of dedication of five (5) additional feet of public street right-of-way to meet Comprehensive Plan standards and eleven (11) feet of additional sanitary sewer easement to bring the width to minimum design standards were required to be executed.

Exhibit II is a copy of the agreements. For policy purposes, formal acceptance by the City Council of a these agreements is required.

**CITY COUNCIL SUBCOMMITTEE:** Acceptance of this document by Council is a required formality; this 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 irrevocable offer of dedication for right-of-way along 8<sup>th</sup> Street and a sanitary sewer easement, granted to the City as part of the approval of a permitted conditional use permit for the opening of a nightclub in conjunction with a restaurant at 1238 8<sup>th</sup> Street.

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

**STAFF REVIEWS**

Department Director	<i>UA</i> <i>RTG</i>
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

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

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	None		
Date Reviewed			
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Resolution
- Exhibit II - Agreements

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 AN IRREVOCABLE OFFER OF DEDICATION OF RIGHT-OF-WAY AND A SANITARY SEWER EASEMENT RELATED TO A PERMITTED CONDITIONAL USE PERMIT GRANTED TO 1238 8<sup>th</sup> STREET FOR OPERATION OF A NIGHTCLUB IN CONJUNCTION WITH A RESTAURANT**

**WHEREAS**, it is the policy of the City of West Des Moines, Iowa to approve and accept all easement 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 and Irrevocable Offer of Dedication of right-of-way for  
that property locally known as 1238 8<sup>th</sup> Street and legally described as:

Lot 9, Colby's Office Park, an official plat within the City of West Des Moines,  
Polk County, Iowa.

**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 23<sup>rd</sup> day of February, 2015.

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

**ATTEST:**

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



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

**IRREVOCABLE OFFER OF DEDICATION**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by KATJAM Financial Corporation, hereinafter called "Owner," and the City of West Des Moines, Iowa, hereinafter called "City."

**WHEREAS**, the Owner has submitted a Permitted Conditional Use Permit (PC-002584-2015) for 503 Restaurant and Nightclub, for review and approval by the City for the property located at 1238 8<sup>th</sup> Street in West Des Moines, Iowa, and legally described herein below, and;

**LEGAL DESCRIPTION**

**Lot 9, Colby's Office Park, an official plat within the City of West Des Moines, Polk County, Iowa.**

**WHEREAS**, in order to provide their full half of the 120 feet of total public street right-of-way that may be necessary for this portion of 8<sup>th</sup> Street, the Owner will need to deed to the City an additional 5 feet right-of-way adjacent to the existing 8<sup>th</sup> Street right-of-way line that is currently located 55 feet from the centerline of the 8<sup>th</sup> Street right-of-way, and;

**WHEREAS**, the Owner agrees to dedicate 5 feet of additional right-of-way adjacent to the existing right-of-way line that is currently located fifty-five feet (55') from the centerline of the 8<sup>th</sup> Street right-of-way, without cost to the City when the City requests said dedication, and;

**WHEREAS**, the City Council of the City of West Des Moines grants to the Owner a deferment of the dedication of the required right-of-way described above until such time as the City requests said right-of-way, and;

**WHEREAS**, the City has approved the Permitted Conditional Use Permit for 1238 8<sup>th</sup> Street, project number PC-002584-2015, on the 11<sup>th</sup> day of February, 2015 subject to the conditions contained herein.

**NOW THEREFORE, FOR THE MUTUAL COVENANTS** herein contained each to the other, the parties agree as follows:

1. The Owner certifies ownership of certain real property legally described above. Said real property was the subject of a Permitted Conditional Use Permit request for 1238 8<sup>th</sup> Street on the 11<sup>th</sup> day of February, 2015.
2. The Owner, its heirs, successors in interest or assigns, agree to irrevocably dedicate to the City when requested by the City and at no cost to the City, by deed, five (5) additional feet of permanent and perpetual street right-of-way along the current right-of-way line of 8<sup>th</sup> Street adjacent to the Owner's property;

3. Approval of the Permitted Conditional Use Permit for the real property described above is conditioned upon the future dedication of right-of-way as described herein and at such time as requested by the City.
4. This Agreement cannot be assigned by the Owner without the express written consent of the City Council of the City of West Des Moines, Iowa. This consent shall not be unreasonably withheld.
5. The Parties agree that this Agreement will be recorded in the Office of the Recorder of Polk County, Iowa.
6. The term "Owner" as used herein shall include Owner's heirs, successors-in-interest and assigns.
7. The City and the Owner agree that the District Court in and for Polk County, State of Iowa, shall have exclusive jurisdiction over the subject matter of this Agreement, and said parties consent to the jurisdiction of the person being in Polk County, Iowa.
8. This Agreement made herein shall survive any sale or transfer of ownership to the property. It is the intent of the parties, in the event of any receivership, insolvency, bankruptcy, assignment for the benefit of creditors, reorganization or arrangement with creditors, whether or not pursuant to bankruptcy laws, sale of all or substantially all the assets and liabilities of the Owner, will cause the transfer of this dedicated easement area to the city which shall be made forthwith, without cost to the City.
9. Words and phrases herein shall be construed as in the single or plural number and as masculine, feminine, or neutral gender, according to the context.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement the date set forth above.

KATJAM FINANCIAL CORPORATION.

By: \_\_\_\_\_

*James Flynn*  
James Flynn

STATE OF IOWA )

) SS

COUNTY OF POLK )

On this 6<sup>th</sup> day of February, 2015, before me, the undersigned, a Notary Public in and for said County and State personally appeared James Flynn, to me personally known, who being by me duly sworn, did say that he is owner of KATJAM Financial Corporation., executing the within and foregoing instrument and acknowledged that he executed the same as their voluntary act and deed by it and by them voluntarily executed

*Michelle D. Riesenber*  
Notary Public in and for said State



**CITY OF WEST DES MOINES, IOWA**

(City Seal)

By: \_\_\_\_\_  
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 the state of Iowa, personally appeared Steven K. Gaer and Ryan T. Jacobson, to me known to be the Mayor and City Clerk, respectively, of the City of West Des Moines, Iowa; that the seal affixed is the corporate seal of the City, and that the instrument was signed and sealed on behalf of the City of West Des Moines, Iowa, and that the Mayor and the City Clerk acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it 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

### **SANITARY SEWER EASEMENT(S)**

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

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

The undersigned, **KATJAM Financial Corporation**, (hereinafter referred to as the "Grantor(s)"), owner(s) and/or developer(s) of Lot 9, Colby's Office Park, an official plat within the City of West Des Moines, Polk 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:

The eastern 11 feet of lot 9, Colby's Office Park, an official plat within  
the City of West Des Moines, Polk County, Iowa

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 surface and 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 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.**

After any maintenance of the Sewer(s), 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 Grantor(s) at the Grantor(s)' sole expense.

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 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 KATJAM Financial Corporation their heirs, assigns, successors-in-interest, or lessees, if any.

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 6 day of FEB, 2015.

KATJAM Financial Corporation

By: 

James Flynn

STATE OF IOWA

COUNTY OF Polk

)  
)SS

On this 6<sup>th</sup> day of February, 2015, before me, the undersigned, a Notary Public in and for said County and State personally appeared James Flynn, to me personally known, who being by me duly sworn, did say that he is owner of KATJAM Financial Corporation, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act.



Michelle D. Riesenbery  
Notary Public in and for the State of Iowa

CITY OF WEST DES MOINES, IOWA

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

Attest:

\_\_\_\_\_  
Ryan T. Jacobson

STATE OF IOWA

COUNTY OF POLK

)  
)SS  
)

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

**NO CHANGE FROM PREVIOUS READING**

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

**Date: February 23, 2015**

**ITEM:** Majestic Oaks, Generally located at the NW corner of Stagecoach Drive and S95th Street – Rezone approximately 17 acres of property from ‘Unzoned’ to Single Family Residential (R-1) – John Wick –ZC-002586-2015

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, John Wick, is requesting approval of a Rezoning Request to rezone 17 acres of property east of Sugar Creek from ‘Unzoned’ to Single Family Residential (R-1). The request is being made to accommodate a proposed 17 lot Single Family subdivision.

**Previous Council Action:**

Vote: 5-0 approval

Date: February 9, 2015

Motion: 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, staff recommends the City Council approve the second reading, waive the third reading and adopt the ordinance in final form.

Lead Staff Member: J. Bradley Munford

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register Community Section	
Date(s) Published	1/24/15	
Letter sent to surrounding property owners	1/26/15	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	1/29/15		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

Exhibit I - Proposed Rezoning Ordinance

Prepared by: JBMunford, 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

**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 17 acres generally located at the NW corner of Stagecoach Drive and S95th Street from "Unzoned" to Residential Single Family (R-1) district, in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

**Legal Description**

OUTLOT 'X' OF TIBURON, AN OFFICIAL PLAT RECORDED IN BOOK 2014, PAGE 5707 AT THE DALLAS COUNTY RECORDER'S OFFICE AND A PARCEL OF LAND IN THE SW1/4 SW1/4 OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5<sup>TH</sup> P.M., ALL IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID SW1/4 SW1/4, SAID NE CORNER ALSO BEING THE SE CORNER OF SAID OUTLOT 'X'; THENCE S00°10'19"W, 1314.38 ALONG THE EAST LINE OF SAID SW1/4 SW1/4 TO THE SE CORNER OF SAID SW1/4 SW1/4; THENCE S83°59'42"W, 385.51 FEET ALONG THE SOUTH LINE OF SAID SW1/4 SW1/4 TO A POINT; THENCE N83°28'17"W, 96.67 FEET TO A POINT; THENCE N53°09'58"W, 65.27 FEET TO A POINT; THENCE N14°05'42"W, 31.75 FEET TO A POINT; THENCE N42°25'18"E, 80.78 FEET TO A POINT; THENCE N22°46'31"E, 51.52 FEET TO A POINT; THENCE N31°21'13"E, 83.02 FEET TO A POINT; THENCE N70°05'28"E, 92.77 FEET TO A POINT; THENCE N32°55'08"E, 48.01 FEET TO A POINT; THENCE N14°59'27"E, 41.77 FEET TO A POINT; THENCE N29°07'47"W, 65.31 FEET TO A POINT; THENCE N15°19'52"W, 208.81 FEET TO A POINT; THENCE N11°08'55"W, 102.56 FEET TO A POINT; THENCE N36°07'20"W, 54.54 FEET TO A POINT; THENCE N84°48'52"W, 108.64 FEET TO A POINT; THENCE N75°40'50"W, 73.63 FEET TO A POINT; THENCE N35°12'35"W, 82.79 FEET TO A POINT; THENCE N06°20'06"W, 76.12 FEET TO A POINT; THENCE N14°40'23"E, 82.44 FEET TO A POINT; THENCE N03°23'37"E, 64.09 FEET TO A POINT; THENCE N09°50'39"W, 79.55 FEET TO A POINT; THENCE N16°31'21"W, 116.49 FEET TO A POINT ON THE NORTH LINE OF SAID SW1/4 SW1/4, SAID POINT ALSO BEING THE SW CORNER OF SAID OUTLOT 'X'; THENCE N00°38'03"E, 163.14 FEET ALONG THE WEST LINE OF SAID OUTLOT 'X' TO THE NW CORNER OF SAID OUTLOT 'X'; THENCE N83°51'55"E, 352.46 FEET ALONG THE NORTH LINE OF SAID OUTLOT 'X' TO A POINT; THENCE S00°38'03"W, 103.20 FEET ALONG SAID NORTH LINE TO A POINT; THENCE N83°27'22"E, 350.20 FEET ALONG SAID NORTH LINE TO THE NE CORNER OF SAID OUTLOT 'X', SAID NE CORNER ALSO BEING ON THE EAST LINE OF THE NW1/4 SW1/4 OF SAID SECTION 15; THENCE S00°39'45"W, 62.23 FEET ALONG THE EAST LINE OF SAID OUTLOT 'X' AND SAID NW1/4 SW1/4 TO THE POINT OF BEGINNING AND CONTAINING 17.00 ACRES.



**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 23rd day of February, 2015

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

ATTEST:

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

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

**NO CHANGE FROM PREVIOUS READING**

**DATE:** February 23, 2015

**ITEM:** Amendment to City Code - Title 7 (Public Ways and Property), Chapter 10 (Trees and Shrubs) - Amend Ordinance to Include Changes Needed Due to Emerald Ash Borer Management - City Initiated

1. Ordinance - Approval of Second, Third Readings and Final Adoption

**FINANCIAL IMPACT:** None

**BACKGROUND:** The purpose of this chapter is to promote and protect the public health, safety, and general welfare and to preserve the benefits provided by trees by providing for the regulation of the planting, maintenance, and removal of trees and shrubs within the City. Due to emerald ash borer management and changes in City staff and Department responsibilities related to trees and shrubs, several revisions are necessary. A summary of the major changes is provided below:

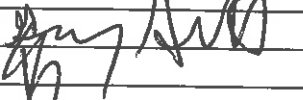

1. 7-10-3 Authority of the Code Enforcement Officer – This section was added to give authority to the Code Enforcement Officer to enforce nuisance abatement of trees and shrubs growing on private property.
2. 7-10-5-D Duties of the City Forester – A section was added to describe the role of the City Forester in assisting and advising Code Enforcement Officers on tree-related matters on private property.
3. 7-10-6-A3 Permit Required – A section was added to include a permit for treatment of a tree in the public right-of-way for disease or insect infestation. This will allow the abutting private property owner to treat a street tree with approval by the City Forester.
4. 7-10-7-E1 General Standards – Language was added to address City treatment and pre-emptive removal of public trees due to a risk of becoming diseased or insect ridden. This section also references the Council direction to allow treatment of street trees by the abutting property owner when not being treated by the City and not deemed to be a nuisance or hazard.
5. 7-10-9 Insurance and Bond for Businesses Engaged in Working with Trees and Shrubs – Changes to this section require businesses to provide proof of insurance and bonding to the City when working on public trees and shrubs. The section requires insurance and bonding for working on private property, but the businesses do not have to provide proof to the City.
6. 7-10-11-B Appeal – All references to appeals going to a Shade Tree Commission were removed. The appeal process was changed to being considered by the City Manager or designee with the decision of the City Manager or designee being final.

**OUTSTANDING ISSUES:** None

**RECOMMENDATION:** That the Council approve the second reading, waiver of the third reading, and final approval of the proposed Ordinance.

**Lead Staff Member:** Sally Orgies, Superintendent of Parks 

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

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

Published In	N/A
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Public Works		
Date Reviewed	2/2/15		
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"**

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

**SECTION 1:** Title 7, Chapter 10, Sections 1 – 14, are hereby amended by deleting ~~strike~~ ~~through~~ text and adding underline text.

**7-10-1: PURPOSE:**

The purpose of this Chapter is to promote and protect the public health, safety, and general welfare and to preserve the appearance and beautify the City benefits provided by trees by providing for the regulation of the planting, care maintenance, and removal of trees and shrubs within the City, ~~and to protect the public health, safety, and general welfare.~~

**7-10-2: DEFINITIONS:**

For use in this Chapter, the following terms are defined.

**CITY FORESTER:** The City Manager or any person designated by the City Manager of the City of West Des Moines to enforce this Chapter ~~his/her designee~~.

**CLOSING:** A closing exists any time the movement of pedestrian or vehicular traffic shall be stopped on a public way, for reason of public safety, as a result of any action covered by this Chapter.

**CODE ENFORCEMENT OFFICER:** The City Manager or any enforcement officer designated by the City Manager of the City of West Des Moines to enforce this Chapter.

**NUISANCE:** Whatever is injurious to health, public safety, indecent, or offensive to the senses, or an obstruction to the free use of property so as ~~essentially~~ to unreasonably interfere with the enjoyment of life or property.

**PERSONS:** An individual, firm, partnership, domestic or foreign corporation, company, association, trust, or legal entity.

**PROPERTY OWNER:** A person owning or responsible for private property in the City, ~~as shown by the County Auditor's plat of the City.~~

**PUBLIC PROPERTY:** Any and all property not defined as public right of way (ROW) located

within the confines of the City and owned by the City of West Des Moines, Iowa, or held in the name of the City by any of the departments, commissions, or agencies within the City government.

**PUBLIC RIGHT OF WAY (ROW):** All the land lying between property lines on either side of all public streets, alleys, and boulevards/ or parkways, including public easements and grants to the City of West Des Moines, Iowa. The term used herein shall include vertical directions above and below the ground surface within the public right of way.

**PUBLIC TREE/ OR SHRUB:** Any perennial woody plant, shrub, or tree located on public right of way or public property of the City of West Des Moines.

**PUBLIC UTILITY COMPANY:** Includes purveyors of electricity, natural gas, water, telephone, communications services and cable television services, and storm and sanitary sewer facilities, who are ~~either governmental agencies,~~ who are performing services related to City-initiated public improvement projects, or who have a valid franchise to operate within the City of West Des Moines.

**SHRUB:** Any woody perennial plant less than fifteen feet (15') tall at maturity, multiple stemmed, and adaptable to shaping, trimming, and pruning without injury.

**TREE:** Any woody perennial plant greater than fifteen feet (15') at maturity.

### **7-10-3: AUTHORITY OF THE CODE ENFORCEMENT OFFICER:**

The Code Enforcement Officer shall have the authority to enforce nuisance abatement of trees and shrubs growing on private property which violate City ordinances or policies.

### **7-10-4 3: AUTHORITY OF THE CITY FORESTER:**

The City Forester shall have the authority to perform and to regulate the planting, maintenance, and removal of public trees ~~and /shrubs on City right of way, alley, and boulevards/parkways.~~ The City Forester in conjunction with other City departments will work in management of other ~~shall manage public property trees and shrubs resources~~ in order to ensure promote and protect public health, safety, and general welfare and to preserve the benefits of City tree resources. The ~~City Forester will~~ shall enforce nuisance abatement of trees/ and shrubs growing on public ~~and private property which violate City ordinances and or policies.~~

### **7-10-5 4: DUTIES OF THE CITY FORESTER:**

The City Forester shall have and exercise the following duties pertaining to public trees/ and shrubs ~~in the public right of way:~~

A. Pruning or Removal: To prevent indiscriminate pruning or removal of public trees/ and shrubs.

B. New Plantings: To regulate and locate new plantings of public trees/ and shrubs in accordance with the City Forestry Standards of Practice and Specifications.

C. Secure Compliance: To order persons to comply with the duties placed upon them by this Chapter.

D. Advise: To assist and advise Code Enforcement Officers and other City employees regarding trees and shrubs on public and private property.

~~D~~ E. Supervision: To supervise all work activities by City employees and contractors in the tree planting, maintenance, and pruning, removal, and preservation of public trees/ and shrubs. To supervise does not require the City Forester to be physically present to directly monitor such activities.

~~E~~ F. Issue Permits: To issue all tree/ and shrub permits in accordance with Section 7-10-5 6 of this Chapter.

~~F~~ G. Conditions of Permit: To affix reasonable conditions to the granting of a permit hereunder and supervise work done under the permit.

~~G~~ H. Removal/Replacement of Public Trees/ and Shrubs for Public Improvement: May cause to be removed any public tree/shrub that interferes with the making of public improvements, if the City Forester determines that there is no reasonable method of making the public improvements without removing the tree/shrub; and make arrangements with appropriate persons performing public or private improvements to replace removed public tree/shrub with a minimum plant that is thirteen inches (13") in caliper. If replacement of public trees or shrubs is required, it shall occur within one hundred twenty (120) calendar days after said the public improvement is has been completed, or within the appropriate planting season at the discretion of the City Forester.

~~H~~ I. Removal of Trees or Shrubs for Nuisance Abatement: To remove or require removal of any public tree or shrub in whole or part or branches and roots, public or private that is so hazardous, diseased, or insect ridden as to be deemed a nuisance.

~~I~~ J. Notification of Future Tree or Shrub Removal on Public or Private Property: To provide written notification via personal service or certified mail with return receipt requested and regular mail to the abutting property owner at least fourteen (14) calendar days prior to any scheduled removal. Unclaimed or returned mail shall not constitute improper notification. The notice notification shall provide that the abutting property owner must contact the City within fourteen (14) calendar days of the date of the mailing if the property owner has any questions or concerns regarding the tree or shrub removal will state the date when the tree or shrub is to be removed, and the appeal process. Notification shall not be required for the removal of a public tree/ or shrub in an emergency situation as determined by the Ceity Fforester. Notification shall also not be required if the abutting property owner requested the removal of the public tree or shrub. No right is conferred upon or provided to the abutting property owner due to notification

of removal.

**7-10-5 6: PERMIT REQUIRED:**

No person shall plant, remove, treat, ~~spray~~, prune, cable, brace, or otherwise disturb a public tree/ or shrub without first applying for and receiving a permit from the City Forester. Requests for permits must be made a minimum of forty-eight (48) business hours in advance of the time the work shall begin. A permit will not be required to prune branches that are less than six inches (6") in diameter. All work shall be performed in accordance with the "City Forestry Standards of Practice and Specifications". The City shall be exempt from acquiring ~~individual job~~ permits to perform necessary maintenance to public trees/ and shrubs or to remove public trees and shrubs as part of a City-initiated public improvement project; however, city departments or agencies shall operate under an annual permit to perform various work pursuant to this chapter. Property owners shall be exempt from acquiring permits for planting, removing, or otherwise disturbing a public tree or shrub if the work is being performed as part of a development agreement approved by the City. If being performed as part of a development agreement, the City Forester shall be notified a minimum of forty-eight (48) business hours in advance of the time the work shall begin.

A. Required Permits and Ensuing Conditions of Issuance: The following permits with the ensuing conditions of issuance shall be obtained before any private person or entity performs any work on public trees/ and shrubs:

1. Planting: A permit shall be issued for planting within the public right of way or on public property when the City Forester finds that the new planting is desirable and the method of workmanship will be satisfactory and that the new planting(s) will conform to with the "City Forestry Standards of Practice and Specifications". A permit shall be denied if the planting(s) will likely create a future public nuisance or danger. Any tree planted within the public right of way or on public property pursuant to this Chapter shall become the property of the City.

2. Removal: A permit shall be issued for ~~any removal/replacement~~ of a public tree/ or shrub, including where the City Forester finds the tree/ or shrub interferes with performing ~~public~~ improvements within the public right of way or on public property, or the tree/ or shrub creates a public nuisance or danger to public safety. All public tree/ or shrub removal shall conform to with the "City Forestry Standards of Practice and Specifications".

No person shall close any street, alley, boulevard/ or parkway, highway, sidewalk, or trail to remove a public tree/ or shrub or private tree, or any portion thereof, without first obtaining the approval for such closing from the City in writing.

3. Treatment: A permit shall be issued for the treatment of any tree located within the public right of way for disease or insect infestation. A permit will only be issued when the tree has been designated by the City Forester as a candidate for possible treatment. When required by law, treatment shall be performed by a commercial pesticide applicator licensed to perform work in the State of Iowa and shall consist of chemical treatments approved by the City Forester.

B. Permits; Contents of Permit Application: The application shall be made on a form supplied by the City. A fee ~~should~~ may be assessed for the permit to cover the cost of administration. Fees will be established by resolution of the City Council. Fees will not be required from public agencies or franchised utilities ~~to that~~ that operate within the City. The applicant shall, at the time of making the application, agree in writing to, in all respects, save the City harmless, indemnify the City, and protect the City and the public at all times in connection with work done under such permit.

C. Inspection of Location Designated by the Permit: The City Forester shall inspect the location designated by the permit, and if in his/ or her opinion it will be desirable that such tree or shrub be planted, removed, treated, or otherwise disturbed, ~~he/she~~ the City Forester shall issue a permit.

D. Improper Planting: Trees and shrubs planted within the public right of way or on public property without authorization or in accordance with an issued permit, and public trees/ and shrubs found growing in violation of the "City Forestry Standards of Practice and Specifications", are subject to removal by the City Forester following the appropriate notification. ~~notices. If the trees or shrubs are not in violation other than a permit was not acquired, the person shall acquire a permit at double the cost.~~

E. Utility Requirements: All public utilities, their agents, employees, and subcontractors shall operate under an annual permit to prune public trees/ and shrubs for the purpose of eliminating potential hazards to public safety, to maintain their facilities, and to install or replace existing utilities. The annual permit requirement shall not apply to City-initiated public improvement projects. The utility company shall provide to the City Forester a copy of its work specifications and work schedule a minimum of forty eight (48) business hours prior to the commencement of any work. In cases of emergency, notification shall be given a maximum of forty eight (48) hours after the commencement of work. All work must comply with the "City Forestry Standards of Practice and Specifications".

#### **7-10-6 7: GENERAL STANDARDS:**

Any person 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 or shrubs located within the public right of way shall be maintained by the 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 may perform maintenance of trees and shrubs located within the public right of way at the discretion of the City Forester.



**A. ~~B.~~ Pruning:** 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, ~~pathways (bike) trails,~~ or streets. The minimum vertical clearance of trees and shrubs shall ~~have be~~ be fourteen feet (14') between the surface of a street and the lowest branch. ~~Branches~~ The minimum vertical clearance shall have be a minimum of 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.

**~~B. Maintenance:~~** ~~Public trees or shrubs shall be maintained by the owners of abutting property in accordance with this section and the "City Forestry Standards Of Practice And Specifications". Maintenance shall include watering, fertilizing, insect and disease control, and pruning.~~

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

1. Public Trees or Shrubs: The Ceity Fforester 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 pre-emptively 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 ~~city forester~~ 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 ~~either~~ 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. The following trees shall be prohibited within a public right of way: black locust, box elder, Bradford pear, catalpa, cottonwood, cotton bearing poplars, Lombardy poplar, mulberry, Siberian elm, silver maple, tree of heaven, weeping birch, white poplar, willows, conifers, or thorn trees.

G. Appropriate Trees: Trees appropriate to be planted within the public right of way ~~or other public places~~ are those listed in the ~~latest~~ 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 Ceity 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 Ceity Fforester.

#### **7-10-7 8: UNAUTHORIZED INTERFERENCE WITH PUBLIC TREES/ AND SHRUBS:**

~~Authorization must be obtained from the city forester before any of T~~the following actions may be performed are prohibited on public trees/ and shrubs unless authorized by the City Forester:

A. Damage: Damageing, cutting, carveing, transplanting, or removeing any ~~sueh~~ public tree/ or shrub.

B. Attachments: Attaching any rope, wire, nails, or other contrivance to any ~~sueh~~ public tree or /shrub.

C. Electric Wire: Causeing or permiting any wire charged with electricity to come in contact with any ~~sueh~~ public tree/ or shrub.

D. Harmful Substance: Allowing any gaseous, liquid, or solid substance which is harmful to any public tree/ or shrub to come in contact with it ~~them~~ or the soil supporting the sustenance of any ~~such~~ public tree/ or shrub.

E. Fire: Setting fire or permitting any fire to burn when such fire or the heat thereof will injure any portion of any ~~such~~ public tree/ or shrub.

F. Exception: Fastening holiday or ornamental lighting from November 1 to January 15 is allowed.

**7-10-8 9: INSURANCE AND BOND AND LICENSE FOR BUSINESSES ENGAGED IN WORKING WITH TRIMMING TREES/ AND SHRUBS:**

A. License: ~~It is unlawful for any such person to engage in the business of trimming, pruning, spraying, or otherwise treating trees or shrubs on public or private property within the city without first securing a license from the city.~~

B. A. Insurance: The contractor Any person or entity engaging in the business of trimming, pruning, spraying, or otherwise treating trees or shrubs on private property within the City shall be sufficiently insured and bonded at all times the person or entity performs these services. Any person or entity engaging in the business of trimming, pruning, spraying, or otherwise treating trees or shrubs on public property within the City shall acquire, and continuously maintain during the period in which the contractor person or entity is performing services, and shall provide the Ceity with acceptable proof of the following types and amounts of liability insurance coverage that satisfies the City's requirements.:

~~1. Workers' Compensation Insurance: Consisting of statutory compensation benefits and one hundred thousand dollars (\$100,000.00) of employer liability.~~

~~2. Comprehensive General Liability Insurance: With separate limits of not less than five hundred thousand dollars (\$500,000.00) per accident for bodily injury and five hundred thousand dollars (\$500,000.00) per accident for property damage of not less than one million dollars (\$1,000,000.00) per occurrence. This coverage shall include a contractual liability endorsement.~~

~~3. Comprehensive Owned And Nonowned Automobile Liability Insurance: With the same minimum limits of coverage as that required for the comprehensive general liability insurance.~~

~~4. Professional Liability Insurance: Coverage with an annual aggregate limit of not less than one million dollars (\$1,000,000.00).~~

For the trimming, pruning, spraying, or otherwise treating trees or shrubs on public property by others, t The Ceity shall be named as an additional insured by endorsement to the comprehensive general liability insurance policy. Certificates of insurance evidencing that the contractor person or entity has secured all of the required foregoing liability insurance must be provided to the

Ceity prior to the commencement of any work. A minimum of thirty (30) calendar days' notice to the Ceity prior to the cancellation of or change in any such insurance shall be endorsed on each policy and noted on each certificate.

C. B. Bond: A bond or cash deposit in the amount of five thousand dollars (\$5,000.00) shall be deposited with the City eity forester to assure adequate cleanup of activities.

#### **7-10-9 10: VIOLATION NOTICE AND ASSESSMENT:**

If the abutting a person or property owner is in violation of any regulations of this Chapter, fails to prune or treat trees as required, the city Code Enforcement Officer or City Forester may serve written notice on the responsible person by personal service, or by certified mail with return receipt requested and regular mail; or if the certified mail is returned undelivered, then by posting a copy of said notice at the address of the responsible person. The notice shall include a sufficiently detailed description of the violation and shall allow a reasonable time for the performance of any required remedial actions or order to cease and desist all work regulated by this Chapter requiring them to do so within thirty (30) days. If said the responsible person or property owner fails to prune or treat said trees undertake the remedial actions specified in the notice within the allowable such time, the Code Enforcement Officer or Ceity Fforester may take steps to effect compliance with the violation, to revoke any applicable permit, to perform the required action, and to assess the reasonable costs against to the responsible person or property owner and against the private property for collection in the same manner as property tax.

#### **7-10-10 11: APPEAL:**

A. Any appeal of a decision of the Code Enforcement Officer or Ceity Fforester shall be submitted in writing to the Code Enforcement Officer or Ceity Fforester within ten (10) calendar days of the date the City personally served or mailed the notice. Fees for appeal shall be established by resolution of the Ceity Ceouncil. The subject matter of an appeal may be the issuance of permits under this Chapter, the concurrence of the City Forester in permits required under other ordinances or policies, violation notices issued by the Code Enforcement Officer or City Forester, or other relevant matters involving the interpretation and enforcement of this Chapter.

B. The appeal shall be considered heard by the ~~shade tree commission~~ City Manager or designee within thirty (30) calendar days of receiving the appeal. Action by the Code Enforcement Officer or Ceity Fforester shall be stayed until the decision of the ~~commission~~ City Manager or designee is rendered, unless the Code Enforcement Officer or Ceity Fforester certifies to the ~~commission~~ City Manager or designee, after notice of appeal shall have been filed with him/ or her, that by reason of the facts stated in the petition, a stay would, in his/ or her opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed unless otherwise than by an injunction restraining order has been obtained which may be granted by the commission or by from a court of record on application on notice to the city forester and on due cause shown.

C. The ~~commission~~ City Manager or designee may reverse, affirm, modify, or waive, wholly or partially, any decision of the Code Enforcement Officer or Ceity Fforester, or the ~~commission~~ City Manager or designee may grant, deny, or revoke any permit or license. The decision of the ~~commission~~ City Manager or designee shall be final.

**7-10-11 ~~12~~: PROTECTION OF TREES:**

All public trees/ and shrubs deemed to be saved during construction or reconstruction activities shall be protected by the developer/ or property owner from damages or disturbances, including their root systems. Protective fences shall be placed and maintained at or beyond the drip line of public trees/ and shrubs that are unaffected by approved excavation or construction activities, but are subject to damage during said activities. Any disturbance of any kind within the fenced area shall be prohibited. Cutting, boring, and filling soil within the drip line of a public tree/ or shrub to be preserved shall be prohibited unless otherwise approved by the Ceity Fforester. Soil compaction caused by any type of equipment shall not be allowed to occur over the protected area of the root zone of any public tree/ or shrub unless approved by the Ceity Fforester.

**7-10-12 ~~13~~: INTERFERENCE WITH THE CITY FORESTER, CODE ENFORCEMENT OFFICER, OR CITY EMPLOYEES ENFORCING THIS CHAPTER:**

It is unlawful for any person or property owner to hinder, obstruct, or otherwise interfere with the Ceity Fforester, Code Enforcement Officer, or employees of the Ceity while engaged in carrying out the provisions of this chapter.

**7-10-13: VIOLATION NOTICE:**

~~A notice of violation of any provision of this chapter shall:~~

~~A. Be in writing;~~

~~B. Include a sufficiently detailed description of the violation;~~

~~C. Allow a reasonable time for the performance of any required remedial actions or order to cease and desist all work regulated by this chapter;~~

~~D. Be served personally, or by certified mail with return receipt requested; or if the certified letter with receipt is returned undelivered, then by posting a copy of said notice at the address of the responsible person.~~

~~If the responsible person fails to undertake the remedial actions specified in the notice within the allowable time, the city forester may take steps to effect compliance with the violation, to revoke any applicable permit, and assess reasonable costs to the responsible person.~~

**7-10-14: PENALTIES:**

The following penalties shall be imposed upon any person or property owner who violates any provision of this chapter:

A. Any person or property owner who violates the provisions of this chapter, upon conviction, shall be punished as set forth in Title 1, Chapter 4 of this code.

B. In addition to the penalties provided above, aAny person or property owner found guilty of violating the provisions of this chapter ~~shall~~ may be required to pay the cost of repair or replacement of such public tree/ or shrub. The replacement costs shall be determined in accordance with the latest version of "A Guide for Plant Appraisal" as published by the International Society of Arboriculture and authored by the Council of Tree and Landscape Appraisers.

C. The City reserves the right to collect costs in addition to penalties. The imposition of any penalty of a violation of this chapter shall not be construed as a waiver of the right of the City to collect the costs of removal or treatment of any tree or shrub in accordance with the provisions of this Chapter section.

D. Public utilities ~~shall~~ may be held responsible for the replacement of any public tree/ or shrub which has been severely damaged or died in the opinion of the City Forester as a result of the ~~normal~~ maintenance and/or new installation of utilities. The City Forester shall coordinate with the public utility appropriate and reasonable replacement of said severely damaged or dead public tree/ or shrub in accordance with the "City Forestry Standards of Practice and Specifications".

~~E. Public utilities shall be exempt from paying the cost of repair or replacement of any public tree/shrub which has not been severely damaged or died in the opinion of the city forester as a result of normal maintenance and/or new installation of public utilities.~~ Property owners abutting the area on which adjoining the public tree/ or shrub is located shall be notified by the utility company forty eight (48) hours prior to the commencement of any utility repair, maintenance, or replacement activities which will affect or harm the public trees/ or shrubs. In cases of emergency repair, the City Forester ~~will~~ shall have the option to waive of a waiver for said notification actions.

**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 \_\_\_\_\_, 2015.

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

**ATTEST:**

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

CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

5(c)

**ITEM:**

**DATE: February 23, 2015**

Resolution – Approving Release of Preliminary Special Assessments  
Grand Avenue Trail  
Raccoon River Regional Park to Fuller Road

**FINANCIAL IMPACT:**

It is anticipated that up to \$25,481.86 that was previously proposed to be Specially Assessed to benefited property owners will be paid by the City through budgeted account 6521.75.840.6.7910 with the ultimate funding intended to come from General Obligation Bonds.

**SYNOPSIS:**

The Council action listed under recommendation authorizes Polk County to remove the special assessments identified in the Preliminary Assessment Schedule from the tax rolls. The previously assessed parties are listed in the Preliminary Plat and Schedule of Assessments that is enclosed in this packet.

**BACKGROUND:**

On March 24, 2014, the Council approved the Preliminary Plat and Schedule of Assessments and a Resolution of Necessity which authorized special assessing the pro-rata share of a four foot sidewalk in a ten foot wide trail along Grand Avenue between Fuller Road and the entrance to Raccoon River Regional Park. During a Council Workshop on December 1, 2014, a consensus was reached to bring to the full Council an action to eliminate the special assessments for this sidewalk section.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Removing Special Assessments.

**Lead Staff Member: Duane C. Wittstock, P.E., L.S., City Engineer** *dcw*

**STAFF REVIEWS**

Department Director	Duane C. Wittstock, City Engineer
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	Richard Scieszinski, City Attorney <i>RS</i>
Agenda Acceptance	<i>RTG</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	
Date Reviewed	
Recommendation	



**RESOLUTION REMOVING SPECIAL ASSESSMENTS**

**WHEREAS**, this Council has on February 24, 2014 approved the Preliminary Plat and Schedule of Assessments and on March 24, 2014, approved a Resolution of Necessity for the Grand Avenue Trail, Raccoon River Regional Park to Fuller Road, and has held a Public Hearing thereon required by law; and

**WHEREAS**, the work on the project is nearly complete;

**WHEREAS**, Bond Number 2014-02 was assigned to this project;

**WHEREAS**, Polk County, Iowa was directed to apply the assessments to benefited properties in accordance with Resolution Number 14-02-24-14 dated February 24, 2014;

**WHEREAS**, the Council has reconsidered levying special assessments to benefited property owners for this project; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEST DES MOINES, IOWA;** that the proposed special assessments to benefited properties for the construction of the Grand Avenue Trail, Raccoon River Regional Park to Fuller Road, be removed and the City Clerk provide proper notice to Polk County of this action.

**PASSED AND APPROVED** this 23th day of February, 2015.

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

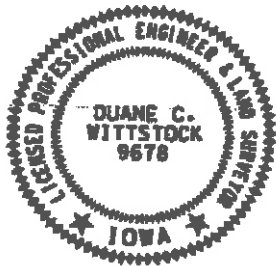
ATTEST:

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


**PRELIMINARY PLAT AND SCHEDULE OF ASSESSMENTS**

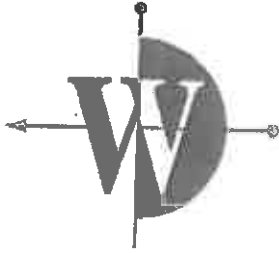
**FOR**

**GRAND AVENUE TRAIL  
RACCOON RIVER REGIONAL PARK TO FULLER ROAD  
WEST DES MOINES, IOWA  
PROJECT NO. 0510-005-2014**



**I HEREBY CERTIFY THAT THIS PLAT AND SCHEDULE 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.**

  
**DUANE C. WITTSTOCK, P.E., L.S.**      2-19-14  
Date  
My License Renewal Date is December 31, 2014  
Pages Covered by this Seal: All Sheets



THE CITY OF  
**West Des Moines®**  
www.wdm.iowa.gov

**Development Services**

4200 Mills Civic Parkway, Suite 2D  
P.O. Box 65320  
West Des Moines, IA 50265-0320

**Building Inspection**  
515-222-3630

**Planning and Engineering**  
515-222-3620

FAX 515-273-0602  
TDD/TTY 515-222-3334

E-mail  
development@wdm.iowa.gov

February 19, 2014

Honorable Mayor and  
Members of the City Council  
City of West Des Moines  
4200 Mills Civic Parkway  
West Des Moines, Iowa 50265

**Re: Preliminary Plat and Schedule of Assessments  
Grand Avenue Trail  
Raccoon River Regional Park to Fuller Road**

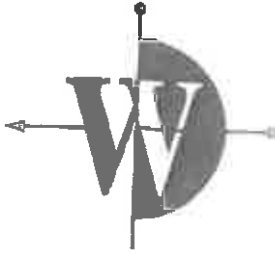
Honorable Mayor and Members of the City Council:

We submit for your consideration a Preliminary Plat and Schedule of Assessments for the construction of the Grand Avenue Trail from the Raccoon River Regional Park to Fuller Road.

The construction will consist of the installation of a multipurpose trail on the northwesterly side of Grand Avenue along with other related miscellaneous work associated with this type of construction. The improvements will be constructed within the boundaries outlined in the attached Assessment and Benefit Areas and Methodology.

The proposed trail is a new facility. Originally it was anticipated that a sidewalk would be constructed through this section of Grand Avenue. Council subsequently has provided direction that a multipurpose trail should be installed instead. The trail will be constructed of Portland cement concrete and will be ten feet in width and six inches in thickness. The abutting property owners will be responsible for the equivalent cost of a Portland cement concrete sidewalk. The pro-rata share of the cost of the trail to the property owners is 26.67% of the total trail cost for a four inch thick sidewalk four feet wide based on the cross sectional area of the trail in relation to the cross section area of a typical sidewalk.

There are thirty-nine (39) parcels with thirty-six (36) distinct property owners who will benefit as a result of the project. Owners of eleven (11) of the parcels have either previously constructed the sidewalk along their frontage or have posted performance surety with the City for the construction of their share of the sidewalk. There are twenty-five (25) distinct property owners who have not previously either constructed a sidewalk or provided performance surety for the construction of a sidewalk. These twenty-five property owners will be specially assessed for the cost of the improvements. Unlike sidewalk improvement programs where the property owner is afforded an opportunity to construct the sidewalk along their frontage, the City will construct the trail through a public



THE CITY OF  
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**Development Services**

4200 Mills Civic Parkway, Suite 2D  
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FAX 515-273-0602  
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E-mail  
developmentservices@wdm.iowa.gov

**Preliminary Plat and Schedule of Assessments  
Grand Avenue Trail  
Raccoon River Regional Park to Fuller Road  
February 19, 2014**

the City will construct the trail through a public bid process. The reason for not allowing the property owners the opportunity to construct the trail is due to logistical and quality control concerns regarding the trail construction.

Staff recommends that the Council's policy regarding economic hardship be included in this program in case that situation exists.

No advanced notices requiring the installation of sidewalks have been provided to the property owners at this time since the project will be constructed entirely by the City. The Public Hearing notice as well as the notice for potential economic hardship relief will be transmitted after the public hearing date has been established. Staff anticipates that a public information meeting will be held prior to the public hearing.

The estimated costs and quantities are as shown on the attached Project Cost Summary. The total cost of the project is estimated to be \$341,960.68. The cost that is proposed to be assessed to each individual property is based on projected quantities and estimated unit costs for each respective section of sidewalk on a parcel by parcel basis. The maximum assessable cost is estimated to be \$25,481.86.

Please note that the assessment schedule shows the Council Valuation of lots and parcels, the assessments computed utilizing the total project cost and any conditional deficiency for each lot and parcel as established by the Council. The property valuation for most of the parcels was arrived at by utilizing the Assessor's valuation for the property. For property where there was a nominal valuation, a value of \$15,000 per acre was assigned by staff for special assessment purposes. No appraisals were performed for this project. Any cost in excess of those shown will be paid from other City funds.

Respectfully submitted,

  
Duane C. Wittstock, P.E., L.S.  
City Engineer

Enclosure

DCW/pe

P:\PWENGR\51014005 Grand Avenue Trail, Fuller Road to Raccoon River Regional Park\Special Assessments\Preliminary\Prelim Mayor Letter.docx2

**Engineer's Estimate  
Grand Avenue Trail  
Raccoon River Regional Park to Fuller Road  
West Des Moines, Iowa**

**Project No. 0510-005-2014**

ITEM NO.	ITEM	UNIT	QUAN.	UNIT PRICE	TOTAL	COSTS	
						ASSESSABLE	NON-ASSESSABLE
<b>GENERAL</b>							
1.1	Mobilization	LS	1.0	\$ 10,000.00	\$ 10,000.00	\$521.70	\$9,478.30
1.2	Traffic Control	LS	1.0	\$ 5,000.00	\$ 5,000.00	\$260.85	\$4,739.15
1.3	Survey and Layout	LS	1.0	\$ 7,500.00	\$ 7,500.00	\$391.28	\$7,108.73
<b>MEMO</b>							
2.1	Concrete Removal (4" PCC)	SY	377.0	\$ 9.00	\$ 3,393.00	\$0.00	\$3,393.00
2.2	Curb Wall Removal	LF	37.5	\$ 25.00	\$ 937.50	\$0.00	\$937.50
<b>UTILITY</b>							
3.1	Man-Hole Adjustment (replace w/ 3 piece unit)	EA	7.0	\$ 1,800.00	\$ 12,600.00	\$0.00	\$12,600.00
3.2	Relocate Traffic Man-hole	EA	1.0	\$ 3,000.00	\$ 3,000.00	\$0.00	\$3,000.00
<b>GRAVATION</b>							
4.1	Embankment-In-Place	CY	450.0	\$ 32.00	\$ 14,400.00	\$0.00	\$14,400.00
4.2	Grading & Excavation	CY	343.0	\$ 35.00	\$ 12,005.00	\$0.00	\$12,005.00
4.3	6" Subgrade Prep	SY	2,968.0	\$ 4.50	\$ 13,356.00	\$696.78	\$12,659.22
<b>PAVEMENT</b>							
5.1	Curb Wall, PCC	LF	186.0	\$ 40.00	\$ 7,440.00	\$0.00	\$7,440.00
5.2	Curb & Outer, PCC, Remove & Replace	LF	150.0	\$ 35.00	\$ 5,250.00	\$0.00	\$5,250.00
5.3	Sidewalk, PCC, 4"	SF	387.0	\$ 4.50	\$ 1,741.50	\$0.00	\$1,741.50
5.4	Multi-Use Trail, Reinforced PCC, 6"	SF	24,453.0	\$ 5.56	\$ 135,958.68	\$17,730.82	\$118,227.86
5.5	Detectable Warning Panels	SF	239.0	\$ 35.00	\$ 8,365.00	\$0.00	\$8,365.00
<b>RESTORATION</b>							
6.1	Stabilization Crop (seeding & fertilizing)	AC	0.4	\$ 6,000.00	\$ 2,400.00	\$0.00	\$2,400.00
6.2	Hydromulching	AC	0.4	\$ 3,000.00	\$ 1,200.00	\$0.00	\$1,200.00
6.3	Site Restoration (finish grade and sod)	SQ	210.0	\$ 50.00	\$ 10,500.00	\$0.00	\$10,500.00
6.4	Temporary Irrigation	LS	1.00	\$ 8,000.00	\$ 8,000.00	\$0.00	\$8,000.00
<b>TOTAL CONSTRUCTION COST</b>					<b>\$ 263,046.68</b>	<b>\$19,601.43</b>	<b>\$ 243,445.25</b>

Notes:

**SURFACE AREA RATIO OF ASSESSABLE SIDEWALK TO TOTAL TRAIL**

Assessable Sidewalk  $49.0' + 60.0' + 526.4' + 47.0' + 519.0' = 1201.4$  LF x 4' wide = 4,805.6 SF  
 Total Trail Area 24,453.0 SF  
 Surface Area Ratio  $4,805.6 \text{ SF} / 24,453.0 \text{ SF} = 19.562\%$

**SIDEWALK TO TRAIL THICKNESS RATIO**

Sidewalk Thickness 4"  
 Trail Thickness 6"  
 Ratio  $4/6 = 66.667\%$

**CROSS SECTIONAL AREA RATIO SIDEWALK TO TRAIL**

Sidewalk Cross Section 4" Thick x 48" wide = 192.0 Sq In  
 Trail Cross Section 6" Thick x 120" wide = 720.0 Sq In  
 Cross Sectional Area Ratio  $192.0 \text{ Sq In} / 720.0 \text{ Sq. In} = 26.667\%$

**OVERALL ASSESSABLE SIDEWALK RATIO TO TOTAL TRAIL RATIO**

Surface Area Ratio  $19.562\% \times$  Cross Sectional Area Ratio  $26.667\% = 5.217\%$  Assessable Sidewalk to Total Trail Ratio

**PROJECT COST SUMMARY  
 GRAND AVENUE TRAIL  
 RACCOON RIVER REGIONAL PARK TO FULLER ROAD  
 WEST DES MOINES, IOWA  
 PROJECT NO. 0510-005-2014**

<u>ITEM</u>	<u>UNIT</u>	<u>ESTIMATED QUANTITY</u>		<u>COST</u>		<u>TOTAL</u>
		<u>ASSESSABLE</u>	<u>NON-ASSESSABLE</u>	<u>ASSESSABLE</u>	<u>NON-ASSESSABLE</u>	
4" SIDEWALK	SF	4805.6	0.0	\$19,601.43	\$0.00	\$19,601.43
TRAIL LESS PRO-RATA SIDEWALK	LS	NA	NA	\$0.00	\$243,445.25	\$243,445.25
SUBTOTAL		0.0		\$19,601.43	\$243,445.25	\$263,046.68
ENGINEERING LEGAL AND ADMINISTRATIVE COST (20% OF SUBTOTAL)				\$3,920.29	\$48,689.05	\$52,609.34
CONTINGENCY (10% OF SUBTOTAL)				\$1,960.14	\$24,344.53	\$26,304.67
<b>TOTAL PROJECT COSTS</b>				<b>\$25,481.86</b>	<b>\$316,478.83</b>	<b>\$341,960.68</b>

**FINANCIAL IMPACT  
 GRAND AVENUE TRAIL  
 RACCOON RIVER REGIONAL PARK TO FULLER ROAD  
 PROJECT NO. 0512-005-2014**

<u>Category</u>	<u>Cost</u>	<u>Proportion of Total Project Cost</u>
<b>A) <u>NON-CITY SHARE</u></b>		
Assessable Costs	\$ 25,481.86	7.45%
Subtotal	\$ 25,481.86	7.45%
<b>B) <u>CITY SHARE</u></b>		
Assessable Costs	\$0.00	0.00%
Non-Assessable Costs	\$316,478.82	92.55%
Conditional Deficiency	\$0.00	0.00%
Subtotal	\$316,478.82	92.55%
<b>TOTAL PROJECT COSTS</b>	<b>\$341,960.68</b>	<b>100%</b>

**Assessment Benefit Areas and Methodology  
Grand Avenue Trail  
Raccoon River Regional Park to Fuller Road  
West Des Moines, Iowa  
0510-005-2014**

ALL IMPROVEMENTS FRONTING A PUBLIC STREET RECEIVE A SPECIAL BENEFIT DUE TO THE CONSTRUCTION OF SIDEWALK OR TRAIL. THE BENEFIT INCLUDES THE INCREASE IN THE VALUE OF THE PROPERTY, DECREASE IN LIABILITY FOR THE PROPERTY OWNERS AND OTHER MISCELLANEOUS RELATED BENEFITS. THE EQUIVALENT SIDEWALK COSTS ARE ASSESSED ON A FRONTAGE FOOT BASIS.

**LEGAL DESCRIPTION**

THE FOLLOWING TRACTS OF LAND ARE WITHIN THE ASSESSMENT DISTRICT AND ARE LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SUBDIVISION	LOT(S)
EIGHT WAYS FARM	-EX BEG 622.66F SE OF SW COR THN NE 71.5F NELY 627.14F TO N LN SELY 39.82F SWLY 524.36F SW 145.88F TO S LN W 13.3F TO POB- LOT C EIGHT-WAYS FARM; -EX BEG 511.96F SWLY OF NE COR LT B THN SWLY 111.52F NWLY 39.82F NE 60F SE 0.18F NELY 40.03F TO POB- LT J EIGHT-WAYS FARM ; -EX BEG SE COR LT 39 GRAND WOODS TOWNHOMES PLT 1 THN E 15.31F SWLY 511.96F SWLY 40.03F NW 0.18F NELY 526.41F TO N LNE 19.96F TO POB- LOT B EIGHT-WAYS FARM
GRAND WOODS PLAT 4	21
HEATHERWOOD ESTATES PLAT 2	-EX BEG 83.51F S OF NE COR SW 1/4 SE 1/4 SEC THN S 9.4F NW 47.95F E 9.4F SWLY 37.72F TO POB LOT K- & -EX BEG AT NWLY COR THN NELY 22.26F SE 71.26F SW 42.37F TO WLY LN NE 25F NW 60F TO POB LOT G- &-EX LOTS L & M- ALL OF HEATHERWOOD EST PLT 2



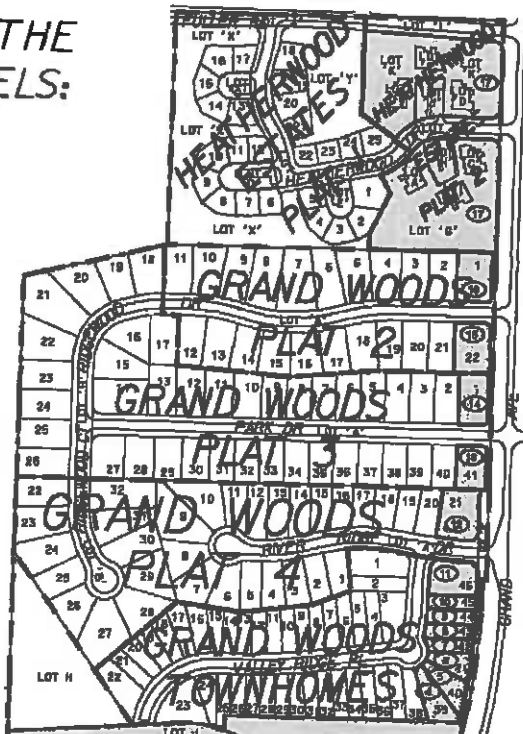
Preliminary Assessment Schedule  
 Grand Avenue Trail  
 Raccoon River Regional Park to Fuller Road  
 West Des Moines, Iowa  
 Project No. 0510-005-2014  
 February 19, 2014

Prop. No.	Property Owner	Property Address	Legal Description	Cert. No.	Parcel No.	Counsel Valuation	Submarket (EP)	Submarket # (BE)	Construction Cost	Administration Cost	Contingency	Total Benefit	Preliminary Assessment	Conditional Deficiency	Proportion of Total Cost
001	Diligent Grand Avenue 07L Reliance Family Limited Partnership 12119 Stratford Dr. Ste B Civic IA, 50223 CH	2331 Grand Ave	EX B06 622.66' BE OF SW COR. 1/4 IN NE 1/4 SW NELY 671.14' TO N LN SELY 39.82' SWLY 51.36' SW 1/4 S88° TO S LN W 15.39' TO POB- LOT C BEHT- WAYS FARM	5318000	32001463-000-000	\$27,950	48.0	1963.0	\$799.45	\$1,920.89	\$79.95	\$1,009.29	\$1,009.29	\$0.00	0.30%
002	Diligent Grand Avenue 07L Reliance Family Limited Partnership 12119 Stratford Dr. Ste B Civic IA, 50223 CH	2375 Grand Ave	EX B05 511.04' SWLY OF NE COR. 1/4 IN SW NELY 111.52' NWLY 39.22' NE 60° SE 0.18° NELY 40.81' TO POB- LOT C BEHT- WAYS FARM	5318000	32001468-700-100	\$26,250	60.0	240.0	\$978.92	\$195.78	\$97.89	\$1,272.60	\$1,272.60	\$0.00	0.27%
003	Diligent Grand Avenue 07L Reliance Family Limited Partnership 12119 Stratford Dr. Ste B Civic IA, 50223 CH	2401 Grand Ave	EX B05 88' COR. 1/2 IN GRAND WOODS TOWNSHIPS PLAT 1 TKR E 143' IF SWLY 51.36' SWLY 40.81' NW 0.18° NELY 52.61' TO N LN IN 89.80' TO POB- LOT B BEHT- WAYS FARM	5318000	32002724-700-001	\$62,530	225.4	2,105.6	\$4,588.57	\$1,717.71	\$818.66	\$11,163.14	\$11,163.14	\$0.00	3.27%
004	March M. Reid	2518 Valley Ridge Pl	LT 36 GRAND WOODS TOWNSHIPS PLAT 1	5318000	32002724-830-000	\$160,000	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
005	Randy Tison Dennis Tison	2316 Valley Ridge Pl	LT 40 GRAND WOODS TOWNSHIPS PLAT 1	5318000	32002724-840-000	\$0.00	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
006	James B. Hazzan	2314 Valley Ridge Pl	LT 41 GRAND WOODS TOWNSHIPS PLAT 1	5318000	32002724-841-000	\$154,300	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
007	Ilseyy J. Douchener Carl D. Douchener	2312 Valley Ridge Pl	LT 42 GRAND WOODS TOWNSHIPS PLAT 1	5318000	32002724-842-000	\$154,000	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
008	Steven C. Shannon Brenda Shannon	2310 Valley Ridge Pl	LT 43 GRAND WOODS TOWNSHIPS PLAT 1	5318000	32002724-843-000	\$156,900	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
009	Kerwin Klug	2308 Valley Ridge Pl	LT 44 GRAND WOODS TOWNSHIPS PLAT 1	5319000	32002724-844-000	\$155,400	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
010	Nancy Nagle	2316 Valley Ridge Pl	LT 45 GRAND WOODS TOWNSHIPS PLAT 1	5319000	32002724-845-000	\$152,000	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
011	Carol Houghton	2302 Valley Ridge Pl	LT 46 GRAND WOODS TOWNSHIPS PLAT 1	5319000	32002724-846-000	\$148,400	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
012	Paul B. Crowell Joanna A. Reynolds	2305 River Ridge Dr	LOT 31 GRAND WOODS PLAT 4	5319000	32002724-702-121	\$181,100	47.0	188.0	\$766.82	\$133.35	\$76.68	\$956.87	\$956.87	\$0.00	0.28%
013	Ray Ford	2300 Park Dr	EX E 10E- LOT 41 GRAND WOODS PLAT 3	5319400	32002724-701-000	\$169,400	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
014	Nathan M. Eckman Alicia S. Zibman	2301 Park Dr	EX E 10E- LOT 1 GRAND WOODS PLAT 3	5319500	32002724-701-000	\$162,600	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
015	Blak V. Tims Mel T. Tims	2310 Ridgewood Dr	EX E 10E- LOT 22 GRAND WOODS PLAT 2	5319600	32002724-672-001	\$213,200	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
016	John M. Skarone Felix A. Ramos-Saucos	2303 Ridgewood Dr	EX E 10E- LOT 1 GRAND WOODS PLAT 2	5319700	32002724-651-001	\$193,700	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
017	Paula Homan of Helderwood (1)	2301 Ridgewood Dr	EX E 10E- LOT 23 GRAND WOODS PLAT 2	5319800	32002724-672-001	\$213,200	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
017a	Nancy J. Gungl	2301 Helderwood Dr Unit 16	EX B08 83.51' S OF NE COR. NW 1/4 SE 1/4 BEHTEN 2.84' NW 47.59' E 94° SWLY 57.28' TO POB- LOT 16 BEHTEN 2.84' NWLY COR. THEN NELY 22.28' BEHTEN 2.84' SW 62.89° TO LN IN 56' NW 60° TO POB- LOT 16 BEHTEN 2.84' SW 62.89° TO LN IN 56' TO PATO BONES OF HEATHERWOOD	5320000	7825-16-455-016	\$93,000	0.0	0.0	\$0.00	\$1,683.55	\$846.77	\$11,007.97	\$11,007.97	\$0.00	3.22%
017b	Mary Beth Chum	2309 Helderwood Dr Unit 12	Unit 12 LT C PATO BONES OF HEATHERWOOD	5319900	7825-16-455-012	\$79,500	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
017c	Christa Thiel-Johnson	2305 Helderwood Dr Unit 15	Unit 15 LT D PATO BONES OF HEATHERWOOD	5320000	7825-16-455-015	\$99,100	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
017d	James J. Shady	2307 Helderwood Dr Unit 14	Unit 14 LT D PATO BONES OF HEATHERWOOD	5320000	7825-16-455-014	\$94,000	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
017e	Sharon Reynolds	2308 Helderwood Dr Unit 10	Unit 10 LT C PATO BONES OF HEATHERWOOD	5320000	7825-16-455-010	\$94,100	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
017f	Christa C. Sconner	2315 Helderwood Dr Unit 11	Unit 11 LT C PATO BONES OF HEATHERWOOD	5320300	7825-16-455-011	\$91,100	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
017g	James J. Van Arkel	2313 Helderwood Dr Unit 13	Unit 13 LT D PATO BONES OF HEATHERWOOD	5320400	7825-16-455-013	\$90,800	0.0	0.0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%

Preliminary Assessment Schedule  
 Grand Avenue Trail  
 Raccoon River Regional Park to Fuller Road  
 West Des Moines, Iowa  
 Project No. 0510-005-2014  
 February 19, 2014

Prop. No.	Property Owner	Property Address	Legal Description	Cont. No.	Parcel No.	Council Valuation	SIDEWALK (LF)	SIDEWALK 4" (SF)	CONSTRUCTION COST	ADMINISTRATION COST	CONTINGENCY	TOTAL BENEFIT	PRELIMINARY ASSESSMENT	CONDITIONAL DEFICIENCY	PROPORTION OF TOTAL COST
017a	Charles B. Wheeler	2316 Heatherwood Dr Unit 2	Unit 2 LT B PATIO HOMES OF HEATHERWOOD	5320900	7825-16-455-008	\$79,900						\$478.61	\$478.61	\$0.00	0.14%
017b	Stephanie J. Malin	2317 Heatherwood Dr Unit 17	Unit 17 LT B PATIO HOMES OF HEATHERWOOD	5320900	7825-16-455-017	\$90,000						\$478.61	\$478.61	\$0.00	0.14%
017c	Hunter D. Verba	2320 Heatherwood Dr Unit 7	Unit 7 LT B PATIO HOMES OF HEATHERWOOD	5320780	7825-16-455-007	\$95,100						\$478.61	\$478.61	\$0.00	0.14%
017d	Thomas M. Redman	2321 Heatherwood Dr Unit 20	Unit 20 LT B PATIO HOMES OF HEATHERWOOD	5320900	7825-16-455-020	\$79,900						\$478.61	\$478.61	\$0.00	0.14%
017e	Nicole M. Chastand	2324 Heatherwood Dr Unit 6	Unit 6 LT B PATIO HOMES OF HEATHERWOOD	5320900	7825-16-455-006	\$99,400						\$478.61	\$478.61	\$0.00	0.14%
017f	Linda M. Weisenburger Linda M. Brown 2650 Avenida La Granwood, IA 51534	2325 Heatherwood Dr Unit 18	Unit 18 LT B PATIO HOMES OF HEATHERWOOD	5321000	7825-16-455-018	\$99,100						\$478.61	\$478.61	\$0.00	0.14%
017g	Leslie Moore	2329 Heatherwood Dr Unit 5	Unit 5 LT B PATIO HOMES OF HEATHERWOOD	5321100	7825-16-455-005	\$95,900						\$478.61	\$478.61	\$0.00	0.14%
017h	Sam Schryver	2329 Heatherwood Dr Unit 19	Unit 19 LT B PATIO HOMES OF HEATHERWOOD	5321200	7825-16-455-019	\$99,100						\$478.61	\$478.61	\$0.00	0.14%
017i	Lois A. Lloyd	2332 Heatherwood Dr Unit 4	Unit 4 LT A PATIO HOMES OF HEATHERWOOD	5321300	7825-16-455-004	\$79,900						\$478.61	\$478.61	\$0.00	0.14%
017j	Leslie L. Moore	2333 Heatherwood Dr Unit 21	Unit 21 LT F PATIO HOMES OF HEATHERWOOD	5321400	7825-16-455-021	\$91,200						\$478.61	\$478.61	\$0.00	0.14%
017k	Kelley Malins	2336 Heatherwood Dr Unit 3	Unit 3 LT A PATIO HOMES OF HEATHERWOOD	5321500	7825-16-455-003	\$100,700						\$478.61	\$478.61	\$0.00	0.14%
017l	Cyril M. Dupont	2337 Heatherwood Dr Unit 24	Unit 24 LT F PATIO HOMES OF HEATHERWOOD	5321600	7825-16-455-024	\$79,900						\$478.61	\$478.61	\$0.00	0.14%
017m	Christine C. Arnsch	2340 Heatherwood Dr Unit 2	Unit 2 LT A PATIO HOMES OF HEATHERWOOD	5321700	7825-16-455-002	\$95,500						\$478.61	\$478.61	\$0.00	0.14%
017n	Melissa F. Grant	2341 Heatherwood Dr Unit 22	Unit 22 LT F PATIO HOMES OF HEATHERWOOD	5321800	7825-16-455-022	\$95,100						\$478.61	\$478.61	\$0.00	0.14%
017o	Stacy & Edna Miesler (C) IA Housing Finance Auth (T)	2344 Heatherwood Dr Unit 1	Unit 1 LT A PATIO HOMES OF HEATHERWOOD	5321900	7825-16-455-001	\$9,320						\$478.61	\$478.61	\$0.00	0.14%
017p	Jean A. Heider	2345 Heatherwood	Unit 23 LT F PATIO HOMES OF HEATHERWOOD	5322000	7825-16-455-023	\$104,800						\$478.61	\$478.61	\$0.00	0.14%
<b>TOTALS</b>															
							1201.4	4806.6	\$19,601.43	\$3,990.29	\$1,860.14	\$25,063.25	\$25,063.25	\$0.00	7.31%
NOTES: 1) Costs for Patio Homes of Heatherwood equally distributed to individual units 2) Black Wagon Patio jobs assumed to have a value of \$11,000 each															

PARCEL 17 INCLUDES THE  
 FOLLOWING SUB-PARCELS:  
 17A - 17W



EIGHT-WAYS FARM

EIGHT-WAYS FARM




SCALE IN FEET: 1" = 500'



LEGEND

- SIDWALK PROGRAM BOUNDARY
- ▭ PARCELS FOR SIDWALK IMPROVEMENTS
- - - SUBDIVISION BOUNDARY
- ⊙ PROPERTY NUMBER

 DEPARTMENT OF PUBLIC WORKS POLK COUNTY, FLORIDA 1000 N. W. 10th STREET, GAINESVILLE, FLORIDA 32601-1000 FAX: 352-385-2473		02-14
PROJECT:		
PRELIMINARY ASSESSMENT PLAT GRAND AVENUE TRAIL		
LOCATION:		
VARIOUS LOCATIONS POLK COUNTY		
REF	DATE	SCALE 1" = 500'
PROJECT NO. 0510-005-2014	SHT. 1 OF 1	

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

Date: February 23, 2015

**ITEM:** Maple Grove West, Southeast corner of the Union Pacific Railroad and 98th Street – Amend the Maple Grove West PUD, Parcel B to modify requirements for setbacks, buffers, and architecture – Rock Equity Holdings, LLC  
ZC-002586-2015

**Ordinance: Approval of First Reading**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Rock Equity Holdings, LLC, represented by James Lindgren, is requesting an amendment to the Maple Grove West Planned Unit Development, specifically PUD Parcel B, zoned Residential Medium Density (RM-12) to:

- Reduce the perimeter setback on the north and east property lines to a minimum 25 ft. due to the adjacent uses of the water tower and the railroad;
- To remove the buffer park requirement on the north and east perimeter due to the adjacent uses of the water tower and the railroad;
- To provide for a minimum setback for the garage of 25 feet from the garage door to the back of curb;
- Reduce the minimum building separation from 30 feet to 15 feet; and,
- Amend the architecture section to remove the provision that indicates that garages should not be the predominate feature of the dwelling unit.

**Plan and Zoning Commission Action:**

Vote: 5-0 approval. Commissioners Crowley and Erickson absent

Date: February 17, 2015

Motion: Adopt a resolution recommending the City Council approve the PUD amendment request.

**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 & Planning, January 29, 2015*)
- Staff Review and Comments
  - *North Buffer Requirement*
  - *East Buffer Requirement*
  - *Setbacks*
  - *Building Separation*
  - *Setback from curb*
  - *Architecture*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council adopt a resolution to approve the first reading to amend the Maple Grove West PUD (Planned Unit Development) as described above, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser

**STAFF REVIEWS:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>RTG</i>

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

Published In	<i>Des Moines Register</i>
Date(s) Published	February 6, 2015
Letter sent to surrounding property owners	February 3, 2015

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development and Planning		
Date Reviewed	January 29, 2015		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**


- Exhibit I - Plan and Zoning Communication
- Attachment A - Plan and Zoning Commission Resolution
- Attachment B - Location Map
- Attachment C - Proposed Rezoning Ordinance (*now Exhibit II*)
- Exhibit II - Proposed Rezoning Ordinance

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

**Meeting Date:** February 17, 2015

**Item:** Maple Grove West, southeast corner of the Union Pacific Railroad and 98<sup>th</sup> Street – amend the Maple Grove West PUD, Parcel B to modify requirements for setbacks, buffers, and architecture – Rock Equity Holdings, LLC – ZC-002586-2015

**Requested Action:** Approval of a Planned Unit Development (PUD) amendment

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** Rock Equity Holdings, LLC, represented by James Lindgren, is requesting an amendment to the Maple Grove West Planned Unit Development, specifically PUD Parcel B, zoned Residential Medium Density (RM-12) to:

- Reduce the perimeter setback on the north and east property lines to a minimum 25 ft. due to the adjacent uses of the water tower and the railroad;
- To remove the buffer park requirement on the north and east perimeter due to the adjacent uses of the water tower and the railroad;
- To provide for a minimum setback for the garage of 25 feet from the garage door to the back of curb;
- Reduce the minimum building separation from 30 feet to 15 feet; and,
- Amend the architecture section to remove the provision that indicates that garages should not be the predominate feature of the dwelling unit.

**History:** The Maple Grove West PUD was established in 2005 and has been amended four times. The first amendment addressed the placement of fences within required buffer and the following three amendments involved the addition of approximately 32.0 acres into PUD Parcel A from PUD Parcel B. The subject property is governed by the Parcel B regulations of the Maple Grove West PUD and is undeveloped. The underlying zoning of the property is Residential Medium Density (RM-12).

**City Council Subcommittee:** The request to amend the Maple Grove West PUD was reviewed by the Development and Planning City Council Subcommittee at their January 29, 2015, meeting. The Subcommittee was supportive of the request.

**Staff Review and Comment:** There are no outstanding issues. Staff notes the following:

- **North Buffer Requirement:** The north boundary of the property abuts land owned by the City of West Des Moines which is also zoned Residential Medium Density. This city-owned land is for a West Des Moines Water Works water tower site. The subject property is separated from the Union Pacific Railroad by 40 feet of city-owned property that includes a driveway to the water tower, as well as a large Des Moines Water Works water main. When the PUD was written it doesn't appear that that the water tower site was taken into account when setback and buffering requirements were established. With the water works access drive immediately to the north of the subject property and the low traffic on the railroad, staff feels that the separation/buffer from the railroad specified in the PUD can be eliminated.
- **East Buffer Requirement:** In 2013 and 2014, the size of Parcel B was reduced in acreage to add acreage into the PUD Parcel A to allow for the development of single family residences. That action moved the east boundary of Parcel B away from Residential Single Family zoned land that was planned on the east side of the boundary. The east boundary now abuts the water tower site. With the water works site to the east of the subject property and no single family residential development along the east side of Parcel B, staff feels that the separation/buffer specified in the PUD should not be required.
- **Setbacks:** Based on the boundaries on the north and east abutting the water tower site, the applicant has requested that the minimum setback from these boundaries be allowed to be 25 feet instead of the 35 foot

perimeter boundary required by the PUD. Staff is supportive of this request due to the site being used by a water tower with no residential development foreseen to be incorporated on the water tower site. As the buffers and setbacks were put in place in response to the original plan in which the property would immediately abut the railroad or single family development, and such no longer being the case, staff feels that the setback can be reduced without a negative impact on the adjacent property. The 30 foot buffer and 35 foot perimeter setback would remain for the west boundary along 98<sup>th</sup> Street and the south boundary along the single family development. With a 25' building setback and 85' between the railroad line and the northern property line, and due to the limited number of trains that pass through the area, staff does not feel that a buffer should necessarily be required along the north; however, that applicant will be encouraged nonetheless to incorporate some landscaping to mitigate views from southbound 98<sup>th</sup> Street of the backs of the buildings.

- ***Building Separation:*** The applicant has requested that the building separation be reduced from the city code requirement of 30 feet to 15 feet. The PUD references the city code requirement for setbacks, not identified specifically in the PUD, contained in the city code for Residential Medium Density development to be applied. The building separation requirement for medium density residential is 30 feet for attached structures. Staff has been contemplating a continuation of the 2013 ordinance amendment in Title 9, Chapter 5, Section 7 Building Form Regulations and Zoning District compatibility for Residential Districts, to allow setbacks adjustments based on building form and mass. While the details of the amendment haven't been determined, the idea that a building form of two stories, even if attached to another dwelling unit, should meet similar setbacks for a detached building form of two stories is being contemplated. Separation between two-story single family detached homes currently is a minimum of 10' and typically 15'. Staff feels that it is appropriate in this case to allow the buildings to be setback or separated by 15 feet.
- ***Setback from curb:*** The applicant has requested that a provision in the PUD regarding a requirement that states *'garages be set back 25 feet, to be measured from the garage opening to the back of curb or sidewalk, whichever is more restrictive'* be changed to eliminate the wording "or sidewalk". This change would allow the garage opening setback to be 25 feet from the back of curb regardless if there is sidewalk or not. Staff feels that the request can be supported when one considers that a parking space measures 19 feet long, which leaves 6 feet for the provision of a 4 foot sidewalk. Staff has indicated in the ordinance amendment that this setback only be allowed for private streets where the sidewalk is immediately adjacent to the street. For public streets, the sidewalk would not be allowed adjacent to the street and the additional setback from the sidewalk should be required.
- ***Architecture:*** The applicant has requested that a provision in the PUD for architecture which states, *"Garage doors shall not be the predominate feature of a home"* be removed from the PUD as the product they are proposing does have the garages in front of the main residential portion of the dwelling unit. In support of the request the applicant has angled the units slightly and eliminating a straight bank or row of garages.

Staff has reviewed the provisions of the architectural section for compatibility with current practices regarding medium density architecture, and has proposed the language in the attached ordinance to replace the provisions in the current PUD ordinance. Staff feels that the proposed PUD language is the beginning point for setting the standard for what the City will require of all medium density development.

Staff has been working with the applicant to reach agreement on the architecture of the product. Staff does not feel that the elevations seen so far meet or exceed the proposed architectural language for the PUD. Staff will continue to work with the applicant to identify changes in the use of materials and colors, roof elements, entry enhancements, building details, etc. to achieve a product that meets the proposed PUD language.

**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 February 6, 2015, notice of the February 17, 2015, Plan and Zoning Commission and the February 23, 2015 City Council public hearings for this project was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property affected by this amendment on February 3, 2015.

**Staff Recommendations and Conditions of Approval:** Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Maple Grove PUD to modify requirements for setbacks, buffers, and architecture, being subject to the applicant meeting all City Code requirements.

**Applicant:** Rock Equity Holdings LLC  
720 S, 68<sup>th</sup> Street, Suite 120  
West Des Moines IA 50265-0320  
James Lindgren  
515-650-0530  
james@caliberiowa.com

**Owners:** Same as Applicant

**Applicant's Representatives:** Same as applicant

**Attachments:**

Attachment A	-	Plan and Zoning Commission Resolution
Attachment B	-	Location Map
Attachment C	-	Proposed Rezoning Ordinance



RESOLUTION NO. PZC-PZC-15-007

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES RECOMMENDING TO THE CITY COUNCIL THAT IT ADOPT AN ORDINANCE TO AMEND THE MAPLE GROVE WEST PLANNED UNIT DEVELOPMENT FOR PUD PARCEL B TO MODIFY REQUIREMENTS FOR SETBACKS, BUFFERS AND ARCHITECTURE**

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Rock Equity Holdings, LLC has requested approval to amend the Maple Grove West Planned Unit Development Ordinance (PUD) ordinance, Parcel B to modify requirements for setbacks, buffers, and architecture;

**Legal Description**

**Outlot W, Maple Grove West Plat 5, an official plat now in and forming a part of the City of West Des Moines, Dallas 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 February 17, 2015, this Commission held a duly-noticed hearing to consider the application for an amendment to the Maple Grove West Planned Unit Development (ZC002585-2014);

**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 for this hearing or as amended orally at the hearing are adopted.

SECTION 2. The amendment to Maple Grove West Planned Unit Development is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit B. 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 February 17, 2015.



Erica Andersen, Chair  
Plan and Zoning Commission

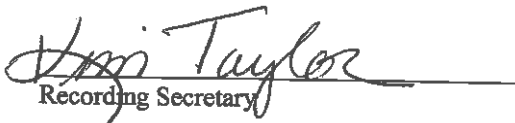
ATTEST:

  
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 February 17, 2015, by the following vote:

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

ATTEST:

  
Recording Secretary

# General Location Map Maple Grove West PUD South of the UP Railroad and East of 98th Street



Prepared by: KTragesser, 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 2009, AND ORDINANCE #1646, #1971, #1996, #2033, AND #2050 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 1646, 1971, 1996, 2033, and 2050 Maple Grove West PUD, Section 3: *Conditions*, Subsection B: *Land Use Design Criteria*, Paragraph, 2; *Parcel B*, Subparagraph a. *Architecture*, is hereby repealed in its entirety and replaced with the following bolded text:

**Architectural design for multi-family buildings shall express a creative presentation of exterior building materials, colors, exterior details and texture, treatment of windows and doors, and use of angles and multiplicity of planes within the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings. The use of building articulation that breaks up the building mass into modules which reflect proportions similar to the single-family residential dwellings shall be required. Methods used to create intervals which reflect individual dwelling units are:**

- 1. Facade modulation - stepping back or extending forward a portion of the façade;**
- 2. For entrances, projected or recessed entryways, higher rooflines, awnings or changes in materials are example that can create this effect.**
- 3. Changing the rooflines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval,**
- 4. Changing materials with the change in building plane to vary the look of the individual dwelling units.**
- 5. Using paint and materials to reinforce the modulation or articulated intervals.**

**Buildings shall use materials such as brick, stone, vertical or lap siding, shakes and stucco, combining materials along with trim and details to provide visual interest within the development. Use of natural materials is encouraged, composite materials such as fiber cement and wood composites are appropriate substitutions. Vinyl siding may be used only with appropriately scaled trim. All material, trim and details for a building shall be designed appropriately for chosen architectural style. Materials should change with the change in building planes. Trim and structural elements such as posts or columns shall be sized to the scale of the building. When used, masonry materials shall have the appearance of 3-dimensional elements. Fenestration (door and window openings) shall be sized to the scale of the building, incorporated on all sides of the building and be compatible to the chosen architectural style. Asphaltic shingles shall be allowed provided the shingle materials are of a heavier grade that produces a shake or shadowing effect and is consistent with the color and materials used for the multi-family residential developments**

**Garage doors facing the public street should be set back to minimize the dominance of their appearance or staggered across the building façade to create opportunities for individuality of the dwelling units. The architectural details of garage should incorporate the materials and treatments of the dwelling unit, such as windows, doors, paint and materials, and style of the dwelling unit.**

**All facades of the building in unobstructed view of the public shall be treated with the same level of architectural style and detail.**

**SECTION 2. AMENDMENT.** Ordinance 1646, 1971, 1996, 2033, and 2050 Maple Grove West PUD, Section 3: *Conditions*, Subsection B: *Land Use Design Criteria*, Paragraph 2: *Parcel B*, Subparagraph b. *Setbacks*, and Subparagraph c. *Buffers* are hereby amended by adding the following text as illustrated in bold lettering and deleting the text illustrated by strikethrough lettering.

b. Setbacks: All residential structures and garages shall comply with all general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential medium-density district (RM-1012) shall apply, unless noted otherwise within this section.

A building front yard and perimeter setback of thirty five feet (35') shall apply to any structure within parcel B, **except that the perimeter setback adjacent to municipal property at the time of development of any part of Parcel B shall be twenty five feet (25')**. If the property abuts a private street, any residential structure shall be allowed to be located no closer than fifteen feet (15') from the back of a curb or back of a sidewalk, whichever is more restrictive. Garages shall comply with a front yard setback of twenty five feet (25'), to be measured from the garage opening to the back of a curb ~~or sidewalk, whichever is more restrictive~~ **for garages opening onto a private street where the sidewalk is immediately adjacent to the private street. In those cases where the garage opens onto a public street, the front yard setback for garages shall be twenty five (25') to be measured from the garage opening to the back of sidewalk.**

**A building separation of a minimum of fifteen (15') is required for all one and two story structures. Any structure greater than two stories will have a minimum building separation of thirty feet (30').**

c. Buffers: A minimum thirty foot (30') buffer ~~park~~ shall be required ~~to be provided along the any boundary that abuts property zoned for single family development and along 98<sup>th</sup> Street, the Union Pacific Railroad right of way, along 98<sup>th</sup> Street and along the south and east boundary of parcel B at the time that a development plan is submitted for parcel B.~~

**SECTION 3. 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 4. 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 5. 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 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2015.

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

**ATTEST:**

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

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ 2015.

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

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

**Date: February 23, 2015**

**ITEM:** Ordinance Amendment - Amend Title 9 (Zoning), Chapter 2 (Zoning Rules And Definitions) to add a definition for Tap Rooms (Beer Parlors),. Amend Title 9 (Zoning), Chapter 6 (Commercial, Office And Industrial Zoning Districts), Section 6 (Commercial, Office And Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) to make SIC 5813 – Tap Rooms And Beer Parlors a Permitted Conditional Use in the General Industrial, Light Industrial and Business Park Zoning Districts, Amend Title 9 (Zoning), Chapter 10, Performance Standards to add regulations for tap rooms (beer parlors) in the General Industrial, Light Industrial, and Business Park Zoning Districts, and Amend Title 9 (Zoning), Chapter 15, Off Street Parking And Loading to regulate parking requirements for Tap Rooms associated with breweries – City Initiated – AO-002599-2015

**Ordinance: Approval of First Reading**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** Development Services staff received an inquiry from Fox Brewing to allow a tap room in conjunction with a proposed craft brewery on a parcel in the General Industrial district. Fox Brewing indicated that tap rooms allow for socializing and tasting the beer that the brewery produces. Staff reviewed the code to find that a brewery was an allowed use in the General Industrial, Light Industrial, and Business Park zoning districts; however, nothing in the City Code addressed tap rooms. Staff determined that because the beer is sold retail, the establishment operates similar to a bar versus free tasting with prospective retailers of the product as would be done as part of the wholesale of the beer. Per City Code, Bars (SIC 5813) are not allowed in the zoning districts in which breweries are allowed. Staff requests approval of an ordinance amendment to define tap rooms (beer parlors), to allow taps room in association with a brewery as a permitted conditional use in the General Industrial, Light Industrial, and Business Park districts (the same zoning districts that breweries are allowed), and to establish requirements for area coverage, licensing, and parking.

**Plan and Zoning Commission Action:**

Vote: 5-0 approval. Commissioners Crowley and Erickson absent

Date: February 17, 2015

Motion: Adopt a resolution recommending the City Council approve the ordinance amendment.

**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):

- Request
- History
- City Council Subcommittee (*Development & Planning, January 29, 2015*)
- Staff Review and Comments
  - *Zoning Districts*
  - *Square Footage of Tap Room*
  - *Alcohol Licensing*
  - *Parking Requirements*
  - *Approval Process*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code to regulate tap rooms associated with breweries, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser *KTT*

**STAFF REVIEWS:**

Department Director	<i>[Handwritten initials]</i>
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	<i>Des Moines Register</i>	
Date(s) Published	February 6, 2015	
Letter sent to surrounding property owners	N/A	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development and Planning		
Date Reviewed	January 29, 2015		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Plan and Zoning Communication
- Attachment A - Plan and Zoning Commission Resolution
- Attachment B - Proposed Rezoning Ordinance (*now Exhibit II*)
- Exhibit II - Proposed Rezoning Ordinance

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

**Meeting Date:** February 17, 2015

**Item:** Ordinance Amendment - Amend Title 9 (Zoning), Chapter 2 (Zoning Rules And Definitions) to add a definition for Tap Rooms (Beer Parlors), Amend Title 9 (Zoning), Chapter 6 (Commercial, Office And Industrial Zoning Districts), Section 6 (Commercial, Office And Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) to make SIC 5813 – Tap Rooms And Beer Parlors a Permitted Conditional Use in the General Industrial, Light Industrial and Business Park Zoning Districts, Amend Title 9 (Zoning), Chapter 10, Performance Standards to add regulations for tap rooms (beer parlors) in the General Industrial, Light Industrial, and Business Park Zoning Districts, and Amend Title 9 (Zoning), Chapter 15, Off Street Parking And Loading to regulate parking requirements for Tap Rooms associated with breweries – City Initiated – AO-002599-2015

**Request Action:** Approval of an amendment to the City Code

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** Development Services staff received an inquiry from Fox Brewing to allow a tap room in conjunction with a proposed craft brewery on a parcel in the General Industrial district. Fox Brewing indicated that tap rooms allow for socializing and tasting the beer that the brewery produces. Staff reviewed the code to find that a brewery was an allowed use in the General Industrial, Light Industrial, and Business Park zoning districts; however, nothing in the City Code addressed tap rooms. Staff determined that because the beer is sold retail, the establishment operates similar to a bar versus free tasting with prospective retailers of the product as would be done as part of the wholesale of the beer. Per City Code, Bars (SIC 5813) are not allowed in the zoning districts in which breweries are allowed. Staff requests approval of an ordinance amendment to define tap rooms (beer parlors), to allow taps room in association with a brewery as a permitted conditional use in the General Industrial, Light Industrial, and Business Park districts (the same zoning districts that breweries are allowed), and to establish requirements for area coverage, licensing, and parking.

**City Council Subcommittee:** This item was discussed at the January 29, 2015, Development and Planning City Council Subcommittee. The subcommittee (consisting of only John Mickelson for this discussion) was supportive of changes to the ordinance.

**Staff Review and Comment:** There are no outstanding issues. Staff notes the following:

Staff researched similar breweries with tap rooms located in the metro area to aid in determining appropriate regulations. Breweries researched were 515 Brewery in Clive, Confluence Brewing and Madhouse Brewing in Des Moines, and Firetrucker Brewing in Ankeny. These venues were researched for their zoning location, tap room services, size of tap room in relation to brewery, and process for approval.

***Zoning Districts:*** The 515 Brewery, Confluence Brewing, and Madhouse Brewing are located within industrial or manufacturing zoning districts of the respective city. Firetrucker Brewery in Ankeny is located within one of Ankeny's commercial districts. All of the above breweries have tap rooms and a couple serve food as well.

***Square Footage of Tap Room:*** The size of the tap room for these breweries varied at 10 percent of the total square footage of the facility, 16 percent, and 32 percent of the facility (the 515 Brewery space is classified as a restaurant). Information for the one other brewery was not readily available. Staff proposes to limit the size of the tap room to 20 percent of the gross square footage of the facility or 3,000 square feet, whichever is more restrictive. The reasoning is that the tap room is ancillary to the brewery and should be limited in square footage in comparison to the total brewery size.

***Alcohol Licensing:*** To further define a tap room, research was done into the licensing of tap rooms and breweries. The State of Iowa does not regulate tap rooms per se, but rather has different classifications for the alcohol licenses

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associated with breweries and establishments selling beer, wine, and spirits. To operate a brewery with wholesale distribution requires a Class A Native Beer permit (NAB) and to serve beer on the premises, an establishment needs to have a Class B beer license. Staff feels that the tap room, being ancillary to the brewery, needs to be located in a brewery with a NAB permit to help ensure that the tap room is not simply a bar by another name. The State issues the NAB permits with City review, while the City approves the Class B license. Further, staff recommends that the tap rooms have a Class B beer only permit to further ensure that the tap rooms operate as intended for the consumption of beer only. Staff would further recommend that the number or variety of beers be restricted to only those produced at the brewery itself, plus a limited number of beers not manufactured on-site to allow for opportunities for micro-breweries to work together to market their products. Staff would recommend that the Class B beer only permits be conditioned to allow for up to five (5) beers not brewed on-site to be served. These regulations are proposed in order to keep the intent of the code and the intent for the tap rooms in line so that bars remain as not allowed in these zoning districts.

*Parking Requirements:* Of the other communities surveyed, parking was the biggest issue identified. Manufacturing uses within the general industrial district generally require a 3 parking spaces per 1,000 sq. ft. parking ratio; a brewery would have this parking requirement. For a drinking place, the parking ratio increases to 1.5 parking spaces per 100 square feet of gross area. Staff recommends that the parking requirements for tap rooms be the same for other drinking places to accommodate the patrons of the tap room in addition to those spaces needed for the brewery.

*Approval Process:* For the City of Clive, the brewery with tap room is considered a permitted conditional use. For the City of Des Moines, bars and tap rooms are allowed in the manufacturing district because Des Moines has pyramidal zoning where uses in less intense zoning districts are allowed in the more intense zoning districts.

Staff proposes that tap room be reviewed through the Permitted Conditional Use permit process. This will enable a review of the licensing, the parking, and the size limitations that are proposed to be included in the ordinance. It will also allow for the establishment of Conditions of Approval or restrictions should the Board of Adjustment determine such is necessary for a particular site.

**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 February 6, 2015, notice of the February 17, 2015, Plan and Zoning Commission and February 23, 2015 City Council public hearings for this project was published in the *Des Moines Register*.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

**Attachments:**

Attachment A – Proposed Resolution

Exhibit A – Proposed Ordinance

**RESOLUTION NO. PZC-15-008**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS) TO ADD A DEFINITION FOR TAP ROOMS (BEER PARLORS), AMEND TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICTS), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO MAKE SIC 5813 – TAP ROOMS AND BEER PARLORS A PERMITTED CONDITIONAL USE IN THE GENERAL INDUSTRIAL, LIGHT INDUSTRIAL AND BUSINESS PARK ZONING DISTRICTS, AMEND TITLE 9 (ZONING), CHAPTER 10, PERFORMANCE STANDARDS TO ADD REGULATIONS FOR TAP ROOMS (BEER PARLORS) IN THE GENERAL INDUSTRIAL, LIGHT INDUSTRIAL, AND BUSINESS PARK ZONING DISTRICTS, AND AMEND TITLE 9 (ZONING), CHAPTER 15, OFF STREET PARKING AND LOADING TO REGULATE PARKING REQUIREMENTS FOR TAP ROOMS ASSOCIATED WITH BREWERIES**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 (Zoning), Chapter 2 (Zoning Rules And Definitions) to add a definition for Tap Rooms (Beer Parlors), to amend Title 9 (Zoning), Chapter 6 (Commercial, Office And Industrial Zoning Districts), Section 6 (Commercial, Office And Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) to make SIC 5813 – tap rooms and beer parlors a permitted conditional use in the General Industrial, Light Industrial and Business Park zoning districts, to amend Title 9 (Zoning), Chapter 10, Performance Standards to add regulations for tap rooms (beer parlors) in the General Industrial, Light Industrial, and Business Park Zoning districts, and to amend Title 9 (Zoning), Chapter 15, Off Street Parking And Loading, to regulate parking requirements for tap rooms associated with breweries;

**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**, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

**WHEREAS**, this Commission did consider the application for an amendment to ordinance;

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

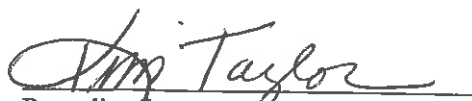
**SECTION 1.** The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

**SECTION 2.** The AMENDMENT TO ORDINANCE (AO-002599-2014) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on February 17, 2015.

  
Erica Andersen, 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 February 17 2015 by the following vote:


AYES: Andersen, Bronw, Costa, Cownie, Hatfield

NAYS: -0-

ABSTENTIONS: -0-

ABSENT: Crowley, Erickson

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 February 17 2015 by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

---

Recording Secretary

Prepared by: KTragesser, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 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.**

**TO AMEND TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS) TO ADD A DEFINITION FOR TAP ROOMS (BEER PARLORS), AMEND TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICTS), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO MAKE SIC 5813 – TAP ROOMS AND BEER PARLORS A PERMITTED CONDITIONAL USE IN THE GENERAL INDUSTRIAL, LIGHT INDUSTRIAL AND BUSINESS PARK ZONING DISTRICTS, AMEND TITLE 9 (ZONING), CHAPTER 10, PERFORMANCE STANDARDS TO ADD REGULATIONS FOR TAP ROOMS (BEER PARLORS) IN THE GENERAL INDUSTRIAL, LIGHT INDUSTRIAL, AND BUSINESS PARK ZONING DISTRICTS, AND AMEND TITLE 9 (ZONING), CHAPTER 15, OFF STREET PARKING AND LOADING TO REGULATE PARKING REQUIREMENTS FOR TAP ROOMS ASSOCIATED WITH BREWERIES**

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

**Section 1. Amendment.** Title 9: Zoning, Chapter 2: Zoning Rules and Definitions, is hereby amended to place in alphabetical order the following definitions:

**BEER PARLOR (TAP ROOM):** an area within a brewery devoted to the sale and consumption of a limited variety of malt beverages typically brewed on-site (SIC 5813 Tap Rooms and Beer Parlors and SIC 2082 Manufacturing of Malt Beverages). This definition only applies to tap rooms that are ancillary to and included in a brewery, with the brewery being the primary use. Any other establishment for the sale and consumption of beer will be considered a bar for the purposes of this definition.

**TAP ROOM (BEER PARLOR):** an area within a brewery devoted to the sale and consumption of a limited variety of malt beverages, (SIC 5813 Tap Rooms and Beer Parlors and SIC 2082 Manufacturing of Malt Beverages). This definition only applies to tap rooms that are ancillary to and included in a brewery, with the brewery being the primary use. Any other establishment for the sale and consumption of beer will be considered a bar for the purposes of this definition.

**Section 2. Amendment.** Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) is hereby amended by adding the text in bold lettering:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
5813 Drinking Places	Pc	Pc	Pc		Pc		Pc	Pc							
<b>SIC 5813 Tap Room/Beer Parlor in conjunction with brewery</b>									Pc		Pc	Pc			

**Section 3. Amendment.** Title 9 (Zoning), Chapter 10 (Performance Measures), Section 4 (Specific Use Regulations), Paragraph J is hereby amended by adding the text in bold lettering:

J. The Following Standards Shall Apply To All Uses Within The Business Park District Unless Noted Otherwise In This Title:

**8. Tap Rooms or Beer Parlors shall only be allowed by approval of a permitted conditional use permit to operate in conjunction with a brewery. The brewery must have a Native Beer Brewery (NAB or NAAB) permit issued through the State of Iowa and a Class B beer license approved by the City of West Des Moines. The tap room shall occupy no more that 20 percent of the gross square footage of the brewery or be no greater than 3,000 sq. ft. whichever is more restrictive. The Class B beer license shall be restricted to serving only those beers brewed on-site, plus a maximum of five (5) additional micro-brewery beers that are brewed off-site. No class LC liquor permit will be allowed in conjunction with the tap room; having such license will classify the establishment as a bar.**

**Section 4. Amendment.** Title 9 (Zoning), Chapter 10 (Performance Measures), Section 4 (Specific Use Regulations), Paragraph K is hereby amended by adding the text in bold lettering:

K. The Following Standards Shall Apply To All Industrial Districts Unless Noted Otherwise Within This Title:

**9. Tap Rooms or Beer Parlors shall only be allowed by approval of a permitted conditional use permit to operate in conjunction with a brewery. The brewery must have a Native Beer Brewery (NAB or NAAB) permit issued through the State of Iowa and a Class B beer license approved by the City of West Des Moines. The tap room shall occupy no more than 20 percent of the gross square footage of the brewery or be no greater than 3,000 sq. ft. whichever is more restrictive. The Class B beer license shall be restricted to serving only those beers brewed on-site, plus a maximum of five (5) additional micro-brewery beers that are brewed off-site. No class LC liquor permit will be allowed in conjunction with the tap room; having this license will classify the establishment as a bar.**

**Section 5. Amendment.** Title 9 (Zoning), Chapter 15 (Off Street Parking and Loading), Section 7-E is hereby amended by adding the text in bold lettering:

58 Eating and drinking places	
5813 Drinking places	<ul style="list-style-type: none"> <li>1.5 spaces per 100 square feet of GFA</li> </ul>
5813 Tap Rooms/Beer parlor	<ul style="list-style-type: none"> <li>1.5 spaces per 100 square feet of GFA in addition to that parking required of SIC 2082: Malt Beverages</li> </ul>

**Section 6. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 7. 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 8. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**Section 9. 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 10. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

ATTEST:

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

The foregoing Ordinance No. \_\_\_\_\_ was adopted by the Council for the City of West Des Moines, Iowa, on \_\_\_\_\_, 2015, and was published in the Des Moines Register on \_\_\_\_\_, 2015.

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

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

**ITEM:** Public Hearing for the Issuance of Not to Exceed  
\$3,680,000 General Obligation Urban Renewal  
Refunding Bonds

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) not known, pending sale details. The current estimate of overall interest savings is approximately \$136,000 (net present value).

**BACKGROUND:** The public hearing is to consider the sale of not to exceed \$3,680,000 General Obligation Bonds to (crossover) refund This action will ultimately allow a potential sale of not to exceed \$3,680,000 of General Obligation Bonds to (crossover) refund outstanding General Obligation Bonds issued in 2008. The original bonds were issued to construct a number of CIP projects related to the Aviva USA facility (within Mills Parkway Sub-district 6) which were completed around that time. Rates on the Series 2008B bonds have been monitored by staff and the City's financial advisors, Public Financial Management (PFM) and the market is favorable to support a crossover refunding at this time.

This bond refunding transaction will be completed as part of the larger sale of "new money" General Obligation Urban Renewal bonds, the sale of which was previously approved by the City Council. The joint sale allows for the reduction of sales costs and fees associated with issuance.

It is anticipated that the sale details of this refunding transaction will be brought forward for approval at the Council Meeting of March 9, 2015.

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

**RECOMMENDATION:** Conduct Public Hearing and adopt resolution instituting proceedings to take additional action on the issuance of not to exceed \$3,680,000 General Obligation Bonds.

**Lead Staff Member:** Tim Stiles, Finance Director *TWS*

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>RTJ</i>

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

Published In	Des Moines Register
Dates(s) Published	February 11, 2015

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	January 24, 2015		
Recommendation	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Split



Whereupon, Council Member \_\_\_\_\_ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$3,680,000 GENERAL OBLIGATION URBAN RENEWAL REFUNDING BONDS", and moved:

- that the Resolution be adopted.
- to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the issuance of bonds to the meeting to be held at \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at this place.

Council Member \_\_\_\_\_ seconded the motion. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the measure duly adopted.

**RESOLUTION INSTITUTING PROCEEDINGS TO TAKE  
ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO  
EXCEED \$3,680,000 GENERAL OBLIGATION URBAN  
RENEWAL REFUNDING BONDS**

WHEREAS, pursuant to notice published as required by law, the City Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of not to exceed \$3,680,000 General Obligation Urban Renewal Refunding Bonds, for the essential corporate urban renewal purposes, in order to provide funds to pay the costs of aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Amended and Restated Urban Renewal Plan for the Mills Parkway Urban Renewal District, including refunding the outstanding General Obligation Urban Renewal Bonds, Series 2008B, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Bonds; and no petition was filed calling for a referendum thereon. The following action is now considered to be in the best interests of the City and residents thereof.

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

Section 1. That this Council does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$3,680,000 General Obligation Urban Renewal Refunding Bonds, for the foregoing essential corporate urban renewal purposes.

Section 2. The City Clerk is authorized and directed to proceed on behalf of the City with the sale of the Bonds, to select a date for the sale thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the City and this Council and otherwise to take all action necessary to permit the sale of the Bonds on a basis favorable to the City and acceptable to the Council.

PASSED AND APPROVED this 23<sup>rd</sup> day of February, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

**ITEM:** Public Hearing  
FY 2015-16 Operating and Capital Budgets

**DATE:** February 23, 2015

**FINANCIAL IMPACT:**

The FY 2015-16 fiscal budgets are comprised of basic operating expenditures totaling \$63,430,385, business/proprietary expenses of \$27,276,625, debt service expenditures of \$21,987,969, and capital improvement expenditures of \$34,015,507, for a total budget of \$146,710,486.

**BACKGROUND:**

FY 2015-16 Operating and Capital Budgets, as proposed, are a product of numerous meetings between citizens, elected officials, and City Staff, during which revenues, expenditures, and projects have been reviewed. Included in the list of meetings was a full-Council workshop held on Saturday, January 24, 2015. The budgets as proposed consist of several initiatives designed to maintain service levels.

*FY 2015-16 Budget Highlights*

- The proposed budget reduces the property tax rate to \$12.00 per thousand dollars of taxable valuation. The previous rate of \$12.05 had been in place since July 1, 2007. The last reduction in the City's levy rate of at least similar significance was July 1, 1988.
- No new full-time positions are being recommended in the proposed budget.
- Staff and Council continued to focus on long-term financial planning. The recently-completed FY 2015-16 budget processes also included preliminary projections for FY 2016-17, which includes several CIP projects spanning multiple years.
- Recommended budget for staff positions consists of 253 employees covered under bargaining unit agreements and 149 full-time non-union employees. Continuing a policy implemented in 2010, newly-hired full-time employees continue to be enrolled in the two health plans added at that time. Some bargaining unit employees can enroll in the City's health plan, but those employees contribute at a higher percentage. Pension benefits remain under purview of the State.
- Three of the employee bargaining units are under contract into FY 2015-16. Terms of these contracts have been factored into the City's budgeted personnel costs as follows:

<u>Bargaining Unit</u>	<u>Wage and Salary Adjustment</u>
ASFCME	2.50% on July 1, 2015
Library	2.25% on July 1, 2015
Public Works & Parks	2.25% on July 1, 2015

In addition to these adjustments, a number of bargaining unit employees are eligible to receive increases (dependent upon performance and employee classification). An estimate of these adjustments is included in the budget as well.

- Non-union employees who have not reached their maximum pay level may be eligible to receive

an increase based upon job performance.

- The proposed budget reflects a decrease in the contribution rate for the Municipal Fire and Police Retirement System of Iowa (MFPRSI). The City's contribution rate of covered wages for FY 2015-16 will be 27.77% as compared to 30.41% for FY 2014-15. The decreased rate amounts to a reduction of \$86,000 in annual pension costs. The proposed budget also reflects no change in the contribution rate for Iowa Public Employees Retirement System (IPERS). The City's contribution rate will remain 8.93% in FY 2015-16. Nearly all pension guidelines are under the purview of the State.
- The budget assumes that the City will receive approximately \$6.26 million dollars in Road Use Tax Funds during FY 2015-16. Approximately \$5.24 million of the Road Use Tax Funds are being utilized for street related expenditures (CIP and operating), and the remaining funds are planned to be used to cover street lighting costs.
- The FY 2015-16 Capital Improvement Plan includes the following major projects:
  - Design services to plan widening of 50<sup>th</sup> Street between Mills Parkway and EP True Parkway
  - Numerous intersection improvements throughout the City
  - Numerous street, sewer and water-related projects related to the Alluvion development (Microsoft Data Center)
  - Construction of the Grand Avenue Trail between Jordan Creek and Fuller Road
  - Further phases of renovation to the baseball fields at Holiday Park
  - Improvements to the areas around the softball fields at Holiday Park
  - Construct Phase 2 of Woodland Hills Park
  - Replacing splash pool features at Valley View Aquatic Center
  - Installing basketball courts and other amenities at Valley View Park
  - Conducting a study to assess future plans for the Valley Junction area
  - Design services and site work for the future Public Services Facility on SW 88<sup>th</sup> Street
  - Continued renovation of the Law Enforcement Center, including garage storage structures
  - Purchase and installation of a dispatching system for WestCom (shared with other cities)
- The proposed budget reflects the carryover of cash to ensure that the City maintains prudent general fund balance reserves. With total revenues of \$65,012,867 and total expenditures of \$65,261,996, the City's General Fund balance on June 30, 2016, will be \$18,958,073, or 33.5% of annual operating expenditures.

#### *Outlook for FY 2016-17 and Beyond*

The starting point for all projections was to continue the high-level of service our community expects, to utilize conservative revenue assumptions, to maintain the current tax levy rate, and reducing further

the Debt Service levy rate.

Major areas which staff remains concerned include: a possible reduction or elimination of the commercial tax rollback backfill from the State of Iowa, reduction in tax revenues from multi-family properties, a historical trend recently of relatively slow growth in taxable development, continued low earnings rates on investments, costs of mandated pension contributions, and escalating health insurance costs and related, mandated Federal requirements. Important variables going forward are modifications to calculating commercial and multi-family residential property taxes as well as changes to laws concerning Tax Increment Financing.

Various documents detailing the FY 2015-16 proposed operating and capital budgets are included with this item.

**RECOMMENDATION:**

1. Conduct Public Hearing
2. Motion to approve the FY 2015-16 Operating and Capital Budgets and direct staff to make the necessary filings with the auditors of Polk, Dallas, Warren, and Madison Counties

Lead Staff Member: Chris Hamlett, Budget Analyst CR

**STAFF REVIEWS**

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

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

Published In	The Des Moines Register
Dates(s) Published	February 13, 2015

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Council Workshop		
Date Reviewed	January 24, 2015		
Recommendation	Yes	No	Split

## NOTICE OF PUBLIC HEARING BUDGET ESTIMATE

FISCAL YEAR BEGINNING JULY 1, 2015 - ENDING JUNE 30, 2016

City of West Des Moines Iowa

The City Council will conduct a public hearing on the proposed Budget at Council Chambers @ City Hall

on 2/23/2015 at 5:35 PM  
(Date) xx/xx/xx (hour)

The Budget Estimate Summary of proposed receipts and expenditures is shown below.  
 Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor, City Clerk, and at the Library.

The estimated Total tax levy rate per \$1000 valuation on regular property \$ 12.00000

The estimated tax levy rate per \$1000 valuation on Agricultural land is \$ 3.00375

At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.

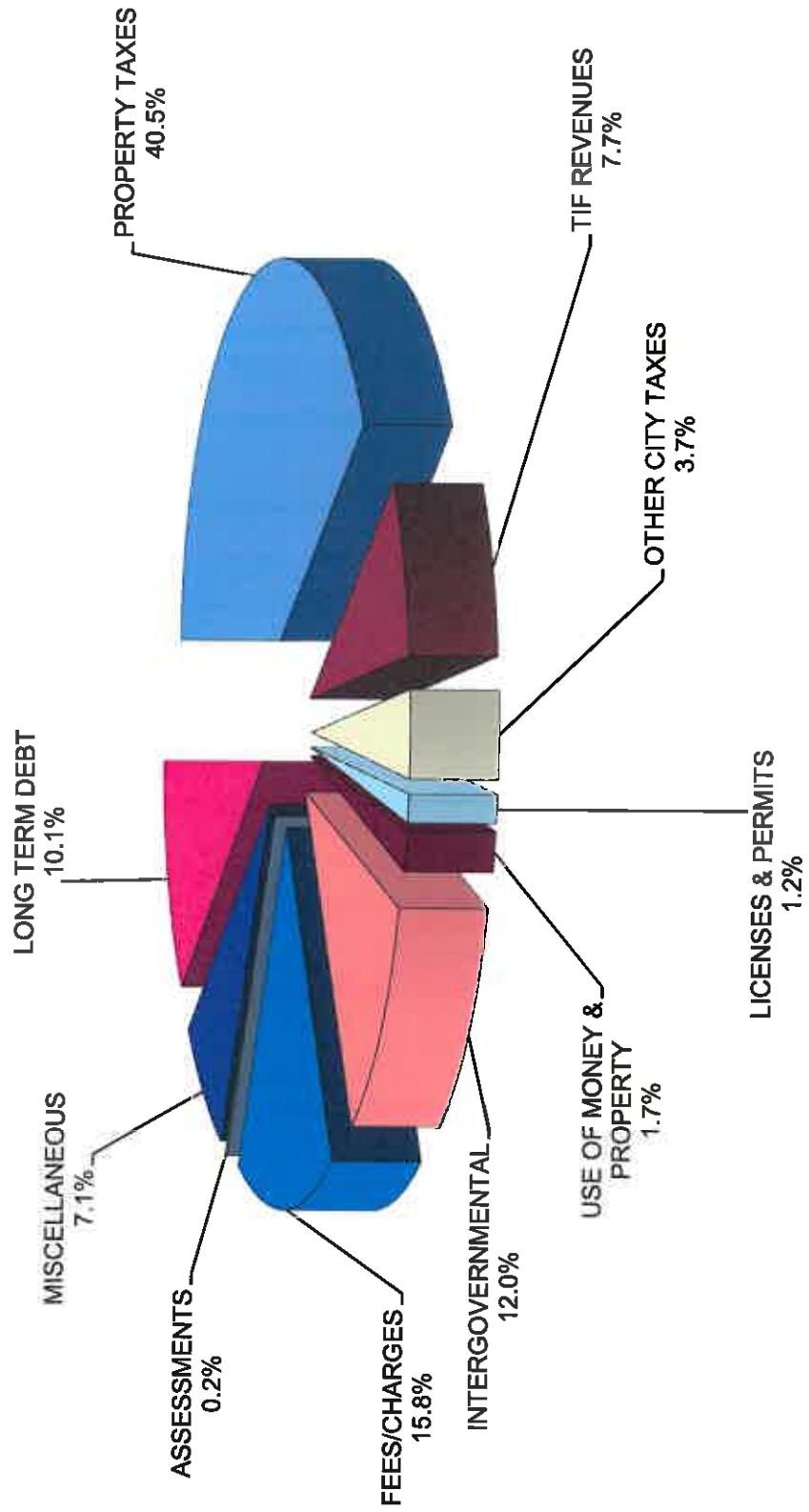
515-222-3600  
phone number

Tim Stiles  
City Clerk/Finance Officer's NAME

	Budget FY 2016	Re-estimated FY 2015	Actual FY 2014
	(a)	(b)	(c)
<b>Revenues &amp; Other Financing Sources</b>			
Taxes Levied on Property	1 48,821,983	48,525,173	47,130,490
Less: Uncollected Property Taxes-Levy Year	2 0	0	23,723
<b>Net Current Property Taxes</b>	<b>3 48,821,983</b>	<b>48,525,173</b>	<b>47,106,767</b>
Delinquent Property Taxes	4 0	0	0
TIF Revenues	5 9,320,759	9,205,790	10,822,378
Other City Taxes	6 4,506,309	4,009,853	4,312,899
Licenses & Permits	7 1,465,550	1,692,850	2,172,885
Use of Money and Property	8 2,076,875	2,024,055	1,915,167
Intergovernmental	9 14,456,305	15,642,104	15,129,251
Charges for Fees & Service	10 19,046,500	18,750,975	19,841,542
Special Assessments	11 225,000	150,000	315,821
Miscellaneous	12 8,594,726	9,425,565	12,015,552
Other Financing Sources	13 12,158,000	14,132,000	4,505,265
Transfers In	14 66,251,548	46,764,054	53,527,448
<b>Total Revenues and Other Sources</b>	<b>15 188,923,555</b>	<b>170,322,419</b>	<b>171,664,975</b>
<b>Expenditures &amp; Other Financing Uses</b>			
Public Safety	16 29,710,676	28,408,228	25,550,009
Public Works	17 9,322,160	8,480,835	7,899,716
Health and Social Services	18 1,245,911	1,258,878	1,059,393
Culture and Recreation	19 8,620,699	8,440,449	7,528,416
Community and Economic Development	20 7,176,270	12,743,308	8,539,842
General Government	21 7,243,972	7,619,101	6,197,121
Debt Service	22 22,098,666	17,697,058	32,779,912
Capital Projects	23 34,015,507	34,558,780	13,840,433
<b>Total Government Activities Expenditures</b>	<b>24 119,433,861</b>	<b>119,206,637</b>	<b>103,394,842</b>
Business Type / Enterprises	25 27,276,625	23,844,414	19,077,080
<b>Total ALL Expenditures</b>	<b>26 146,710,486</b>	<b>143,051,051</b>	<b>122,471,922</b>
Transfers Out	27 66,251,548	46,764,054	53,527,448
<b>Total ALL Expenditures/Transfers Out</b>	<b>28 212,962,034</b>	<b>189,815,105</b>	<b>175,999,370</b>
<b>Excess Revenues &amp; Other Sources Over (Under) Expenditures/Transfers Out</b>	<b>29 -26,038,479</b>	<b>-19,492,686</b>	<b>-4,334,395</b>
Beginning Fund Balance July 1	30 187,165,948	206,658,634	210,993,029
<b>Ending Fund Balance June 30</b>	<b>31 161,127,469</b>	<b>187,165,948</b>	<b>206,658,634</b>

# CITY OF WEST DES MOINES

## 2015-16 FY REVENUES



The last two columns will fill in once the Re-Est forms are completed

**REVENUES DETAIL**  
Fiscal Year Ending **2016**

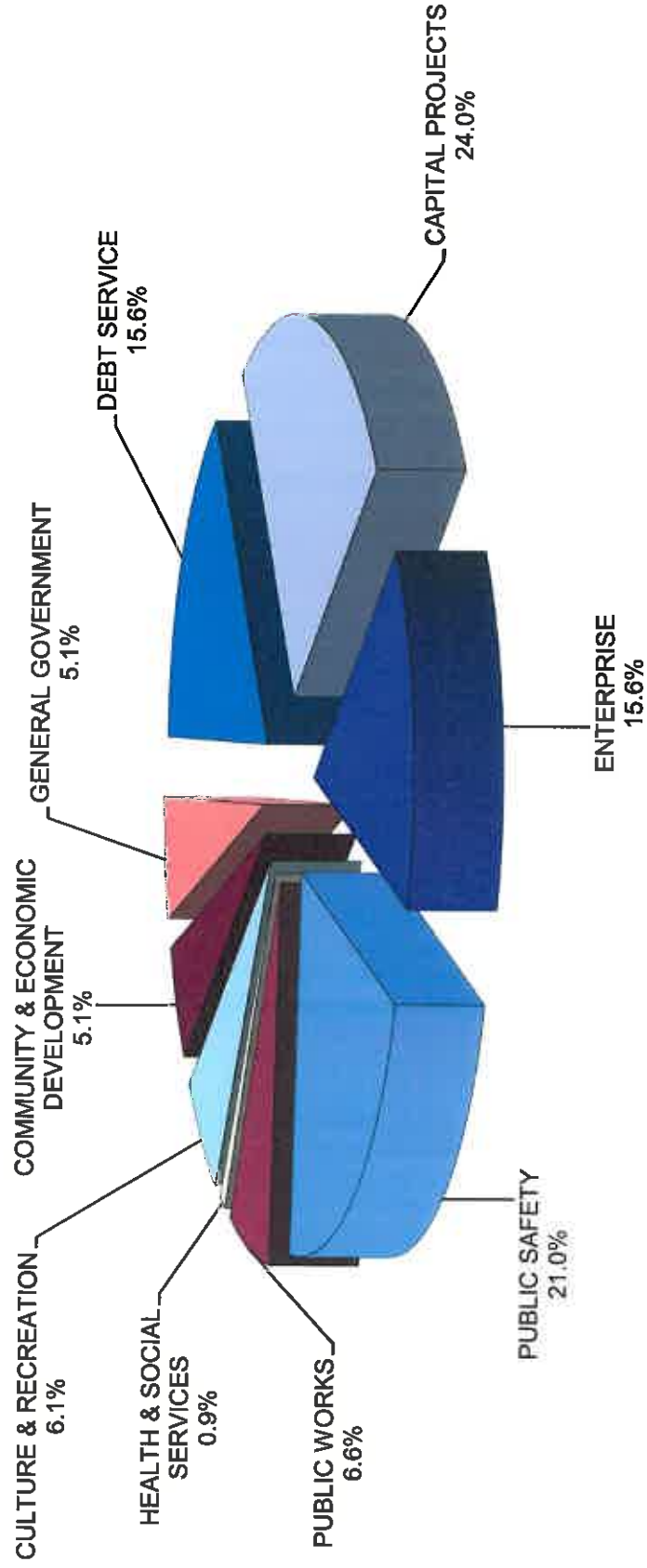
**Fiscal Years**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
		GENERAL	SPECIAL	TIF	DEBT	CAPITAL	PERMANENT	PROPRIETARY	BUDGET	RE-ESTIMATED	ACTUAL
		(C)	(D)	(E)	(F)	(G)	(H)	(I)	2016	2015	2014
				SPECIAL	SERVICE	PROJECTS			(J)	(K)	(L)
			REVENUES	REVENUES							
1	REVENUES & OTHER FINANCING SOURCES										
2	Taxes Levied on Property	32,847,833	7,480,618		8,493,732	0			48,821,983	48,525,173	47,130,490
3	Less: Uncollected Property Taxes - Levy Year								0	0	23,723
4	Net Current Property Taxes (line 1 minus line 2)	32,847,833	7,480,618		8,493,732	0			48,821,983	48,525,173	47,106,767
5	Delinquent Property Taxes								0	0	0
6	TIF Revenues			9,320,759					9,320,759	9,205,790	10,822,378
7	Other City Taxes:										
8	Utility Tax Replacement Excise Taxes	391,058	89,088		93,163	0			573,309	569,853	569,150
9	Utility franchise tax (Iowa Code Chapter 364.2)	283,000							283,000	290,000	286,404
10	Parimutuel wager tax								0	0	0
11	Gaming wager tax								0	0	0
12	Mobile Home Taxes	3,650,000							3,650,000	3,150,000	3,457,345
13	Hotel/Motel Taxes								0	0	0
14	Other Local Option Taxes	4,324,058	89,088		93,163	0			4,506,309	4,009,853	4,312,899
15	Subtotal - Other City Taxes (lines 6 thru 12)	1,465,550							1,465,550	1,692,850	2,172,885
16	Licenses & Permits	163,000	270					1,913,605	2,076,875	2,024,055	1,915,167
17	Use of Money & Property										
18	Intergovernmental:										
19	Federal Grants & Reimbursements	50,000	293,242						343,242	4,321,613	2,566,238
20	Road Use Taxes		6,263,221						6,263,221	5,434,464	5,637,020
21	Other State Grants & Reimbursements	1,968,361	605,945	0	468,350	0			3,042,656	1,412,859	2,752,020
22	Local Grants & Reimbursements	4,721,186	73,000					13,000	4,807,186	4,473,168	4,173,973
23	Subtotal - Intergovernmental (lines 16 thru 19)	6,739,547	7,235,408	0	468,350	0		13,000	14,456,305	15,642,104	15,129,251
24	Charges for Fees & Service:										
25	Water Utility										
26	Sewer Utility										
27	Electric Utility										
28	Gas Utility										
29	Parking										
30	Airport										
31	Landfill/Garbage										
32	Hospital										
33	Transit										
34	Cable TV, Internet & Telephone										
35	Housing Authority										
36	Storm Water Utility										
37	Other Fees & Charges for Service	4,897,000									
38	Subtotal - Charges for Service (lines 21 thru 33)	4,897,000	0		0	0			1,928,000	1,768,000	1,885,608
39	Special Assessments					225,000			225,000	150,000	315,821
40	Miscellaneous	611,050	1,106,576						8,594,726	9,425,565	12,015,552
41	Other Financing Sources:										
42	Regular Operating Transfers In	12,796,319	176,000								
43	Internal TIF Loan Transfers In										
44	Subtotal ALL Operating Transfers In	12,796,319	176,000								
45	Proceeds of Debt (Excluding TIF Internal Borrowing)										
46	Proceeds of Capital Asset Sales	8,000	176,000								
47	Subtotal-Other Financing Sources (lines 39 thru 45)	12,804,319	176,000								
48	Total Revenues except for beginning fund balance	63,652,157	16,087,960	9,320,759	21,987,967	46,390,507	0	29,284,205	186,923,555	170,322,419	171,664,975
49	(lines 3, 4, 5, 13, 14, 15, 20, 34, 35, 36, & 47)										
50	Beginning Fund Balance July 1	18,123,865	14,291,709	5,442,002	3,431,291	-2,105,292	0	147,982,573	167,165,948	206,658,634	210,993,029
51	TOTAL REVENUES & BEGIN BALANCE (lines 48-49)	81,975,922	30,379,669	14,762,761	25,419,258	44,285,215	0	177,266,778	374,089,503	376,981,053	382,658,004



# CITY OF WEST DES MOINES

## 2015-16 FY EXPENDITURES



**EXPENDITURES SCHEDULE PAGE 1**  
**Fiscal Year Ending 2016**

**Fiscal Years**

GOVERNMENT ACTIVITIES (A)	(B)	GENERAL (C)	SPECIAL REVENUES (D)	TIF SPECIAL REVENUES (E)	DEBT SERVICE (F)	CAPITAL PROJECTS (G)	PERMANENT (H)	PROPRIETARY (I)	BUDGET 2016 (J)	RE-ESTIMATED 2015 (K)	ACTUAL 2014 (L)
<b>PUBLIC SAFETY</b>											
Police Department/Crime Prevention	1	9,217,137	1,380,000						10,597,137	10,447,182	9,620,241
Jail	2								0	0	0
Emergency Management	3	20,850							20,850	102,200	18,411
Flood Control	4	46,100							46,100	42,500	34,886
Fire Department	5	7,393,308	1,230,000						8,623,308	8,298,916	7,414,288
Ambulance	6	4,778,516							4,778,516	4,669,959	4,528,402
Building Inspections	7	1,166,057							1,166,057	1,066,257	945,522
Miscellaneous Protective Services	8								0	0	0
Animal Control	9	374,050							374,050	392,041	304,551
Other Public Safety	10	3,167,060	937,598				0		4,104,658	3,389,173	2,883,708
<b>TOTAL (lines 1 - 10)</b>	<b>11</b>	<b>26,163,078</b>	<b>3,547,598</b>				<b>0</b>		<b>29,710,676</b>	<b>28,408,228</b>	<b>25,550,009</b>
<b>PUBLIC WORKS</b>											
Roads, Bridges, & Sidewalks	12	3,608,639							3,608,639	3,638,794	3,509,055
Parking - Meter and Off-Street	13								0	0	0
Street Lighting	14		1,022,000						1,022,000	942,000	866,014
Traffic Control and Safety	15	1,306,782							1,306,782	1,381,436	1,125,544
Snow Removal	16								0	0	0
Highway Engineering	17	2,243,785							2,243,785	1,371,951	1,226,802
Street Cleaning	18	92,534							92,534	90,995	90,646
Airport <i>(if not Enterprise)</i>	19								0	0	0
Garbage <i>(if not Enterprise)</i>	20	1,048,420							1,048,420	1,055,659	1,081,655
Other Public Works	21	8,300,160	1,022,000				0		9,322,160	8,480,835	7,899,716
<b>TOTAL (lines 12 - 21)</b>	<b>22</b>						<b>0</b>				
<b>HEALTH &amp; SOCIAL SERVICES</b>											
Welfare Assistance	23								0	0	0
City Hospital	24								0	0	0
Payments to Private Hospitals	25								0	0	0
Health Regulation and Inspection	26								0	0	0
Water, Air, and Mosquito Control	27								0	0	0
Community Mental Health	28								0	0	0
Other Health and Social Services	29	1,045,851	200,060				0		1,245,911	1,258,878	1,059,393
<b>TOTAL (lines 23 - 29)</b>	<b>30</b>	<b>1,045,851</b>	<b>200,060</b>				<b>0</b>		<b>1,245,911</b>	<b>1,258,878</b>	<b>1,059,393</b>
<b>CULTURE &amp; RECREATION</b>											
Library Services	31	2,481,016	83,500						2,564,516	2,549,432	2,467,972
Museum, Band and Theater	32								0	0	0
Parks	33	4,588,431	140,000						4,728,431	5,705,373	4,780,108
Recreation	34	1,151,773							1,151,773	0	0
Cemetery	35	12,700							12,700	12,700	13,975
Community Center, Zoo, & Marina	36	140,779							140,779	150,444	266,361
Other Culture and Recreation	37	22,500							22,500	22,500	0
<b>TOTAL (lines 31 - 37)</b>	<b>38</b>	<b>8,397,199</b>	<b>223,500</b>				<b>0</b>		<b>8,620,699</b>	<b>8,440,449</b>	<b>7,528,416</b>

EXPENDITURES SCHEDULE PAGE 2  
Fiscal Year Ending 2016

Fiscal Years

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
<b>GOVERNMENT ACTIVITIES CONT.</b>												
<b>COMMUNITY &amp; ECONOMIC DEVELOPMENT</b>												
39	Community Beautification		374,033								383,021	384,625
40	Economic Development		3,339,317	150,000						3,489,317	3,992,267	4,033,158
41	Housing and Urban Renewal		451,408	405,846						857,254	4,849,351	2,749,779
42	Planning & Zoning		1,095,655							1,095,655	1,551,809	1,362,829
43	Other Com. & Econ. Development		23,755		1,336,056					1,359,811	1,966,860	9,451
44	TOTAL (lines 39 - 44)		5,284,368	555,846	1,336,056			0		7,176,270	12,743,306	8,539,842
<b>GENERAL GOVERNMENT</b>												
46	Mayor, Council, & City Manager		1,034,155							1,034,155	4,600,611	3,984,255
47	Clerk, Treasurer, & Finance Adm.		1,276,205							1,276,205	1,690,533	1,041,641
48	Elections		25,000							25,000	0	9,422
49	Legal Services & City Attorney		627,318							627,318	624,117	531,458
50	City Hall & General Buildings		227,340							227,340	227,340	225,741
51	Tort Liability		445,000							445,000	433,000	372,859
52	Other General Government		3,608,954							3,608,954	43,500	31,745
53	TOTAL (lines 46 - 52)		7,243,972	0	0			0		7,243,972	7,618,101	6,197,121
<b>DEBT SERVICE</b>												
54	Gov Capital Projects		80,815	29,882		21,987,969				22,094,666	17,697,058	32,779,912
55	TIF Capital Projects						21,520,600			21,520,600	31,425,750	13,462,732
56	TOTAL CAPITAL PROJECTS		0	0	0		21,520,600			21,520,600	31,425,750	13,462,732
57	TOTAL Government Activities Expenditures (lines 11+22+30+39+45+53+54+57)		56,515,443	5,578,886	1,336,056	21,987,969	34,015,507	0		34,015,507	34,568,789	13,840,433
<b>BUSINESS TYPE ACTIVITIES</b>												
<b>Proprietary: Enterprise &amp; Budgeted ISF</b>												
59	Water Utility											0
60	Sewer Utility											0
61	Electric Utility									8,944,125	6,855,547	7,991,841
62	Gas Utility											0
63	Airport											0
64	Landfill/Garbage											0
65	Transit									1,967,500	1,949,500	1,839,484
66	Cable TV, Internet & Telephone											0
67	Housing Authority											0
68	Storm Water Utility											0
69	Other Business Type (city hosp., ISF, parking, etc.)									1,656,500	982,567	1,469,144
70	Enterprise DEBT SERVICE									8,627,500	8,465,100	6,767,682
71	Enterprise CAPITAL PROJECTS											0
72	Enterprise TIF CAPITAL PROJECTS									6,081,000	5,591,700	1,008,929
73	TOTAL Business Type Expenditures (lines 59 - 73)									19,677,625	23,844,414	19,077,080
74	Regular Transfers Out		56,515,443	5,578,886	1,336,056	21,987,969	34,015,507	0		146,710,486	143,051,051	122,471,922
75	Internal TIF Loan / Repayment		8,746,532	10,726,387	7,402,722		33,294,907			58,848,826	38,681,104	43,247,550
76	TOTAL ALL Transfers Out		8,746,532	10,726,387	7,402,722	0	33,294,907	0	6,081,000	66,251,548	8,082,950	10,279,898
77	Total Expenditures & Fund Transfers Out (lines 75-78)		65,261,975	16,305,273	8,738,778	21,987,969	67,310,414	0	33,357,625	212,962,034	189,815,105	175,999,370
78	Ending Fund Balance June 30		16,713,847	14,074,366	6,023,983	3,431,289	-23,025,199	0	143,909,153	161,127,469	187,165,948	206,638,634

\* A continuing appropriation is the unexpended budgeted amount from a prior year's capital project. The entry is made on the Con Approps page that must accompany the budget forms if used. SEE INSTRUCTIONS FOR USE.

**LONG TERM DEBT SCHEDULE  
GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS**

City Name: **West Des Moines**

Fiscal Year  
2016

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Project Name	Amount of Issue	Date Certified to County Auditor	Principal Due FY 2016	Interest Due FY 2016	Bond Reg/Other Fees Due FY 2016	Total Obligation Due FY 2016	Paid from Funds OTHER THAN Current Year Property Taxes	Amount Paid by Current Year Debt Service Levy
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
(1) DIS BACKFILL REVENUE					10,000	10,000	468,350	-468,350
(2) Registration Costs (total)						10,000		10,000
(3) G.O. Bonds 2008B - ECP (MCP - AVIVA - abated)	7,000,000	Jun-2008	6,500,000	246,292		6,746,292	6,746,292	0
(4) G.O. Bonds 2010A - ECP	6,050,000	Jan- 2010	660,000	147,625		807,625		807,625
(5) G.O. Bonds 2010A - ECP (Jordan Creek abated) Refinance	25,400,000	Jan- 2010	2,950,000	516,675		3,508,675	3,508,675	0
(6) G.O. Bonds 2010C - ECP	7,000,000	Jun - 2010	745,000	116,800		863,800		863,800
(7) G.O. Bonds 2010D - (MCP - Microsoft abated)	5,000,000	Aug- 2010	255,000	145,832		400,832	400,832	0
(8) G.O. Bonds 2011A - ECP	6,900,000	Jul - 2011	850,000	130,982		980,982		980,982
(9) G.O. Bonds 2011B - ECP (MCP-WPHM abated) -refinancing	11,270,000	Aug- 2011	1,900,000	126,425		2,026,425	2,026,425	0
(10) G.O. Bonds 2012A - ECP -Refinancing	2,610,000	May - 2012	365,000	44,000		409,000		409,000
(11) G.O. Bonds 2012B - ECP	11,355,000	May - 2012	2,320,000	470,500		2,790,500		2,790,500
(12) G.O. Bonds 2012D - ECP	7,520,000	Jun - 2012	510,000	189,250		699,250		699,250
(13) G.O. Bonds 2013A - ECP	4,385,000	Mar - 2013	250,000	67,980		317,980		317,980
(14) G.O. Bonds 2014A - ECP	12,250,000	Feb - 2014	695,000	356,388		1,051,388		1,051,388
(15) G.O. Bonds 2014A ECP (Jordan Creek abated)	1,125,000	Feb - 2014	210,000	38,500		248,500	248,500	0
(16) G.O. Bonds 2015 - ECP (Pre-Levy)	12,150,000	Feb - 2015		1,125,840		1,125,840		1,125,840
(17)						0		0
(18)						0		0
(19)						0		0
(20)						0		0
(21)						0		0
(22)						0		0
(23)						0		0
(24)						0		0
(25)						0		0
(26)						0		0
(27)						0		0
(28)						0		0
(29)						0		0
(30)						0		0
<b>TOTALS</b>							13,401,074	8,586,895

# Distribution of Property Tax Dollars for a \$ 200,000 West Des Moines Residence

Polk County – WDM Schools	
School .....	\$13.27
County .....	7.17
RTA .....	0.70
Other .....	4.09
City .....	12.05
<b>FY 14-15 Levy .....</b>	<b>\$37.28</b>

Dallas County – Waukee Schools	
School .....	\$16.57
County .....	3.83
RTA .....	0.70
Other .....	1.63
City .....	12.05
<b>FY 14-15 Levy .....</b>	<b>\$34.78</b>



	Actual FY 2013-14	Actual FY 2014-15	Budget FY 2015-16
<b>Property Tax Calculation</b>			
Assessed Valuation	\$ 200,000	\$ 200,000	\$ 200,000
Rollback Percentage	52.82%	54.40%	55.73%
Taxable Value	\$ 105,640	\$ 108,800	\$ 111,460
City Tax Rate per \$ 1,000 of Valuation	12.05	12.05	12.00
Gross City Tax	\$ 1,273	\$ 1,311	\$ 1,338
Less City Share of Homestead Tax Credit	(58)	(58)	(58)
<b>Total City Property Tax</b>	<b>\$ 1,215</b>	<b>\$ 1,253</b>	<b>\$ 1,280</b>

# Distribution of Property Tax Dollars for a \$ 1,000,000 West Des Moines Commercial Property

<b>Polk County – WDM Schools</b>	
School.....	\$13.27
County.....	7.17
RTA.....	0.70
Other.....	4.09
City.....	12.05
<b>FY 14-15 Levy .....</b>	<b>\$37.28</b>

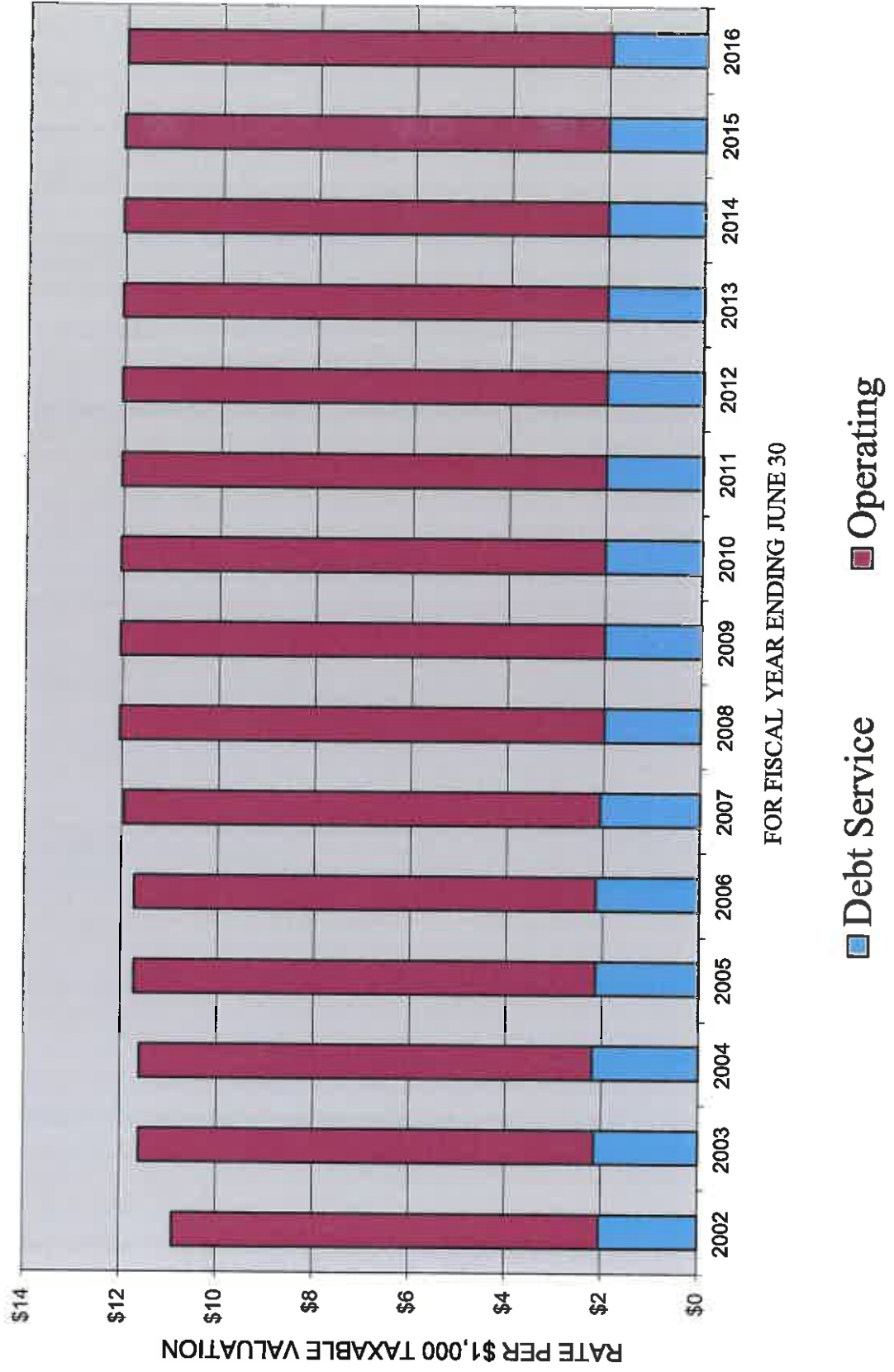
<b>Dallas County – Waukee Schools</b>	
School.....	\$16.57
County.....	3.83
RTA.....	0.70
Other.....	1.66
City.....	12.05
<b>FY 14-15 Levy .....</b>	<b>\$34.78</b>



	Actual FY 2013-14	Actual FY 2014-15	Budget FY 2015-16
<b>Property Tax Calculation</b>			
Assessed Valuation	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Rollback Percentage	100.00%	95.00%	90.00%
Taxable Value	\$ 1,000,000	\$ 950,000	\$ 900,000
City Tax Rate per \$ 1,000 of Valuation	12.05	12.05	12.00
<b>Total City Property Tax</b>	<b>\$ 12,050</b>	<b>\$ 11,448</b>	<b>\$ 10,800</b>

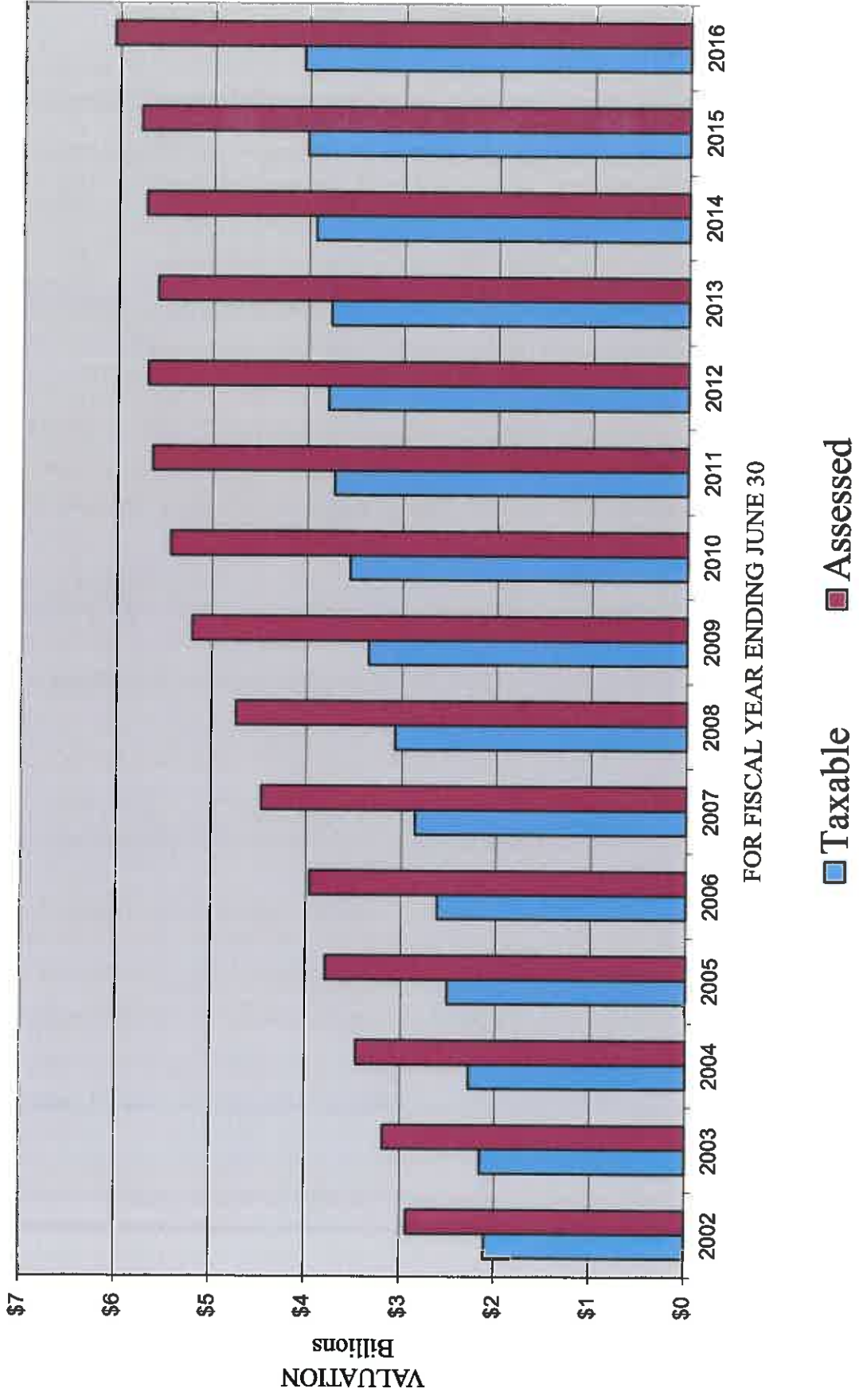
# CITY OF WEST DES MOINES

## PROPERTY TAX RATES



# CITY OF WEST DES MOINES

## PROPERTY VALUATIONS





# CITY OF WEST DES MOINES, IOWA FY 15-16

(January 1, 2014; for the 2015-16 FY)

(January 1, 2014; for the 2015-16 FY)

**TAXABLE VALUATION**

**ACTUAL VALUATION**

	POLK	DALLAS	WARREN	MADISON	TOTAL
RESIDENTIAL	1,565,392,254	462,057,856	2,533,086	16,720	2,029,989,928
COMMERCIAL	1,077,682,719	862,144,991	338,130	-	1,940,165,840
INDUSTRIAL	32,215,937	-	-	-	32,215,937
RAILROADS	3,552,610	-	-	-	3,552,610
UTILITIES - GAS/ELECTRIC	47,557,023	218,142	-	-	47,775,165
UTILITIES - OTHER	7,294,003	1,158,633	164,992	18,567	8,636,215
OTHER	-	-	-	-	-
<b>SUB-TOTAL</b>	<b>2,733,684,546</b>	<b>1,325,579,624</b>	<b>3,036,218</b>	<b>35,307</b>	<b>4,062,345,695</b>
LESS MILITARY	2,933,277	664,868	3,704	-	3,601,849
<b>TOTAL REGULAR</b>	<b>2,730,751,269</b>	<b>1,324,914,756</b>	<b>3,032,514</b>	<b>35,307</b>	<b>4,058,743,846</b>
<b>TAX INCREMENT DISTRICTS</b>					
Westown Parkway V	-	7,319,850	-	-	7,319,850
Ashworth	-	-	-	-	0
Valley Junction/Railroad Ave	-	-	-	-	0
Mills Parkway	-	76,811,686	-	-	76,811,686
Microsoft #7	-	34,962,258	-	-	34,962,258
Aviva #6	-	49,445,163	-	-	49,445,163
Jordan Creek	-	142,416,103	-	-	142,416,103
Fuller Road	370,018	-	-	-	370,018
Woodland	-	33,466,101	-	-	33,466,101
Other	-	-	-	-	0
<b>TOTAL TIF DISTRICTS</b>	<b>370,018</b>	<b>344,421,161</b>	<b>0</b>	<b>0</b>	<b>344,791,179</b>
<b>TOTAL FOR DEBT SERVICE</b>	<b>2,731,131,287</b>	<b>1,669,335,917</b>	<b>3,032,514</b>	<b>35,307</b>	<b>4,403,535,025</b>
TOTAL AG	1,541,910	3,812,256	567,810	75,682	5,997,658
<b>GRAND TOTAL</b>	<b>2,732,673,197</b>	<b>1,673,148,173</b>	<b>3,600,324</b>	<b>110,989</b>	<b>4,409,532,663</b>

	POLK	DALLAS	WARREN	MADISON	TOTAL
RESIDENTIAL	2,808,709,540	952,589,754	4,545,000	30,000	3,765,884,294
COMMERCIAL	1,197,445,228	978,923,885	375,700	-	2,176,744,813
INDUSTRIAL	35,816,614	-	-	-	35,816,614
RAILROADS	3,947,344	-	-	-	3,947,344
UTILITIES - GAS/ELECTRIC	69,853,832	316,651	-	-	70,170,283
UTILITIES - OTHER	7,294,003	1,158,633	164,992	18,567	8,636,215
OTHER	-	-	-	-	-
<b>SUB-TOTAL</b>	<b>4,123,066,361</b>	<b>1,932,998,923</b>	<b>5,085,692</b>	<b>48,567</b>	<b>6,061,198,563</b>
LESS MILITARY	2,933,277	664,868	3,704	-	3,601,849
<b>TOTAL REGULAR</b>	<b>4,120,133,084</b>	<b>1,932,334,055</b>	<b>5,081,988</b>	<b>48,567</b>	<b>6,057,597,714</b>
<b>TAX INCREMENT DISTRICTS</b>					
Westown Parkway V	-	7,319,850	-	-	7,319,850
Ashworth	-	-	-	-	0
Valley Junction/Railroad Ave	-	-	-	-	0
Mills Parkway	-	76,811,686	-	-	76,811,686
Microsoft #7	-	34,962,258	-	-	34,962,258
Aviva #6	-	49,445,163	-	-	49,445,163
Jordan Creek	-	142,416,103	-	-	142,416,103
Fuller Road	370,018	-	-	-	370,018
Woodland	-	33,466,101	-	-	33,466,101
Other	-	-	-	-	0
<b>TOTAL TIF DISTRICTS</b>	<b>370,018</b>	<b>344,421,161</b>	<b>0</b>	<b>0</b>	<b>344,791,179</b>
<b>DEBT SVC TOT</b>	<b>4,120,503,102</b>	<b>2,276,755,216</b>	<b>5,081,988</b>	<b>48,567</b>	<b>6,402,388,893</b>
TOTAL AG	3,448,300	8,621,368	1,270,200	168,300	13,510,168
<b>GRAND TOTAL</b>	<b>4,123,952,402</b>	<b>2,285,376,584</b>	<b>6,352,188</b>	<b>217,867</b>	<b>6,416,989,061</b>

REGULAR TAX RATE	12.00000	40,780,376			
DEBT SERVICE	2100	8,586,693			1,95000
EMERGENCY LEVY	0900	1,072,801			0.27000
FIRE/POLICE RETIREMENT	1960	2,205,533			0.56343
EMPLOYEE BENEFITS	1900	4,388,112		10,463	1.05161
TORT/LIABILITY INSURANCE	0500	344,351		3,107	0.06496
TRANSIT	0400	0			0.00000
GENERAL FUND	0100	32,875,825		13	8.10000
					MADISON COUNTY 0
					TOTAL 13,563
AG LAND TAX RATE	3.00375	18,015			12.0000
TOTAL PROPERTY TAXES LEVIED		49,395,290			
EACH ADDITIONAL \$ 10 TO THE TAX RATE WILL YIELD		405,874			

REGULAR TAX RATE	12.00000	40,780,376			
DEBT SERVICE	2100	8,586,693			1,95000
EMERGENCY LEVY	0900	1,072,801			0.27000
FIRE/POLICE RETIREMENT	1960	2,205,533			0.56343
EMPLOYEE BENEFITS	1900	4,388,112		10,463	1.05161
TORT/LIABILITY INSURANCE	0500	344,351		3,107	0.06496
TRANSIT	0400	0			0.00000
GENERAL FUND	0100	32,875,825		13	8.10000
					MADISON COUNTY 0
					TOTAL 13,563
AG LAND TAX RATE	3.00375	18,015			12.0000
TOTAL PROPERTY TAXES LEVIED		49,395,290			
EACH ADDITIONAL \$ 10 TO THE TAX RATE WILL YIELD		405,874			

CONSTITUTIONAL DEBT LIMIT (5% of Actual Property Value)  
OUTSTANDING GO DEBT (6/30/14) 320,784,953  
23.05%

**Employee Complement**  
*City of West Des Moines Personnel by Cluster and Department*

Positions Stated in Full-time Equivalents (FTE)	Budget FY 2012-13	Budget FY 2013-14	Budget FY 2014-15	Budget FY 2015-16	Change From FY 2014-15	% Inc (Dec)
<b>Authorized Personnel by Department</b>						
<b>Community Enrichment Cluster</b>						
Human Services	13.25	13.25	13.25	13.25	0.00	0.0%
Library	25.25	25.25	25.25	25.25	0.00	0.0%
Parks & Recreation	25.00	25.00	26.00	26.00	0.00	0.0%
<b>Sub-total Community Enrichment Cluster</b>	<b>63.50</b>	<b>63.50</b>	<b>64.50</b>	<b>64.50</b>	<b>0.00</b>	<b>0.0%</b>
<b>Public Safety Cluster</b>						
Emergency Medical Services	40.50	41.00	41.00	40.75	(0.25)	-0.6%
Fire	50.00	51.00	57.00	57.00	0.00	0.0%
Police	83.25	83.25	84.00	84.00	0.00	0.0%
Westcom Dispatch	21.75	21.75	23.75	24.00	0.25	1.1%
WestPet Animal Control	3.00	3.00	4.00	4.33	0.33	8.3%
<b>Sub-total Public Safety Cluster</b>	<b>198.50</b>	<b>200.00</b>	<b>209.75</b>	<b>210.08</b>	<b>0.33</b>	<b>0.2%</b>
<b>Public Services Cluster</b>						
Community & Economic Development	4.50	4.50	4.50	4.50	0.00	0.0%
Development Services	20.20	20.20	20.00	20.00	0.00	0.0%
Engineering Services	0.00	0.00	7.00	7.00	0.00	0.0%
Public Works	63.80	64.80	62.00	62.00	0.00	0.0%
<b>Sub-total Public Services Cluster</b>	<b>88.50</b>	<b>89.50</b>	<b>93.50</b>	<b>93.50</b>	<b>0.00</b>	<b>0.0%</b>
<b>Support Services Cluster</b>						
City Manager's Office	4.00	4.00	4.00	4.00	0.00	0.0%
City Clerk	1.00	1.00	1.33	1.33	0.00	0.0%
Finance	9.00	8.75	9.42	9.09	(0.33)	-3.5%
Human Resources	4.25	4.50	4.50	4.50	0.00	0.0%
Information Services	10.00	10.00	11.00	11.00	0.00	0.0%
Legal	4.00	4.00	4.00	4.00	0.00	0.0%
<b>Sub-total Support Services Cluster</b>	<b>32.25</b>	<b>32.25</b>	<b>34.25</b>	<b>33.92</b>	<b>(0.33)</b>	<b>-1.0%</b>
<b>Total Authorized Personnel</b>	<b>382.75</b>	<b>385.25</b>	<b>402.00</b>	<b>402.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>Authorized Personnel by Fund</b>						
General Fund	366.72	368.43	385.34	386.41	1.07	0.3%
Special Revenue Fund	1.53	2.32	1.19	(1.07)	(1.07)	-46.1%
Enterprise Fund	14.50	14.50	14.40	14.40	0.00	0.0%
<b>Total Authorized Personnel</b>	<b>382.75</b>	<b>385.25</b>	<b>402.00</b>	<b>402.00</b>	<b>0.00</b>	<b>0.0%</b>

CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

**ITEM:**

**DATE:** February 23, 2015

Public Hearing (5:35 p.m.)  
Fox Creek Trunk Sewer Phase 1

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Costs was estimated to be \$1,654,499.00 for the Fox Creek Trunk Sewer Phase 1 Project. There were five (5) bids submitted with the low bid of \$1,974,614.00 being submitted by MPS Engineers, PC for the improvements. Veenstra and Kimm has analyzed the bids received and a summary of their findings is attached. Payments will be paid from budgeted account no. 5061.80.820.6.7910 with the ultimate funding intended to come from the Sewer Fee District account and an existing cost sharing agreement with the City of Waukee.

**BACKGROUND:**

This Public Hearing is on the matter of adoption of Plans, Specifications, Form of Contract, and Estimate of Costs for the Fox Creek Trunk Sewer Phase 1 Project. Upon completion of the Public Hearing, a Resolution should be passed adopting the Plans and Specifications, Form of Contract, Estimate of Costs, and awarding the contract to MPS Engineers, PC.

Work on this project will begin in the near future and be completed by October 30, 2015.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs;
- Motion receiving and filing Report of Bids;
- Resolution awarding the construction contract to MPS Engineers, PC.

**Lead Staff Member:** Duane C. Wittstock, P.E., L.S., City Engineer

**STAFF REVIEWS**

Department Director	Duane C. Wittstock, City Engineer	<i>new</i> <i>gj</i>
Appropriations/Finance	Tim Stiles, Finance Director	
Legal	Richard Scieszinski, City Attorney	
Agenda Acceptance	<i>RTG</i>	

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

Published In	Des Moines Register
Dates(s) Published	February 13, 2015

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Public Works		
Date Reviewed	February 17, 2015		
Recommendation	Yes	No	Split

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING Adopting Plans, Specifications, Form of Contract, and Estimate of Costs**

**WHEREAS**, on February 9, 2015, Plans Specifications, Form of Contract, and Estimate of Costs were filed with the City Clerk for the following described public improvement:

**Fox Creek Trunk Sewer – Phase 1  
Project No. 0510-010-2012**

and,

**WHEREAS**, notice of hearing on Plans, Specifications, Form of Contract, and Estimate of Costs 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, IOWA**, that Plans, Specifications, Form of Contract, and Estimate of Costs for said Public Improvement are hereby approved.

**PASSED AND ADOPTED** this 23rd day of February, 2015.

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

ATTEST:

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

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES,  
APPROVING Awarding Contract**

**WHEREAS**, the City Council of the City of West Des Moines has heretofore directed advertisement for bids for the following described public improvement:

**Fox Creek Trunk Sewer - Phase 1  
Project No. 0510-010-2012**

and,

**WHEREAS**, bids have been received and opened by the City Clerk and placed on file by the City Council.

and,

**WHEREAS**, the bid of MPS Engineers, PC in the amount of \$1,974,614.00 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**, that a contract for the Fox Creek Trunk Sewer – Phase 1 Project is hereby awarded to MPS Engineers, PC in the amount of \$1,974,614.00 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 23<sup>th</sup> day of February, 2015.**

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

ATTEST:

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



February 19, 2015

Duane Wittstock  
City Engineer  
City of West Des Moines  
Public Services Dept./Engineering  
4200 Mills Civic Parkway  
P.O. Box 65320  
West Des Moines, Iowa 50265

WEST DES MOINES, IOWA  
FOX CREEK TRUNK SEWER - PHASE 1  
REVIEW OF BIDS  
RECOMMENDATION TO AWARD CONTRACT

The City of West Des Moines received bids until 2:00 P.M. on February 18, 2015 for the Fox Creek Trunk Sewer - Phase 1 project. A total of five bids were received as follows:

MPS Engineers, PC	\$1,974,614.00
H&W Contracting, LLC	\$2,047,746.00
S.M. Hentges & Sons Inc.	\$2,683,964.52
J & K Contracting, LLC	\$3,095,600.00
Raccoon Valley Contractors, LLC	\$3,170,363.00

The bid received from MPS Engineers, PC was read under advisement as the proposal did not acknowledge Addendum No. 1. Subsequent to the bid letting MPS Engineers, PC confirmed it received the mailed copy of Addendum No. 1. However, it failed to timely open the mail and was not aware of the addendum at the time it prepared its proposal.

The apparent low bid on the project was submitted by MPS Engineers, PC in the amount of \$1,974,614. The engineer's estimate of cost for construction of the project was \$1,654,499. The low bid by MPS Engineers, PC is 19.35% above the engineer's estimate of cost.

The second low bidder on the project was H&W Contracting, LLC with its bid in the amount of \$2,047,746. The second low bid by H&W Contracting, LLC is 23.77% above the engineer's estimate of cost.

The writer has reviewed the bids received from all five bidders and discussed the bids with four of the five bidders, including the three lowest bidders.

Duane Wittstock  
February 19, 2015  
Page 2

A review of the bids indicates the difference between all of the bids and the engineer's estimate of cost rests in two basic areas of the project. The first area is the pipe laying unit prices.

The second area is the cost of rip-rap and steel sheeting located along the east branch of the sewer. Most of the other items, such as tunneling and manholes were bid below or in the same generally cost range as the engineer's estimate of cost.

The larger portion of the project is the 24-inch and 30-inch easterly branch of the sewer that follows Fox Creek along the east side of the Fox Creek development. The smaller portion of the project is the 12-inch sewer located to the west of the Fox Creek subdivision.

All of the bidders appeared to identify similar factors that caused concern and raised the bid price of the project. As evidenced by the spread between the five bidders there were significantly different interpretations of the issues relating to the construction of the project.

The schedule for the project anticipates Notice to Proceed in March 2015 with completion at the end of October 2015. Most of the bidders perceived the schedule would require them to work along the Fox Creek corridor through the spring and summer months. The project corridor is in a low lying area along Fox Creek. The bidders perceived the ability to move materials to the project and the tightness of the project quarters posed significant logistical issues and challenges.

These logistical challenges primarily relate to their concern regarding the potential for the area to be very wet in the spring and early summer. These concerns are reflected in the higher unit prices for the pipe in place and the cost for steel sheeting and rip-rap that must be delivered and installed on the east branch of the sewer.

Most of the bidders have a concern regarding the soil conditions along Fox Creek. Due to the remote nature of the area it was not possible for bidders to complete test borings along much of the east branch of the sewer where it is located along the creek through yard areas. Bidders included various contingency amounts for soil conditions in their bids.

While the west branch of the sewer has only one access point that did not appear to be the major concern. The concern with the west bank is the depth of the sewer, the volume of excavated material that would need to be managed within the easement width and the potential for adverse soil conditions, including rock.

The engineer's estimate of cost for the project was prepared approximately 60 days ago when it was anticipated the project would be bid to allow the contractor to work during at least the later part of the winter months. Most of the bidders indicated the ability to have some winter work would have lowered the cost of the project as delivery of materials during frozen ground conditions would have eased some of the logistical concerns.

There have been several sewer projects bid in central Iowa in the last few weeks and it is anticipated there will be additional projects bid over the next several weeks. The results of the bidding in early 2015 suggest prices are moving upward.

There appears to be five or six sewer contractor's currently bidding projects of this size and nature. The perception is there is sufficient work that contractors are not required to cut prices in the same manner as experienced for the last several construction seasons due to the reduced volume of work in relationship to the capacity of the sewer contractors that has existing for several years.

It appears the engineer's estimate of cost was too low as it was prepared before the upward trend in pricing and incorrectly assumed at least some winter construction. Also, the engineer's estimate of cost probably did not fully reflect the logistical concerns regarding this particular project.

Engineer's estimates of cost tend to be prepared based on unit prices experienced on recent projects of a similar type of construction. The use of similar projects as the basis for estimating future projects can result in underestimating projects that have unique circumstances that create concerns to contractors regarding the construction. That appears to be the case for the Fox Creek Trunk Sewer - Phase 1 project.

The five bids on the project probably constitute all of the bidders with an interest in this project. Rebidding the project is not likely to result in additional bidders. Unless the project can be delayed for construction in the winter of 2015-2016 the access, soil conditions and logistical issues that impacted the bidding of the project would not be improved by rejecting bids and rebidding the project in the near term.

For the Fox Creek Trunk Sewer - Phase 1 project there were two bidders that appear to have a competitive interest in bidding the project. The other three bidders were looking for opportunities in the event there were no more competitive bids. While the low bid was over the engineer's estimate of cost, in the writer's opinion rebidding the project is not likely to result in lower bids, and has the potential to increase the bid cost if low bidders reassess their competitive position, especially if they are successful in obtaining other work between the original and rebid of the project. While the low bid was over the engineer's estimate of cost, the writer believes the best course of action for the City of West Des Moines would be to proceed with the project based on the bids received and to award contract accordingly.



Duane Wittstock  
February 19, 2015  
Page 4

The low bid was submitted by MPS Engineers, PC. As indicated earlier, MPS Engineers, PC failed to acknowledge Addendum No. 1 as it did not receive the addendum.

Addendum No. 1 incorporate two provision in the contract. One provision is to allow an alternative pipe material. Allowing an alternative pipe material would not have increased the cost of the project or placed MPS Engineers, PC at a competitive advantage in relationship to other bidders.

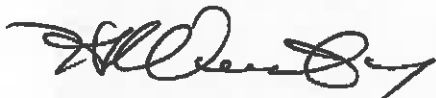
The second part of Addendum No. 1 incorporated the ability for the City to delay Notice to Proceed based on the schedule of the remaining condemnations. It is difficult to determine whether the lack of knowledge of this provision would place the contractor at any competitive advantage. However, MPS Engineers, PC indicates they are willing to abide by the terms of the addendum, even though it was not aware of the addendum at the time it bid the project.

MPS Engineers, PC has indicated a willingness to proceed with the project. Although MPS Engineers, PC has not undertaken many projects of a similar nature, many of its employees added in the last two years have experience with other contractors involving similar construction. While there may be concerns regarding the ability of MPS Engineers, PC to undertake the project, it is not believed those concerns are of such a nature to conclude MPS Engineers, PC is not a responsible bidder.

With MPS Engineers, PC indication of its willingness to proceed with the project it would appear the appropriate course of action would be to waive the technicality of not acknowledging Addendum No. 1 and consider the award of contract.

If you have any questions or comments concerning the project, please contact the writer at 225-8000.

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

HRVjr:pjh  
102158  
cc: Jason Schlickbernd

**BID TABULATION**  
**WEST DES MOINES, IOWA**  
**FOX CREEK TRUNK SEWER - PHASE 1**  
**PROJECT NO. 0510-010-2012**

1. Construct the Fox Creek Trunk Sewer - Phase 1 for the following unit and lump sum prices:		MPS Engineers, PC 1444 Illinois Street Des Moines, Iowa 50314		H&W Contracting, LLC 3416 W. Howland Drive Sioux Falls, South Dakota 57107		S.M. Hertges & Son's, Inc. 650 Quaker Avenue Jordan Minnesota 55352			
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1.	Sanitary Sewer in Place - 12"	LF	2,700	112.00	\$ 302,400.00	117.00	\$ 315,900.00	208.00	\$ 561,600.00
2.	Sanitary Sewer in Place - 24"	LF	2,905	134.00	389,270.00	130.00	377,650.00	153.00	444,465.00
3.	Sanitary Sewer in Place - 30"	LF	2,288	168.00	384,384.00	135.00	308,880.00	194.00	443,872.00
4.	Sanitary Sewer Tunnelled In Casin-g - 30"	LF	380	534.00	202,920.00	430.00	163,400.00	592.00	224,960.00
5.	Manholes - Type SW 303 - 120"	Ea.	1	48,000.00	48,000.00	45,000.00	45,000.00	313,346.02	313,346.02
6.	Manholes - Type SW 301 - 72"	Ea.	1	27,000.00	27,000.00	10,500.00	10,500.00	15,000.00	15,000.00
7.	Manholes - Type SW 301 - 60"	Ea.	11	8,700.00	95,700.00	7,800.00	85,800.00	9,042.00	99,462.00
8.	Manholes - Type SW 301 - 48"	Ea.	24	5,600.00	134,400.00	4,700.00	112,800.00	10,243.00	245,832.00
9.	Video Inspection of Sanitary Sewer	LF	8,273	2.00	16,546.00	2.00	16,546.00	2.00	16,546.00
10.	18" CMP Culvert	LF	18	48.00	864.00	40.00	720.00	32.00	576.00
11.	24" CMP Culvert	LF	20	64.00	1,280.00	45.00	900.00	37.00	740.00
12.	36" CMP Culvert	LF	40	84.00	3,360.00	55.00	2,200.00	60.00	2,400.00
13.	Rip-Rap	Ton	1,360	84.00	114,240.00	55.00	74,800.00	59.00	80,240.00
14.	Steel Sheet-piling	SF	1,600	32.00	51,200.00	35.00	56,000.00	36.50	58,400.00
15.	Stabilizing Material	Ton	100	48.00	4,800.00	55.00	5,500.00	25.00	2,500.00
16.	Granular Surfacing	Ton	100	36.00	3,600.00	25.00	2,500.00	22.00	2,200.00
17.	Erosion Control	LS	1	xxxxx	60,000.00	xxxxx	15,000.00	xxxxx	14,949.00
18.	Seeding	Acre	14.5	2,200.00	31,900.00	1,900.00	27,550.00	1,945.00	28,202.50
19.	Sod	Sq.	1,950	45.00	87,750.00	48.00	93,600.00	58.00	113,100.00
20.	Construction Staking	LS	1	xxxxx	8,500.00	xxxxx	330,000.00	xxxxx	8,900.00
21.	Traffic Control	LS	1	xxxxx	6,500.00	xxxxx	2,500.00	xxxxx	6,674.00
<b>TOTAL BID</b> (Items 1 - 21)					<b>\$1,974,614.00</b>		<b>\$2,047,746.00</b>		<b>\$2,683,964.52</b>

**BID TABULATION**  
**WEST DES MOINES, IOWA**  
**FOX CREEK TRUNK SEWER - PHASE 1**  
**PROJECT NO. 0510-010-2012**

1. Construct the Fox Creek Trunk Sewer - Phase 1 for the following unit and lump sum prices:		J&K Contracting 1307 East Lincoln Way Ames, Iowa 50010		Raccoon Valley Contractors 520 SE Prairie Park Lane Waukesha, Iowa 50263			
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1.	Sanitary Sewer In Place - 12"	LF	2,700	340.00 \$	918,000.00 \$	368.00 \$	723,600.00
2.	Sanitary Sewer In Place - 24"	LF	2,905	215.00	624,575.00	289.00	839,545.00
3.	Sanitary Sewer In Place - 30"	LF	2,288	285.00	652,080.00	303.00	693,264.00
4.	Sanitary Sewer Tunnelle in Casing - 30"	LF	380	650.00	247,000.00	574.00	218,120.00
5.	Manholes - Type SW 303 - 120"	Ea.	1	104,699.00	104,699.00	44,000.00	44,000.00
6.	Manholes - Type SW 301 - 72"	Ea.	1	20,000.00	20,000.00	10,000.00	10,000.00
7.	Manholes - Type SW 301 - 60"	Ea.	11	8,400.00	92,400.00	8,000.00	88,000.00
8.	Manholes - Type SW 301 - 48"	Ea.	24	6,300.00	151,200.00	9,000.00	216,000.00
9.	Video Inspection of Sanitary Sewer	LF	8,273	2.00	16,546.00	3.00	24,819.00
10.	18" CMP Culvert	LF	18	55.00	990.00	40.00	720.00
11.	24" CMP Culvert	LF	20	58.00	1,160.00	46.00	920.00
12.	36" CMP Culvert	LF	40	60.00	2,400.00	60.00	2,400.00
13.	Rip-Rap	Ton	1,360	55.00	74,800.00	75.00	102,000.00
14.	Steel Sheeting	SF	1,600	24.00	38,400.00	17.00	27,200.00
15.	Stabilizing Material	Ton	500	25.00	2,500.00	25.00	2,500.00
16.	Granular Surfacing	Ton	100	25.00	2,500.00	24.00	2,400.00
17.	Erosion Control	LS	1	XXXXX	15,000.00	XXXXX	19,000.00
18.	Seeding	Acre	14.5	1,900.00	27,550.00	2,250.00	32,625.00
19.	Sod	Sq.	1,950	48.00	93,500.00	55.00	107,250.00
20.	Construction Staking	LS	1	XXXXX	8,000.00	XXXXX	10,000.00
21.	Traffic Control	LS	1	XXXXX	2,200.00	XXXXX	6,000.00
<b>TOTAL BID</b>					<b>\$3,095,600.00</b>		<b>\$3,170,363.00</b>
				(Items 1-21.)			

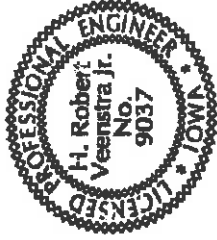
**BID TABULATION  
WEST DES MOINES, IOWA  
FOX CREEK TRUNK SEWER - PHASE 1  
PROJECT NO. 0510-010-2012**

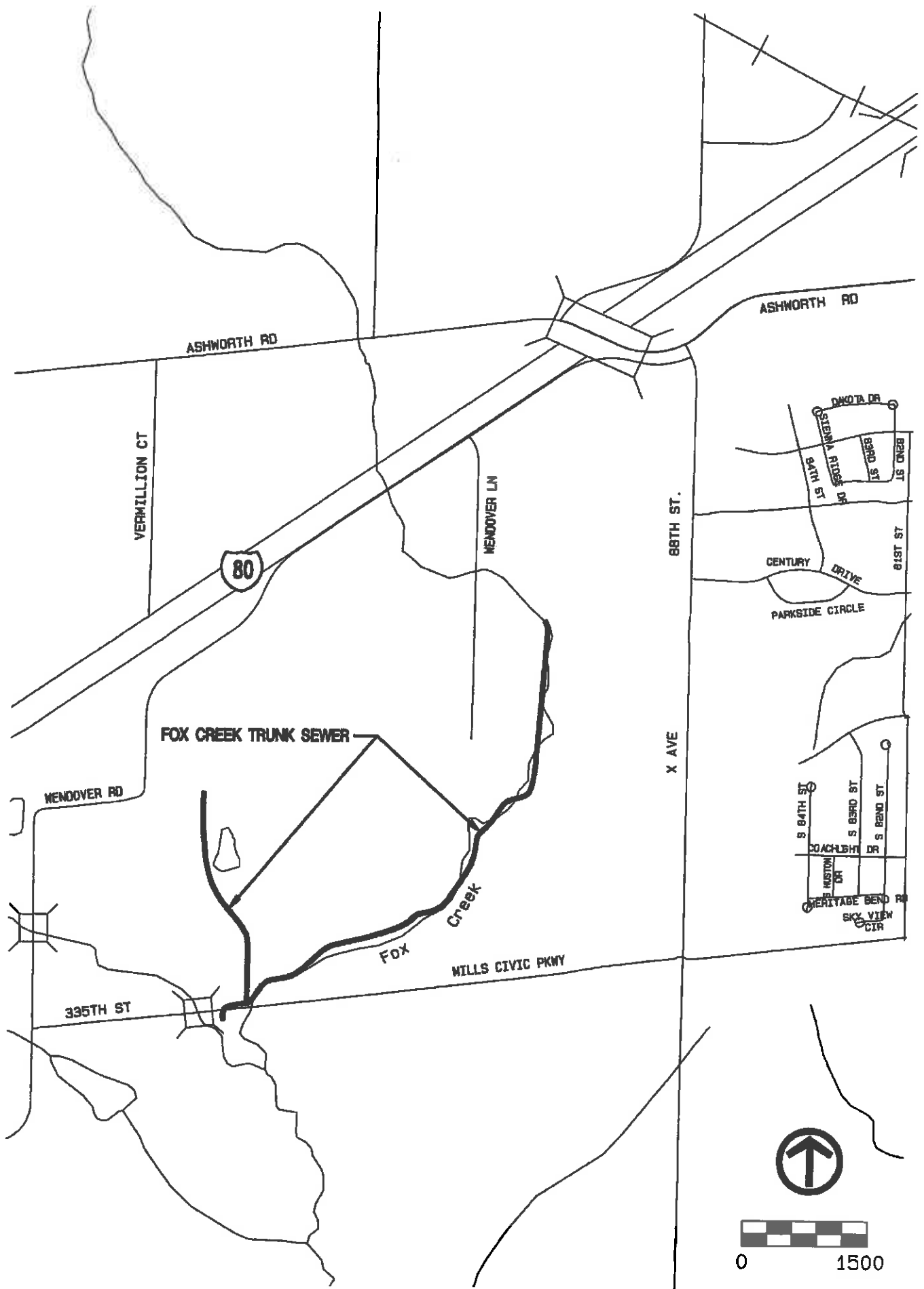
I hereby certify that this is a true tabulation of  
bids received on February 18, 2015 by the City  
of West Des Moines, Iowa.

  
\_\_\_\_\_

H. Robert Veenstra Jr., P.E.  
Iowa License No. 9037

My license renewal date is December 31, 2016





ASHWORTH RD

ASHWORTH RD

VERMILLION CT

80

MENDOVER LN

88TH ST.

CENTURY DRIVE

PARKSIDE CIRCLE

FOX CREEK TRUNK SEWER

MENDOVER RD

X AVE

81ST ST

Fox Creek

S BATH ST

S BIRD ST

S BEND ST

COACHLIGHT DR

HERITAGE BEND RD

SKY VIEW CIR

335TH ST

MILLS CIVIC PKWY



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

**DATE: February 23, 2015**

**ITEM:** Clocktower Square, 2800 and 2900 University Avenue – Approval of a Site Plan for exterior modifications, parking lot changes, and storm water improvements – Clocktower Square Baseline LLC – MaM-001874-2013

**RESOLUTION:** **Approval of a Major Modification to Site Plan**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Clocktower Square Baseline, LLC, represented by Mike Lotte, Baseline Investments, Josh Trygstad of Civil Design Advantage, and Marty Barkley, OnSite Solutions, requests approval of a major modification to a site plan to approve architectural changes, re-design and reconstruction of part of the parking lot, and construction of storm water management improvements.

**Plan and Zoning Commission Action:**

Vote: 6-0 approval, Commissioner Brown absent

Date: January 5, 2015

Motion: Adopt a resolution recommending the City Council approve the Major Modification to a Site Plan request.

Kara Tragesser, Planner, explained the circumstance of the open space landscape requirements and the situation with the easement and future right-of-way. Ms. Tragesser proposed to the Commission a condition of approval to waive the overstory and evergreen tree requirements for the open space due to the lack of unencumbered area to place the landscaping.

Jeremy Christiani, 1100 50<sup>th</sup> Street, West Des Moines opposed granting the major modification because he believes it is not in compliance with City Code or the Planned Unit Development. Mr. Christiani noted that possible lack of screening of trash dumpsters as viewed from 28<sup>th</sup> Street, that there appeared to be outdoor storage of items, a vehicle sign, and other alleged violations of sign code, screening, outdoor storage, and the Planned Unit Development ordinance.

**OUTSTANDING ISSUES:** There are no outstanding issues. The applicant is in agreement with the recommended conditions of approval. Staff notes the following:

**Sign along University Avenue:** as proposed at the Plan & Zoning Commission, a development sign or monument sign was proposed to be located in the future right-of-way for University Avenue. The Plan and Zoning Commission approved a resolution with a condition that the sign be allowed to be located within the future right-of-way along with a required hold harmless agreement in favor of the City. In working with the applicant, the sign now will be located outside of the future right-of-way. Therefore, that condition of approval has been removed.

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 (*July 17, 2014*)
- Staff Review and Comments
  - *Right-of-way Dedication*
  - *Phased Storm Water Management Plan*
  - *Parking lot*
  - *Elevations*
- Comprehensive Plan Consistency
- Findings
  - Staff Recommendation and Conditions of Approval
  - Owner/Applicant/Applicant Representative Information

- 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 the Major Modification to a Site Plan for exterior modifications, parking lot improvements, and storm water improvements, subject to the applicant meeting all City Code requirements and the following:

1. Providing an executed irrevocable offer of dedication for University Avenue and 28<sup>th</sup> Street, prior to obtaining a building permit. *(provided)*
2. Providing an ingress/egress easement between Lots 1 and 2 Clocktower Square, prior to obtaining a building permit. *(provided)*
3. Providing a sanitary sewer easement, prior to obtaining a building permit. *(provided)*
4. Providing a storm water facility maintenance agreement prior to obtaining a building permit.
5. Providing proof of payment to MidAmerican Energy for streetlights, prior to obtaining a building permit.
6. Providing final site plan drawings addressing staff comments, prior to obtaining a building permit.
7. The City Council waiving the requirement that 35% of the open space trees be overstory or evergreen in Lot 2 and lowering the required trees from eleven to six.

Lead Staff Member: Kara Tragesser, AICP *KAT*

**STAFF REVIEWS**

Department Director	<i>[Signature]</i>
Appropriations/Finance	<i>[Signature]</i>
Legal	<i>[Signature]</i>
Agenda Acceptance	<i>[Signature]</i>

**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	October 10, 2014		
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
- Attachment B - Location Map
- Attachment C - Site Plan Drawings
- Attachment D - Elevations
- Exhibit II - City Council Resolution

CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION COMMUNICATION

**Meeting Date:** January 5, 2015

**Item:** Clocktower Square, 2800 and 2900 University Avenue – Approval of a Site Plan for exterior modifications, parking lot changes, and storm water improvements – Clocktower Square Baceline LLC – MaM-001874-2013

**Requested Action:** Approval of a Major Modification to a Site Plan

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** The applicant, Clocktower Square Baceline, LLC, represented by Mike Lotte, Baceline Investments, Josh Trygstad of Civil Design Advantage, and Marty Barkley, OnSite Solutions, requests approval of a major modification to a site plan to approve architectural changes, re-design and reconstruct part of the parking lot, and construct storm water management improvements (see Attachment B – Location Map, Attachment C – Site Plan Drawings, and Attachment D - Elevations).

**History:** The lots are zoned Clocktower Square Planned Unit Development. The underlying zoning is Regional Commercial. The building at 2800 University was built in 1984 as a multitenant building which now includes Tires Plus and Starbucks. The building at 2900 University was built in about 1983 as a multitenant building which now includes Waterfront Seafood, Office Max, Shogun, and smaller boutique businesses. In 1993, a Special Use Permit was issued for the expansion of Animal Care Clinic West at the 2900 building and in 2012 a Minor Modification was approved for façade modifications for the TJ Maxx store. In 2014, a Planned Unit Development Ordinance was adopted for the lots to adjust for deficiencies in the bulk regulations and to establish a phased storm water management plan.

**City Council Subcommittee:** This project was presented to the Development and Planning City Council Subcommittee on October 10, 2014. The Subcommittee was supportive of 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.

- Right-of-way dedication by irrevocable offer of dedication was requested and has been agreed to for additional right-of-way along 28<sup>th</sup> Street and University Avenue to meet comprehensive plan requirements and accommodate the future reconstruction of those streets or to improve level of service on the roadways.
- Phased storm water management is proposed for this redevelopment parcel, in accordance with the Clocktower Square Planned Unit Development ordinance.
- The parking lot is proposed to be resurfaced, the islands reconfigured, and the parking angle changed to 90-degree parking for that portion of the lot in front of the OfficeMax store.
- The elevations indicate the new design for the OfficeMax space, portions of which will carry through to the full center for a unified design concept and freshening of the design theme for the center.

**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, 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 Major Modification to a Site Plan for Clocktower Square, subject to the applicant meeting all City Code requirements and the following:

1. Providing the executed irrevocable offer of dedication for University Avenue and 28<sup>th</sup> Street, prior to obtaining a building permit.
2. Providing an ingress/egress easement between Lots 1 and 2 Clocktower Square, prior to obtaining a building permit.
3. Providing a sanitary sewer easement, prior to obtaining a building permit.
4. Providing a storm water facility maintenance agreement prior to obtaining a building permit.
5. Providing proof of payment to MidAmerican Energy for streetlights, prior to obtaining a building permit.
6. Providing final site plan drawings addressing staff comments, prior to a obtaining a building permit.

**Property Owner:** Clocktower Square Baceline, LLC  
 1522 Blake Street  
 Denver CO 80202  
 Natalie Tillman  
 720-382-2950

**Applicant(s):** Same as Property Owner

**Applicant's Representatives:** Josh Trygstad  
 Civil Design Advantage  
 3405 Se Crossroads Drive Suite G  
 Grimes IA 50111  
 515-369-4400

**Attachments:**

- |              |   |                                       |
|--------------|---|---------------------------------------|
| Attachment A | = | Plan and Zoning Commission Resolution |
| Attachment B | = | Location Map                          |
| Attachment C | = | Site Plan Drawings                    |
| Attachment D | = | Elevations                            |

RESOLUTION NO. PZC-15-02

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE A MAJOR MODIFICATION (MaM-001874-2013) TO CONSTRUCT FAÇADE REMODELING, STORM WATER MANAGEMENT IMPROVEMENTS, AND PARKING LOT IMPROVEMENTS AT 2800 AND 2900 UNIVERSITY AVENUE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Clocktower Square Baceline LLC, has requested approval of a Major Modification Permit (MaM-001874-2013) for that property located at 2800 and 2900 University Avenue to modify the facades of the buildings, reconfigure part of the parking lot and install storm water management improvements;

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 January 5, 2015, this Commission held a duly-noticed public meeting to consider the application for Major Modification;

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 noted above, or as amended orally at the meeting on this date, are adopted.

SECTION 2. The Major Modification to modify the facades of the buildings, reconfigure part of the parking lot and install storm water management improvements 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 January 5, 2015.



Erica Andersen, Chair  
Plan and Zoning Commission

ATTEST:

  
Stephanie Taylor  
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 January 5, 2015, by the following vote:

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

ATTEST:

  
Stephanie Taylor  
Recording Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**

1. Providing the executed irrevocable offer of dedication for University Avenue and 28th Street, prior to obtaining a building permit.
2. Providing an ingress/egress easement between Lots 1 and 2 Clocktower Square, prior to obtaining a building permit.
3. Providing a sanitary sewer easement, prior to obtaining a building permit.
4. Providing a storm water facility maintenance agreement prior to obtaining a building permit.
5. Providing proof of payment to MidAmerican Energy for streetlights, prior to obtaining a building permit.
6. Providing final site plan drawings addressing staff comments, prior to a obtaining a building permit.
7. The City Council allowing the placement of a sign in the future right-of-way for University Avenue adjacent to Lot 1. The property owner shall execute a hold harmless agreement releasing the City from liability for costs due to damage to or relocation of the sign due to its placement in the future right-of-way.
8. The City Council waiving the requirement that 35% of the open space trees be overstory or evergreen in Lot 2 and lowering the required trees from eleven to six.

# General Location Map Clocktower Square 28th Street and University Avenue



# MAJOR MODIFICATION FOR:

# CLOCKTOWER SQUARE

## WEST DES MOINES, IOWA

### INDEX OF SHEETS

NO.	DESCRIPTION
1	COVER SHEET
2	TOPOGRAPHIC SURVEY/ DEMOLITION PLAN
3	PROPOSED EXHIBIT
4	DETAILS
5	DIMENSION PLAN
6	GRADING PLAN
7-9	UTILITY PLAN
10	LANDSCAPE PLAN

**LEGAL DESCRIPTION**  
CLOCKTOWER SQUARE, LOTS 1 AND 2, AN ORIGINAL PLAT NOW PART OF THE CITY OF WEST DES MOINES, IOWA.

**ZONING**  
P40 - CLOCKTOWER SQUARE PLANNED UNIT DEVELOPMENT

**COMPREHENSIVE PLAN LAND USE**  
RC - RETAIL COMMERCIAL

**PROJECT SITE ADDRESS**  
2240 UNIVERSITY AVE.  
WEST DES MOINES, IOWA 50319

**EXISTING/ PROPOSED USE**  
PLANNED COMMERCIAL CENTER

**DEVELOPMENT SUMMARY**  
ZONING: CLOCKTOWER SQUARE P40  
AREA: 1.26 ACRES (54,949 SQ. FT.)

**REMARKS:**  
NO USE ALLOWED TO EXCEED THE HEIGHT OF THE PROPOSED STRUCTURE.  
NO USE ALLOWED TO EXCEED THE HEIGHT OF THE PROPOSED STRUCTURE.  
NO USE ALLOWED TO EXCEED THE HEIGHT OF THE PROPOSED STRUCTURE.

**OWNER/APPLICANT**  
CIVIL DESIGN ADVANTAGE, LLC  
CONTACT: NATHAN TILMAN  
1525 MARKET STREET, SUITE 200  
DES MOINES, IA 50319  
PH: (515) 281-8888

**ENGINEER**  
CIVIL DESIGN ADVANTAGE, LLC  
CONTACT: JOHN THORNTON  
3405 SE CROSSROADS DRIVE, SUITE 0  
DES MOINES, IA 50319  
PH: (515) 281-8888

**SURVEYOR**  
CIVIL DESIGN ADVANTAGE, LLC  
CONTACT: JOHN THORNTON  
3405 SE CROSSROADS DRIVE, SUITE 0  
DES MOINES, IA 50319  
PH: (515) 281-8888

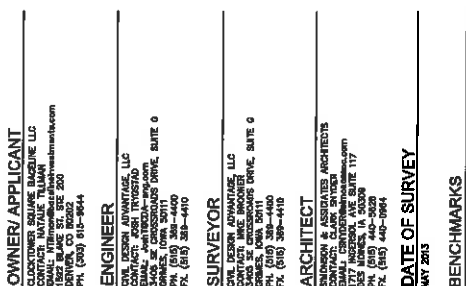
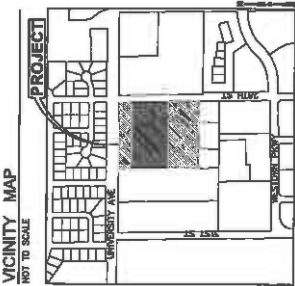
**ARCHITECT**  
DUNSON & ASSOCIATES ARCHITECTS  
CONTACT: JAMES W. DUNSON  
5000 UNIVERSITY AVENUE, SUITE 117  
DES MOINES, IA 50319  
PH: (515) 281-8888

**DATE OF SURVEY**  
MAY 2013

**BENCHMARKS**  
BM1 WEST DES MOINES STD CITY BM #67 INTERSECTION OF 19TH PLACE AND BUFFALO ROAD, 20 FEET WEST OF CENTERLINE OF 19TH PLACE, ELEVATION=121.78  
BM2 WEST DES MOINES STD CITY BM #68 INTERSECTION OF 19TH PLACE AND BUFFALO ROAD, 20 FEET WEST OF CENTERLINE OF 19TH PLACE, ELEVATION=121.78  
BM3 WEST DES MOINES STD CITY BM #69 INTERSECTION OF 19TH PLACE AND BUFFALO ROAD, 20 FEET WEST OF CENTERLINE OF 19TH PLACE, ELEVATION=121.78

**CONSTRUCTION SCHEDULE**  
ANTICIPATED START DATE: 10/07/13  
ANTICIPATED FINISH DATE: 11/25/14

**SUBMITTAL DATES**  
- SITE PLAN SUBMITTAL: 10/07/13  
- SITE PLAN SUBMITTAL: 10/07/13  
- SITE PLAN SUBMITTAL: 11/25/14



**GENERAL LEGEND**

PROPOSED	EXISTING
PROJECT BOUNDARY	SANITARY MANHOLE
LOT LINE	WATER VALVE BOX
SECTION LINE	FIRE HYDRANT
OWNER LINE	WATER CURB STOP
RIGHT OF WAY	WELL
TRANSFORMER ENCLOSURE	STORM SEWER MANHOLE
TRANSFORMER	STORM SEWER SINGLE INTAKE
M-A STORM INTAKE	STORM SEWER DOUBLE INTAKE
M-C STORM INTAKE	ROOF DRAIN / DOWNSPOUT
M-E STORM INTAKE	DECIDUOUS TREE
M-S STORM INTAKE	CONFIDENTIAL SHRUB
TYPE 8 STORM MANHOLE	CONFIDENTIAL SHRUB
SANITARY MANHOLE	ELECTRIC POWER POLE
STORM/SANITARY CLEANOUT	UTILITY POLE W/ TRANSFORMER
WATER VALVE	ELECTRIC BOX
FIRE HYDRANT ASSEMBLY	ELECTRIC TRANSFORMER
DETECTABLE WARNING PANEL	ELECTRIC MANHOLE OR VAULT
STORM SEWER STRUCTURE NO.	TRAFFIC SIGN
STORM SEWER PIPE NO.	TELEPHONE JUNCTION BOX
SANITARY SEWER STRUCTURE NO.	TELEPHONE MANHOLE/VAULT
SANITARY SEWER PIPE NO.	UTILITY POLE
SANITARY SEWER WITH SIZE	CABLE TV JUNCTION BOX
SANITARY SERVICE	CABLE TV MANHOLE/VAULT
STORM SERVICE	MAIL BOX
WATERMAN WITH SIZE	BENCHMARK
UNDERGROUND ELECTRIC	SOIL BORING
UNDERGROUND TELEPHONE	UNDERGROUND TV CABLE
UNDERGROUND ELECTRIC	DIG MAN
FIELD TEL	FIRE HYDRANT
SANITARY SEWER W/ SIZE	OVERHEAD TELEPHONE
WATER MAIN W/ SIZE	OVERHEAD ELECTRIC

**UTILITY WARNINGS**  
THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORDS OBTAINED BY THIS SURVEYOR. THE SHOWN COMPRISE ALL THE UTILITIES IN THE AREA, EITHER EXISTING OR ABANDONED. THE SURVEYOR FURTHER WARRANTS THAT THE UTILITIES SHOWN ARE ACCURATELY LOCATED AND DEPTHS ARE AS SHOWN. A REQUEST WAS MADE TO THE UTILITY COMPANIES TO VERIFY THE LOCATION AND DEPTHS OF THEIR UTILITIES IN THE FIELD.

**CIVIL DESIGN ADVANTAGE**  
3405 SE CROSSROADS DR, SUITE 0, GRIMES, IOWA 50111  
PH: (515) 281-8888 Fax: (515) 281-4410  
PROJECT NO. 1304.164

**IOWA ONE CALL**  
www.iowacall.com  
1-800-292-8889

**THIS PROJECT REQUIRES AN IOWA ONE CALL PERMIT AND CITY OF WEST DES MOINES GRADING PERMIT. ONE DESIRES ADVANTAGE WILL PROVIDE THE PERMIT APPLICATIONS AND OBTAIN THE PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PERMIT FEES AND OBTAINING THE PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PERMIT FEES AND OBTAINING THE PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PERMIT FEES AND OBTAINING THE PERMITS.**

**PROFESSIONAL ENGINEER**  
NATHAN TILMAN  
STATE OF IOWA  
NO. 1525  
DATE: 10/07/13



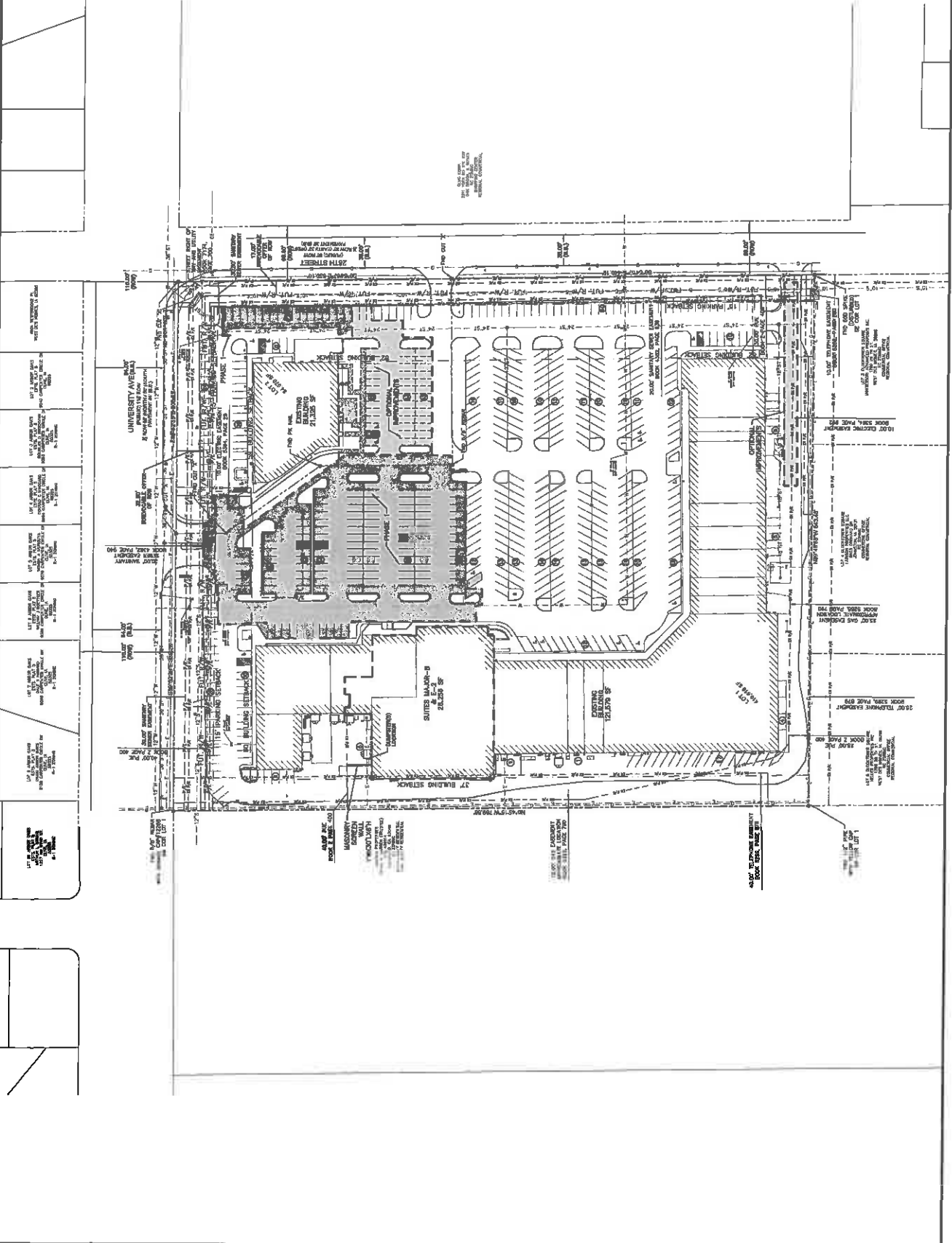
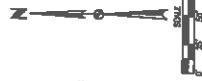
# CLOCKTOWER SQUARE PROPOSED EXHIBIT

WEST DES MOINES, IOWA  
CIVIL DESIGN ADVANTAGE PM: JT  
PHONE: (515) 399-4400 FAX: (515) 399-4410



3405 S.E. CROSSROADS DRIVE, SUITE G  
GRIMES, IOWA 50111

REVISIONS	DATE
FOURTH SUBMITTAL	11/22/14
THIRD SUBMITTAL	11/20/14
SECOND SUBMITTAL	10/08/14
FIRST SUBMITTAL	10/07/14

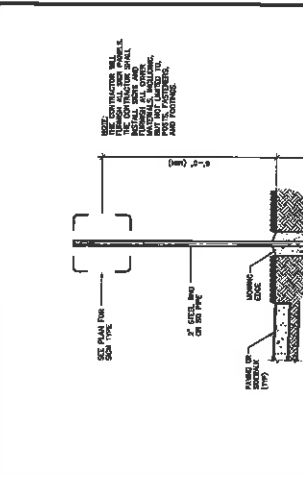
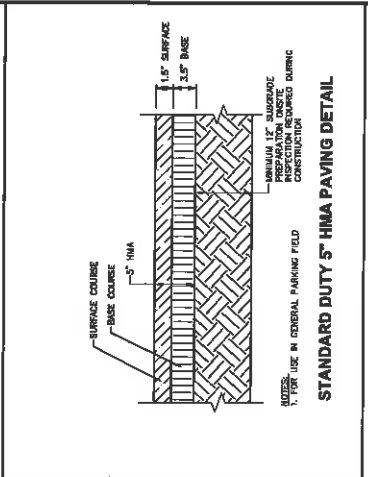
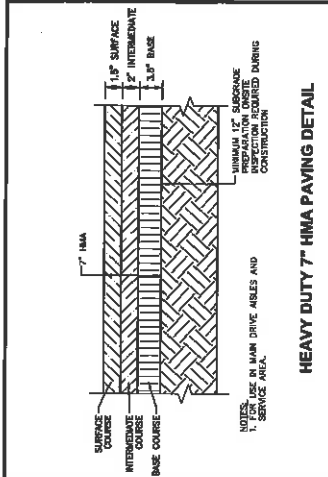


CLOCKTOWER SQUARE  
DETAILS

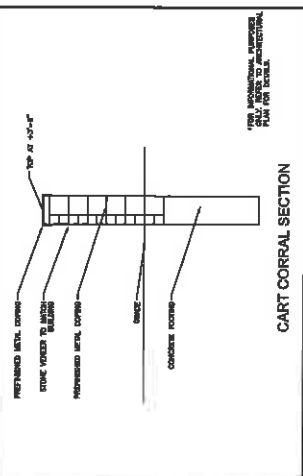
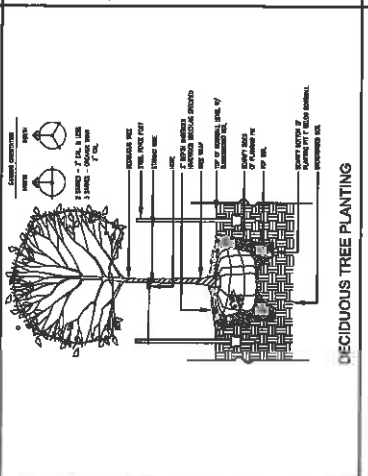
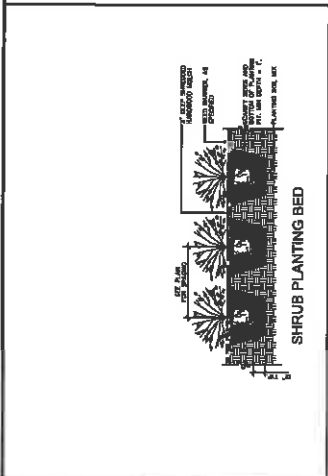


CIVIL DESIGN ADVANTAGE  
WEST DES MOINES, IOWA  
PHONE: (515) 369-4400 FAX: (515) 369-4410  
L.M. LUN P.M. JT  
3405 S.E. CROSSROADS DRIVE, SUITE G  
GRIMES, IOWA 50111

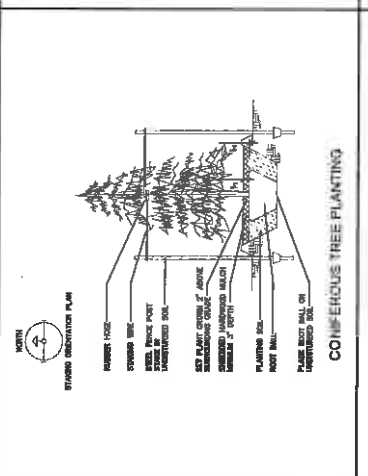
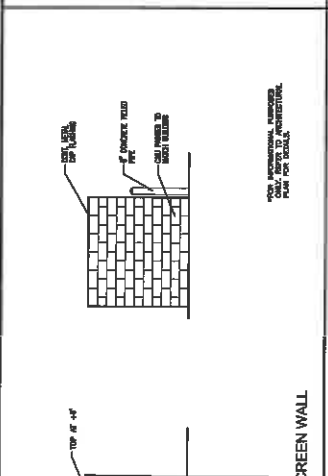
DATE	REVISIONS
12/22/14	FOR CITY SUBMITTAL
11/20/14	FOR CITY SUBMITTAL
10/29/14	FOR CITY SUBMITTAL
10/27/14	FOR CITY SUBMITTAL



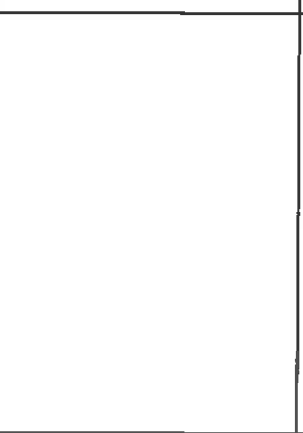
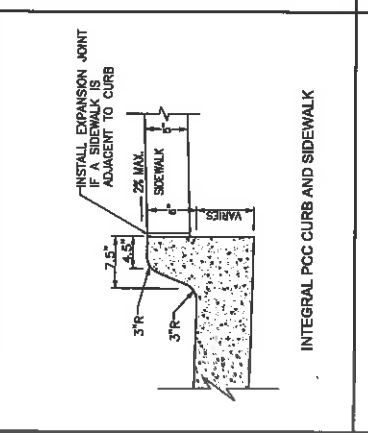
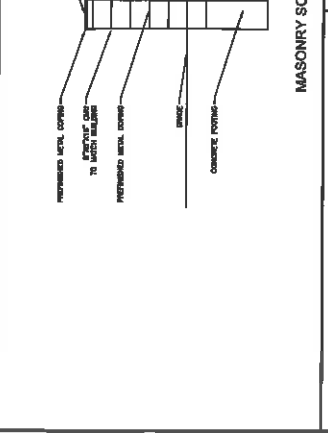
ACCESSIBLE PARKING SIGN



CART CORRAL SECTION



INTEGRAL PCC CURB AND SIDEWALK

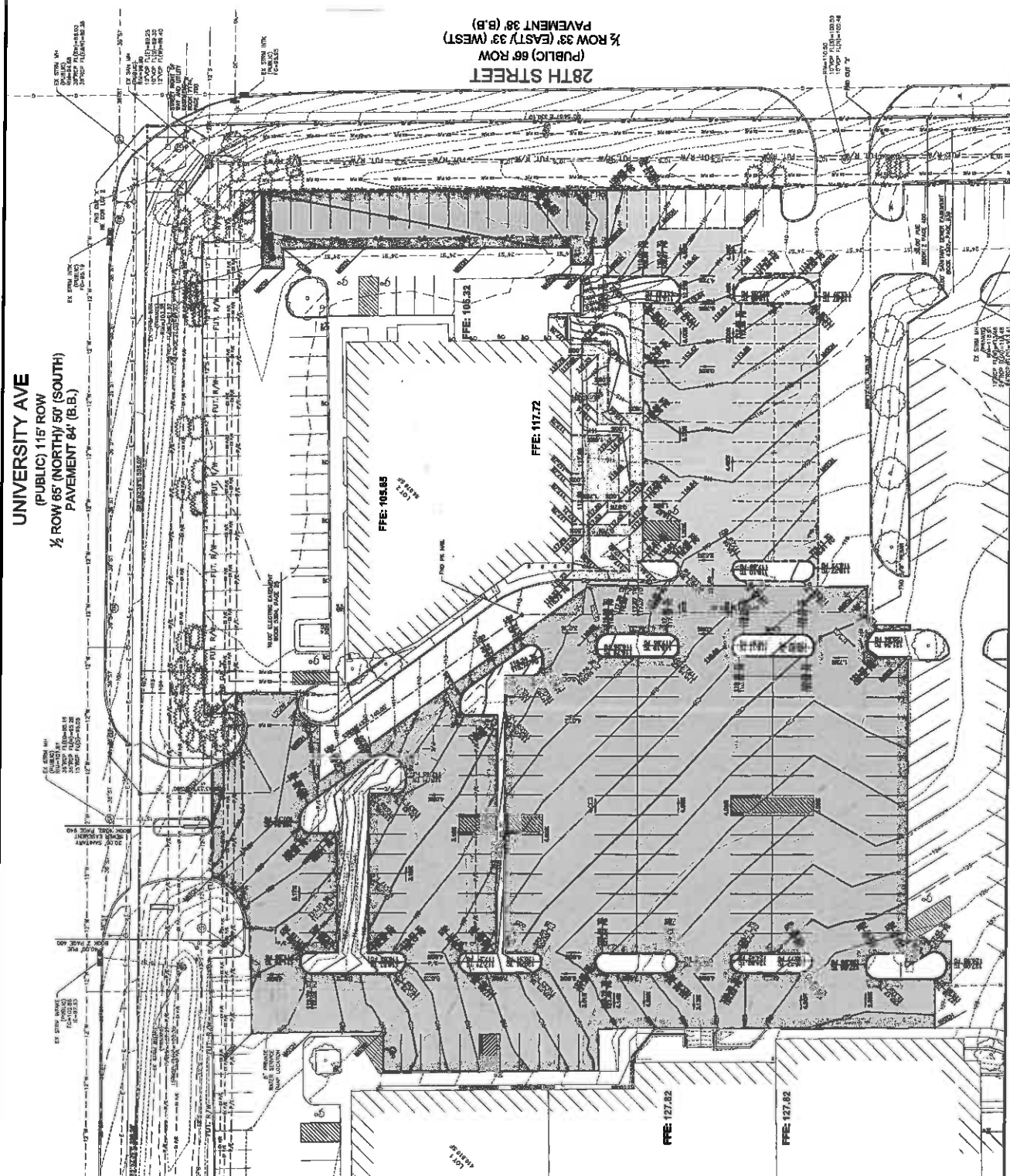


INTEGRAL PCC CURB AND SIDEWALK





UNIVERSITY AVE  
(PUBLIC) 115' ROW  
½ ROW 65' (NORTH) 50' (SOUTH)  
PAVEMENT 64' (B.B.)



**GRADING NOTES**

1. EXISTENCE AND UTILITIES ARE PER CITY OF WEST DES MOINES DIVISION RECORDS.
2. EXISTING UTILITIES ARE SHOWN AS APPROXIMATE LOCATIONS. THE EXACT LOCATION AND DEPTH OF UTILITIES SHALL BE DETERMINED BY THE CONTRACTOR.
3. ALL UTILITIES SHALL BE PROTECTED AND DEEPENED TO TOP OF COVER.
4. EXISTING UTILITIES SHALL BE PROTECTED AND DEEPENED TO TOP OF COVER.
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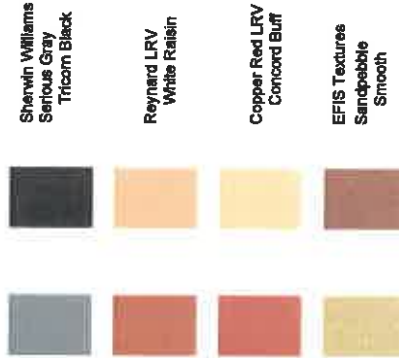








CANOPY STYLE & COLOR OPTIONS OR SIMILAR



Sherwin Williams  
Serious Gray  
Tricorn Black

Reynard LRV  
White Raisin

Copper Red LRV  
Concord Bluff

EFIS Textures  
Sandpobble  
Smooth

EFIS & PAINT COLOR  
OPTIONS OR SIMILAR



LIGHT FIXTURES SIMILAR



CLOCK TOWER MATERIAL  
OR COLOR SIMILAR



STONE VENEER COLOR OR SIMILAR



BRICK VENEER COLOR OR SIMILAR

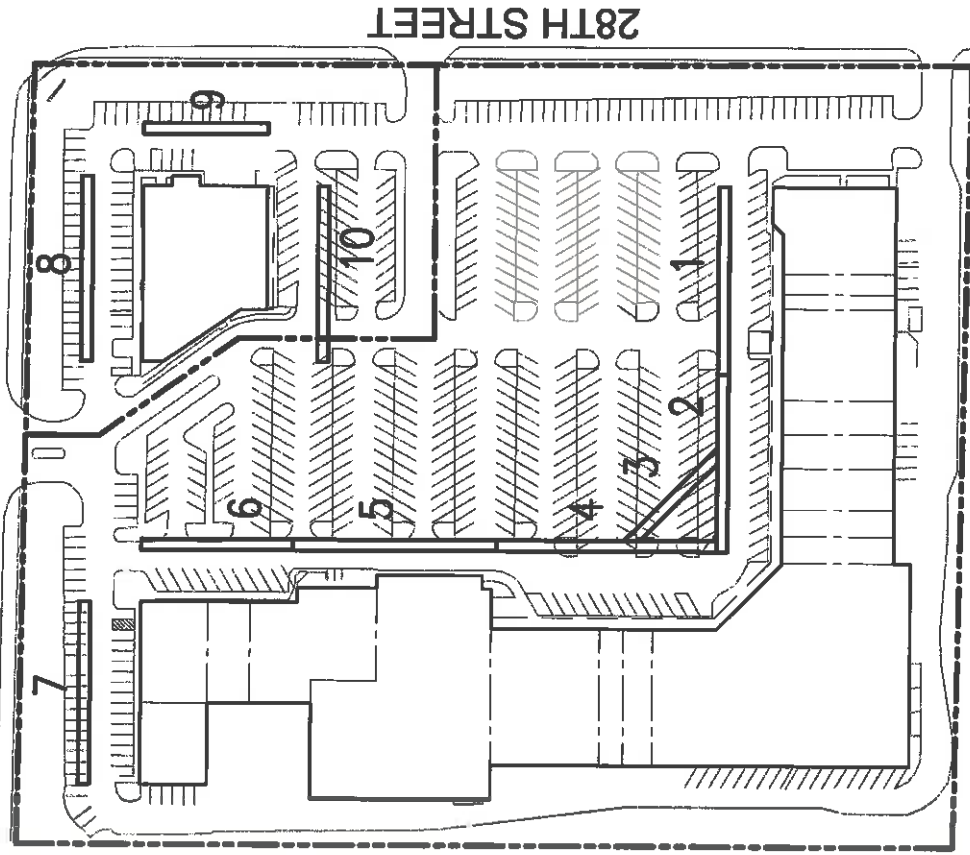
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# CLOCK TOWER SQUARE

2900 University Avenue  
West Des Moines, Iowa  
November 18, 2014



UNIVERSITY AVE



28TH STREET



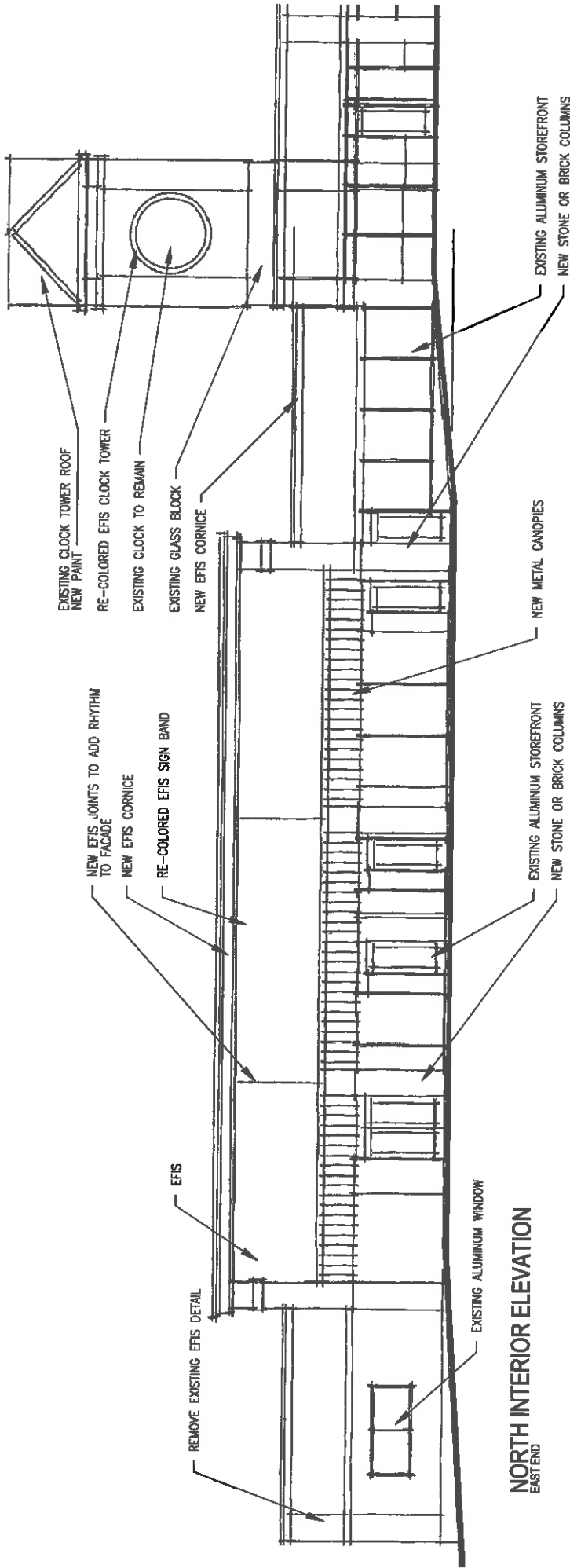
KEY PLAN

# CLOCK TOWER SQUARE

2900 University Avenue  
 West Des Moines, Iowa  
 November 18, 2014

This drawing is provided as an informational tool only. It is not intended to be used for construction or for any other purpose without the written consent of the Designer / Architect and is not to be relied upon for any legal or financial liability. The Designer / Architect is not responsible for any errors or omissions in this drawing. © Copyright 2014 by OnSite Solutions.





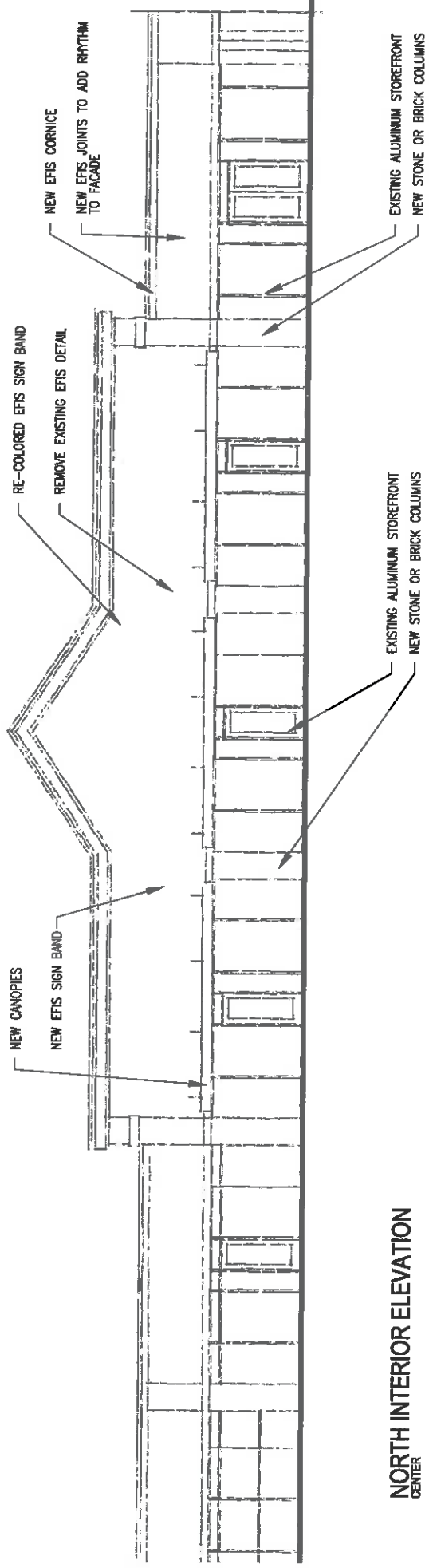
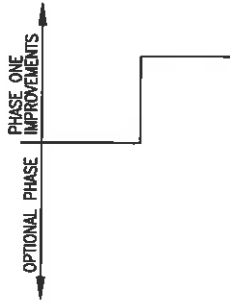
**NORTH INTERIOR ELEVATION**  
EAST END

**FUTURE PHASE**

# CLOCK TOWER SQUARE

2900 University Avenue  
West Des Moines, Iowa  
December 29, 2014

The drawing is provided as an advisory service by the architect. It is not intended for use on any project without the approval of the architect. The architect is not responsible for any errors or omissions. The architect is not responsible for any construction methods without the approval of the architect. The architect is not responsible for any construction methods without the approval of the architect. © Copyright 2014 by OnSite Solutions.



NORTH INTERIOR ELEVATION  
CENTER

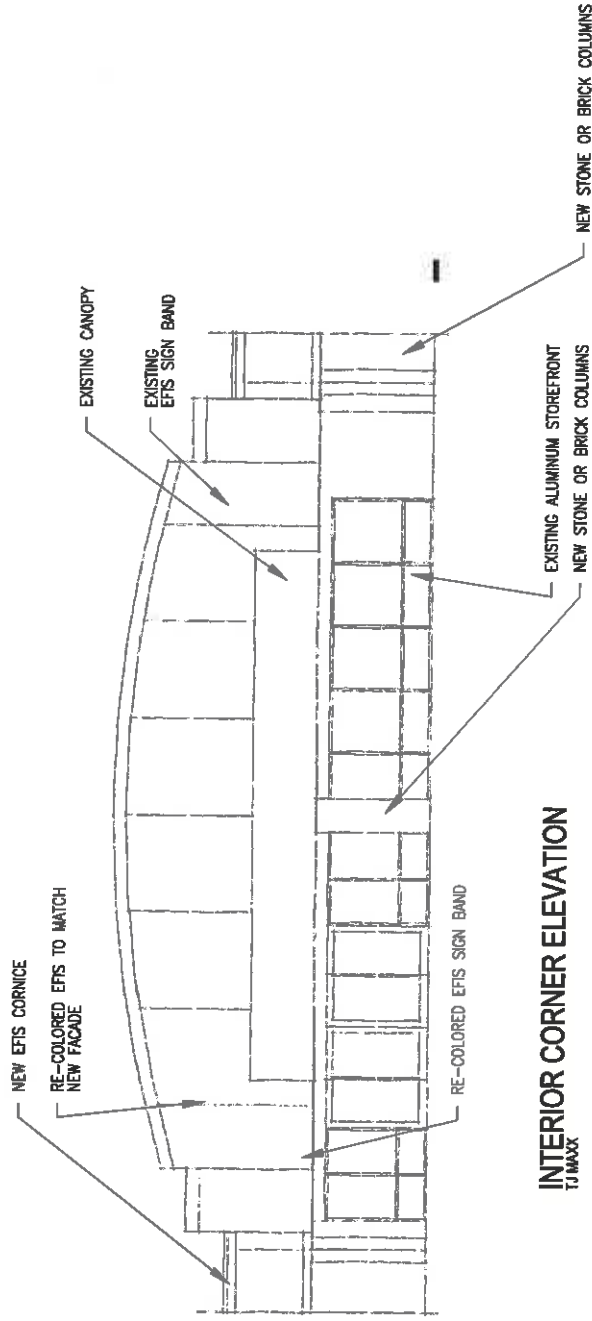
FUTURE PHASE

CLOCK TOWER SQUARE

2900 University Avenue  
West Des Moines, Iowa  
December 29, 2014

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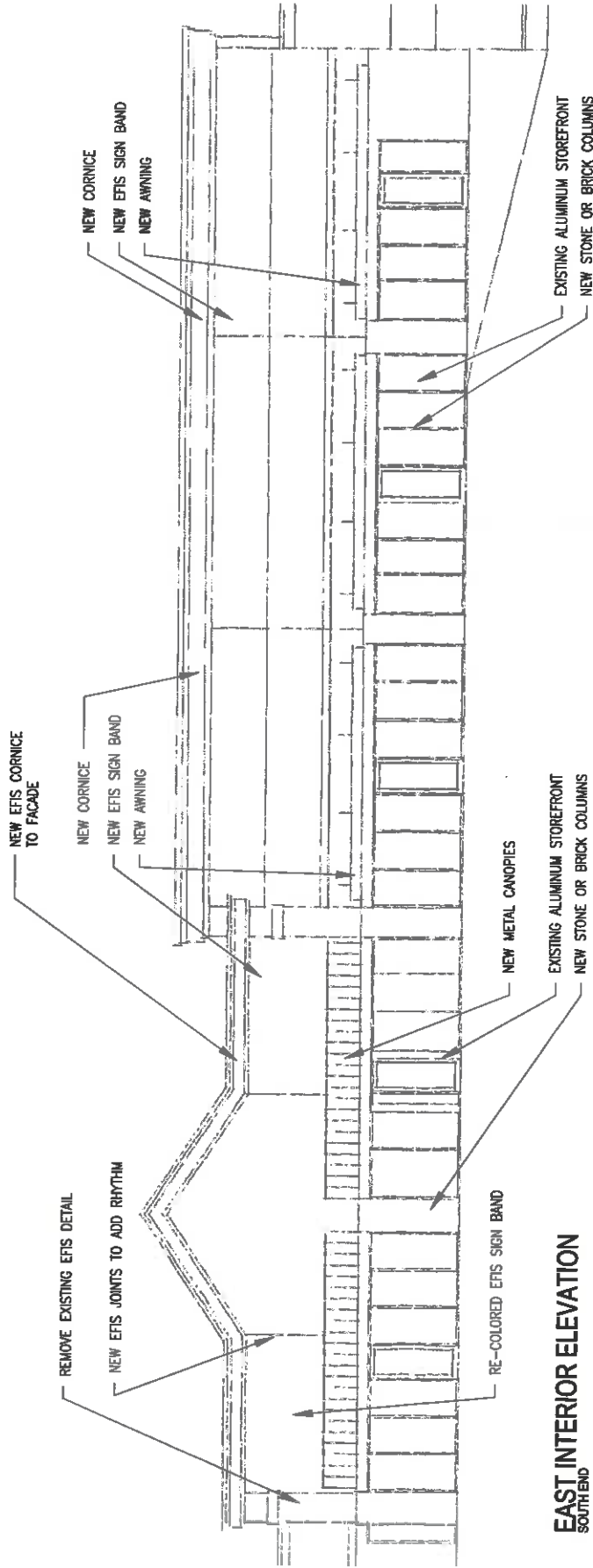
INTERIOR CORNER ELEVATION  
TO MAX

FUTURE IMPROVEMENTS

# CLOCK TOWER SQUARE

2900 University Avenue  
West Des Moines, Iowa  
December 29, 2014

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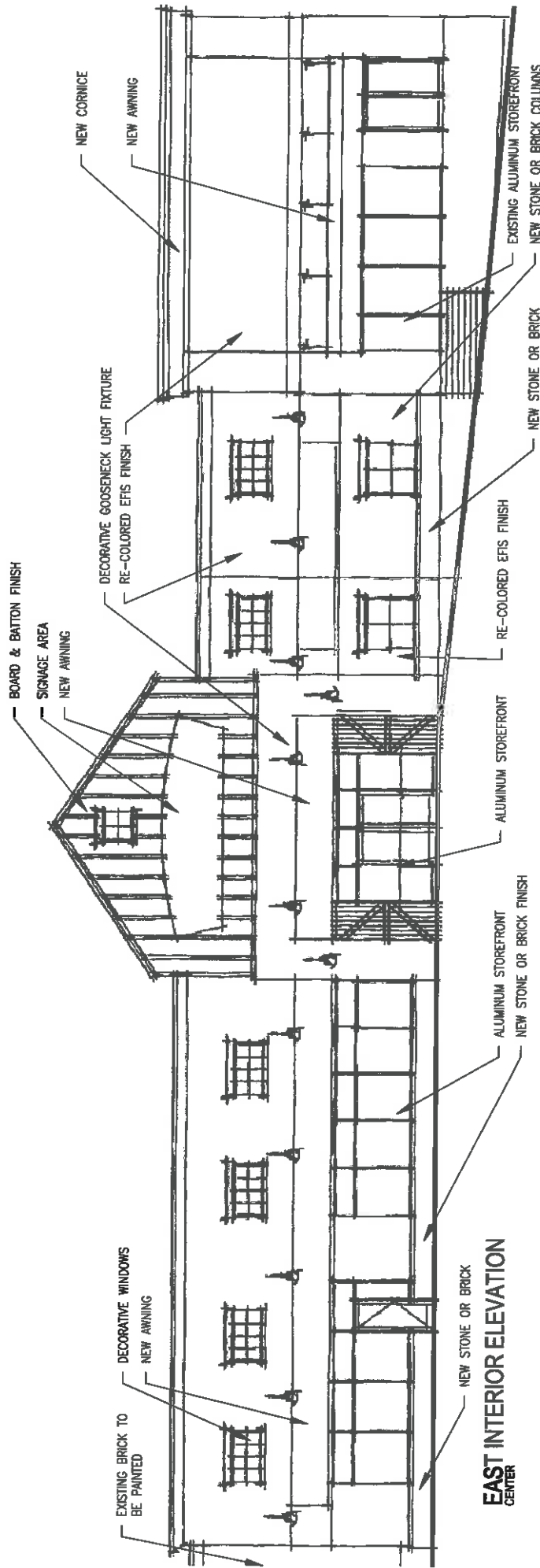
**EAST INTERIOR ELEVATION**  
SOUTH END

**FUTURE IMPROVEMENTS**

**CLOCK TOWER SQUARE**

2900 University Avenue  
West Des Moines, Iowa  
December 29, 2014

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**EAST INTERIOR ELEVATION**  
CENTER

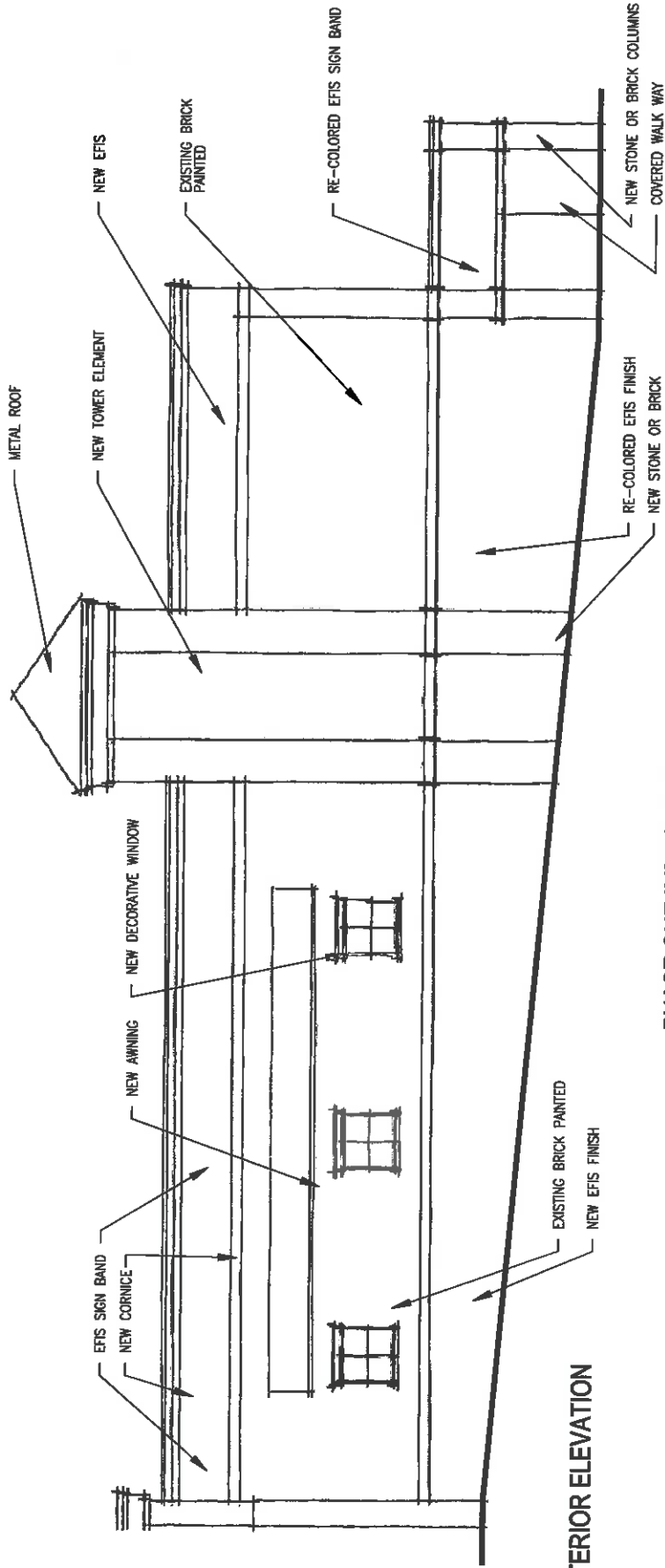
**PHASE ONE IMPROVEMENTS**

**CLOCK TOWER SQUARE**

2900 University Avenue  
West Des Moines, Iowa  
December 11, 2014



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**EAST INTERIOR ELEVATION**  
NORTH END

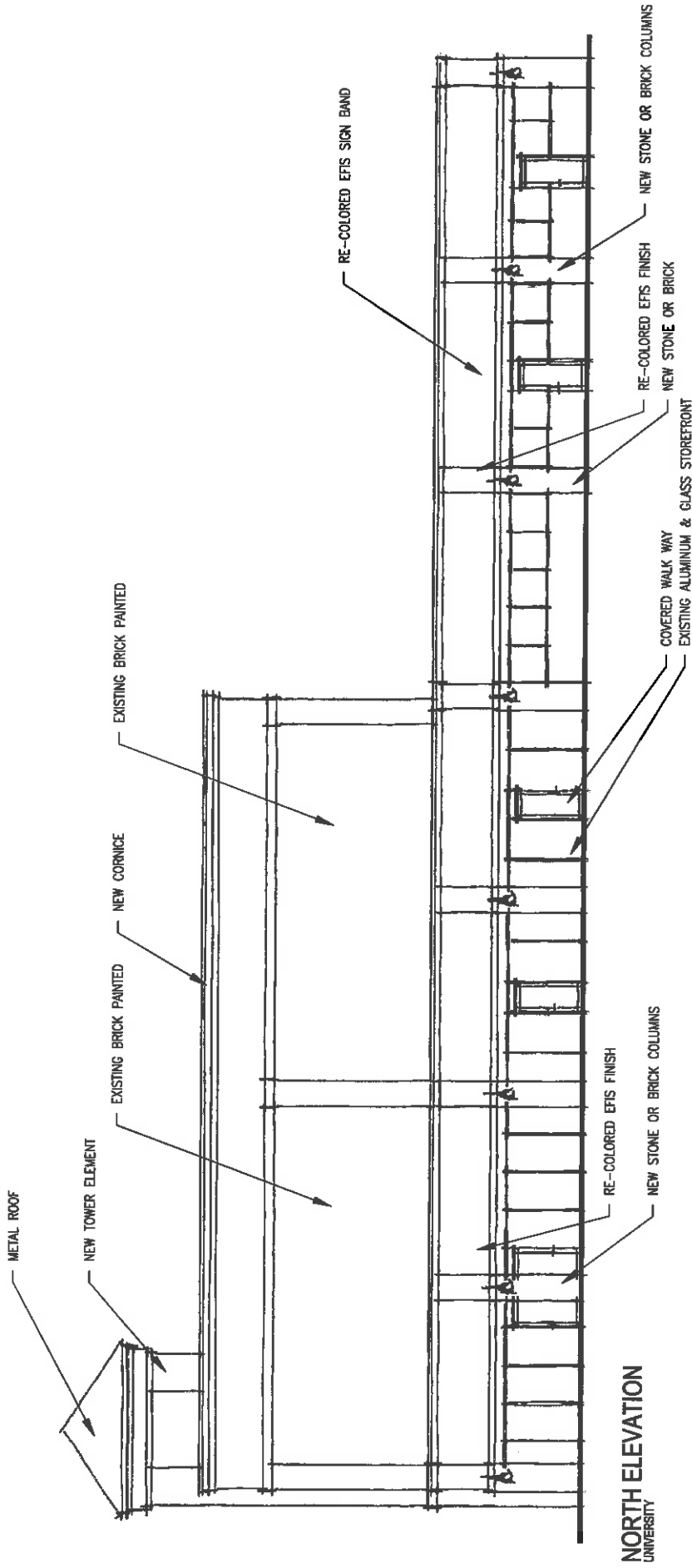
**PHASE ONE IMPROVEMENTS**

**CLOCK TOWER SQUARE**

2900 University Avenue  
West Des Moines, Iowa  
December 11, 2014



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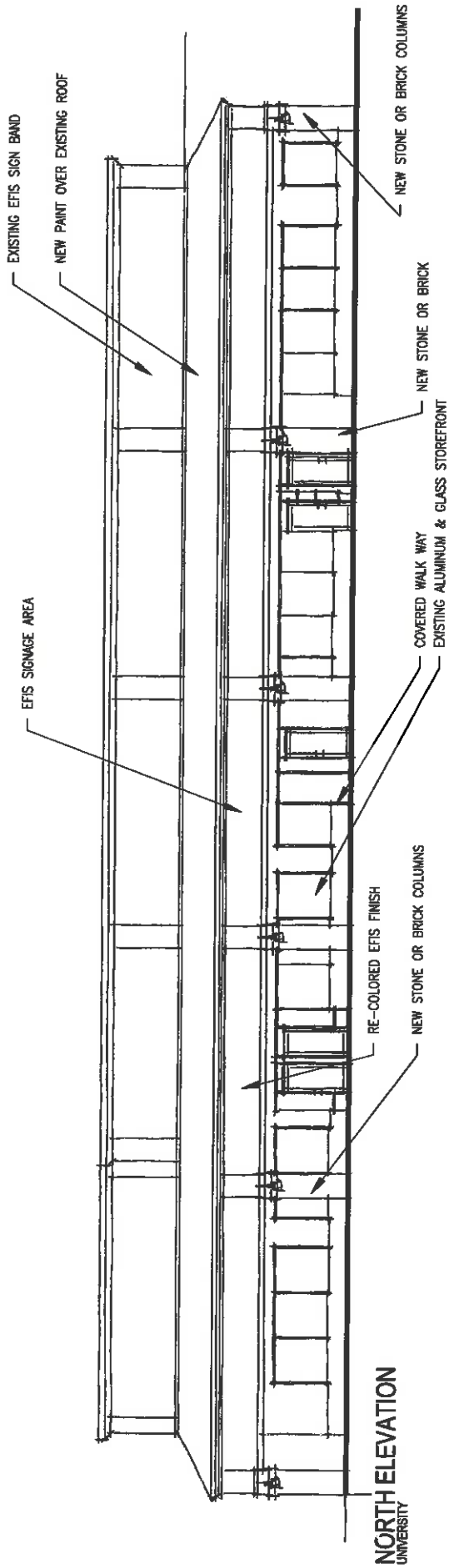


PHASE ONE IMPROVEMENTS

# CLOCK TOWER SQUARE

2900 University Avenue  
West Des Moines, Iowa  
December 11, 2014

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**NORTH ELEVATION**  
UNIVERSITY

**PHASE ONE IMPROVEMENTS - LOWER LEVEL ONLY**

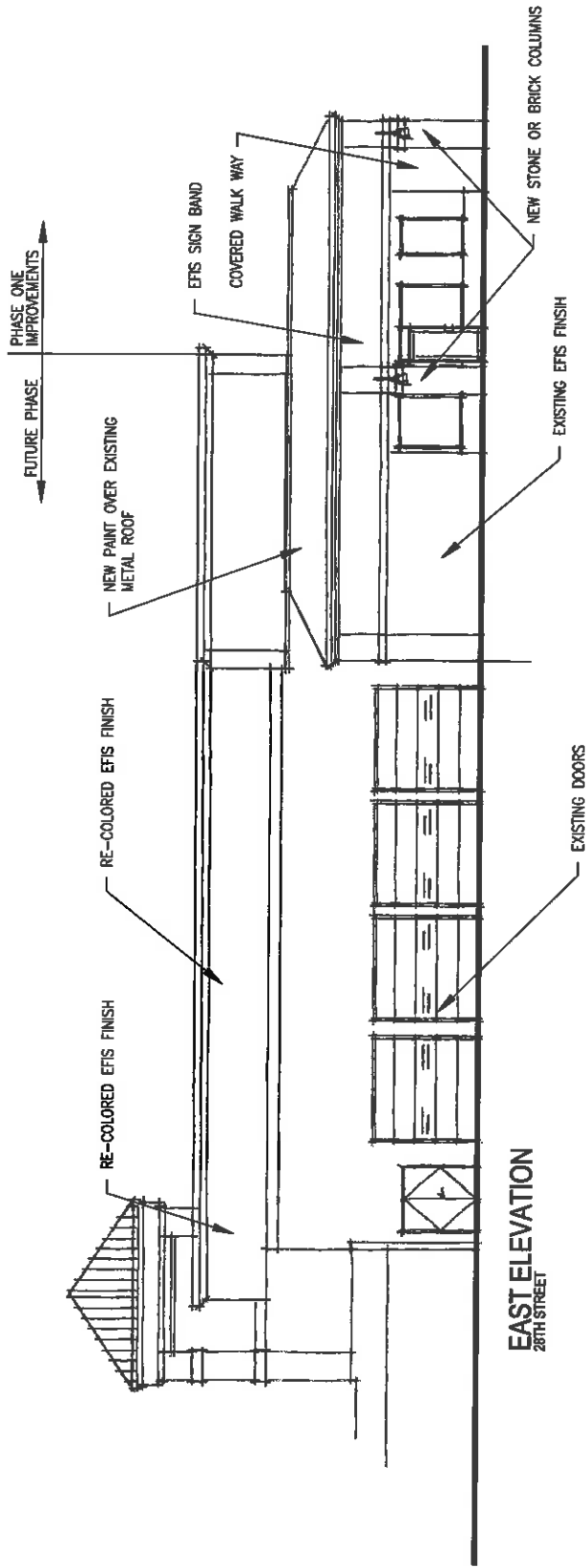
**CLOCK TOWER SQUARE**

2900 University Avenue  
West Des Moines, Iowa  
December 11, 2014

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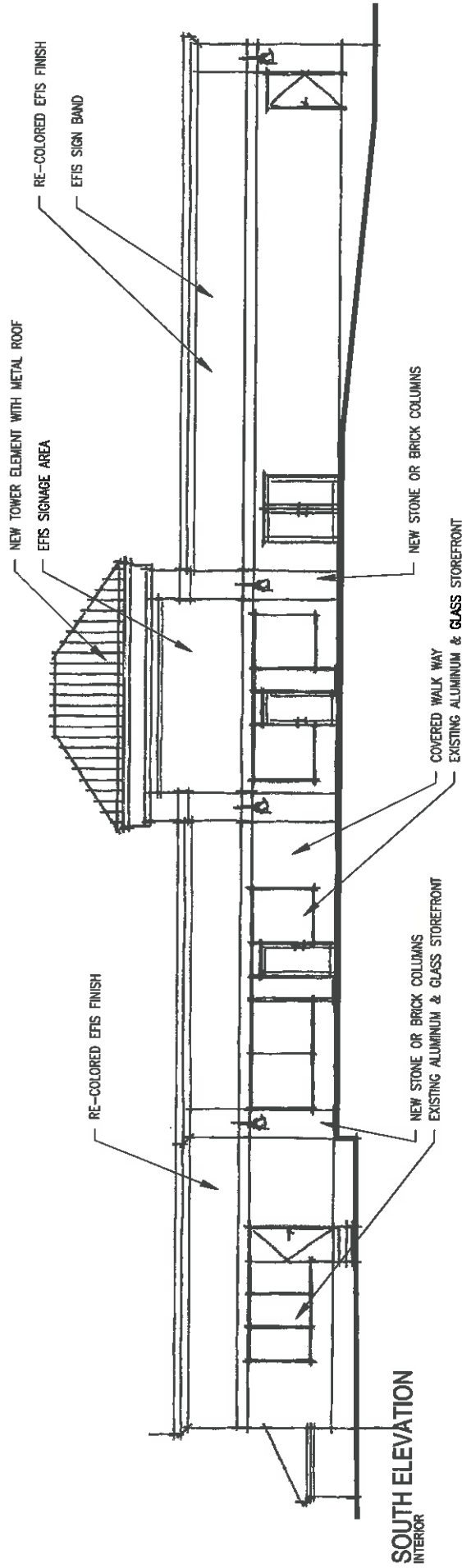


FUTURE PHASE

# CLOCK TOWER SQUARE

2900 University Avenue  
West Des Moines, Iowa  
December 28, 2014

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**SOUTH ELEVATION**  
INTERIOR

FUTURE PHASE

# CLOCK TOWER SQUARE

2900 University Avenue  
West Des Moines, Iowa  
December 28, 2014



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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 MAJOR MODIFICATION (MaM-001874-2013) TO CONSTRUCT EXTERIOR MODIFICATIONS, PARKING LOT MODIFICATIONS, AND STORM WATER IMPROVEMENTS AT CLOCKTOWER SQUARE LOCATED AT 2800 AND 2900 UNIVERSITY AVENUE**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Clocktower Square Baceline, LLC, requests approval of a Major Modification for that site located at 2800 and 2900 University to construct exterior modifications, parking lot modifications and storm water improvements on property legally described as:

**Legal Description of Property**

Lots 1 and 2, Clocktower Square, an official plat now in and forming a part of the City of West Des Moines, Polk 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 January 5, 2015, the Plan and Zoning Commission recommended to the City Council approval of the Major Modification; and

**WHEREAS**, on this date, this City Council held a duly-noticed meeting to consider the application for Major Modification.

**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 Major Modification, or as amended orally at the City Council meeting on this date, are adopted.

**SECTION 2.** The MAJOR MODIFICATION to construct exterior modifications, parking lot modifications, and storm water improvements 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" is approved. 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 February 23, 2015.

---

Steve Gaer, Mayor

ATTEST:

---

Ryan T. Jacobson  
City Clerk

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

1. Providing an executed irrevocable offer of dedication for University Avenue and 28<sup>th</sup> Street, prior to obtaining a building permit. *(provided)*
2. Providing an ingress/egress easement between Lots 1 and 2 Clocktower Square, prior to obtaining a building permit. *(provided)*
3. Providing a sanitary sewer easement, prior to obtaining a building permit. *(provided)*
4. Providing a storm water facility maintenance agreement prior to obtaining a building permit.
5. Providing proof of payment to MidAmerican Energy for streetlights, prior to obtaining a building permit.
6. Providing final site plan drawings addressing staff comments, prior to obtaining a building permit.
7. The City Council waiving the requirement that 35% of the open space trees be overstory or evergreen in Lot 2 and lowering the required trees from eleven to six.

CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: February 23, 2015

First reading of proposed Ordinance to amend Title 7, Chapter 1, Section 6 of the Municipal Code to align the sidewalk repair notice with the City's annual sidewalk program policy.

FINANCIAL IMPACT:

This proposed Ordinance amendment should result in a cost savings to the City for mailing notices.

BACKGROUND:

This proposed Ordinance would be consistent with the City's proposed annual sidewalk program policy and state law in terms of providing notice to the abutting property owner to repair, replace, or reconstruct defective sidewalks. The City should also experience savings in mailing costs. Previously, the City would send the notices via certified mail with return receipt and regular mail to the registered, abutting property owner at the same time. The City will continue to send the original notice via certified mail, but without return receipt. For those certified mailings that are returned to the City as unclaimed, the City will then follow up with a regular mail notice. The mailings should occur well enough in advance of the seventy-five (75) day time period the City will allow the abutting property owners to fix the defective sidewalks on their own, if the owners choose to do so. If the defective sidewalks in question have not been fixed by August 1, then the City will have its contractor perform the repairs and bill the costs to the respective, abutting property owners.

The Public Works City Council subcommittee approved of this proposed new Ordinance at its meeting held on February 17, 2015.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

It is recommended that the City Council approve the first reading of this proposed Ordinance.

Lead Staff Member: Jason B. Wittgraf, Assistant City Attorney **JBW**

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	February 17, 2015		
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 1, "STREETS, SIDEWALKS AND ALLEYS", SECTION 6, "MAINTENANCE OF PARKING TERRACE AND SIDEWALKS"**

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

**SECTION 1:** Title 7, Chapter 1, Section 6, is hereby amended by deleting ~~strike through~~ text and adding underline text.

**7-1-6: MAINTENANCE OF PARKING TERRACE AND SIDEWALKS:**

A. Responsibility of Property Owner: It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right of way.

B. Failure to Maintain Parking on Terrace: If the abutting property owner does not perform an action required under the above section within a reasonable time, the city may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

C. Responsibility for Sidewalk Maintenance: It shall be the responsibility of the abutting property owners to maintain in a safe and hazard free condition any sidewalk outside the lot and property lines and inside the curb lines or travelled portion of the public street.

D. Failure to Maintain Sidewalks; Personal Injuries: If the abutting property owner does not maintain sidewalks as required and action is brought against the city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city believes the person notified is liable to it for any judgment rendered against the city, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. The city may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the city in the suit.

E. City May Order Repairs: If the abutting property owner does not maintain sidewalks as required, the ~~council~~ City may serve notice on such owner, by certified mail to the abutting

property owner as shown by the records maintained by the County, requiring him the abutting property owner to repair, replace or reconstruct the affected sidewalks within a reasonable time. If the certified mailing has been unclaimed or returned to the City, the City may also attempt to serve the notice by regular mail to the abutting property owner. Unclaimed or returned mail shall not constitute improper notification if the City has mailed the notice(s) to the address of record for the abutting property owner. and if such action is not completed by the abutting property owner within the time stated in the certified mail notice, the council City may perform the required action require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax, following the assessment procedures detailed in Code section 7-1-5.

**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 \_\_\_\_\_, 2015.

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

ATTEST:

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



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

Date: February 23, 2015

**ITEM:** Whisper Ridge PUD, SW corner Bridgewood Boulevard and S. 88<sup>th</sup> Street - Rezoning Request to establish a Planned Unit Development (PUD) to address development standards for attached townhomes – Hale Development Company, LLC - ZC-002614-2015

**MOTION:** Refer to Plan and Zoning Commission

**FINANCIAL IMPACT:** Undetermined.



**BACKGROUND:** The applicant, Hale Development Company, LLC, is requesting to establish a Planned Unit Development (PUD) on the approximately 13 acre property located at the southwest corner of Bridgewood Boulevard and S. 88<sup>th</sup> Street to address development regulations and standards for the construction of approximately 66 attached townhome units.

At this time the petitioner is requesting the City Council initiate the comprehensive plan amendment and rezoning request and refer it to the Plan and Zoning Commission for their review and recommendation. The initiation of the comprehensive plan amendment or 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

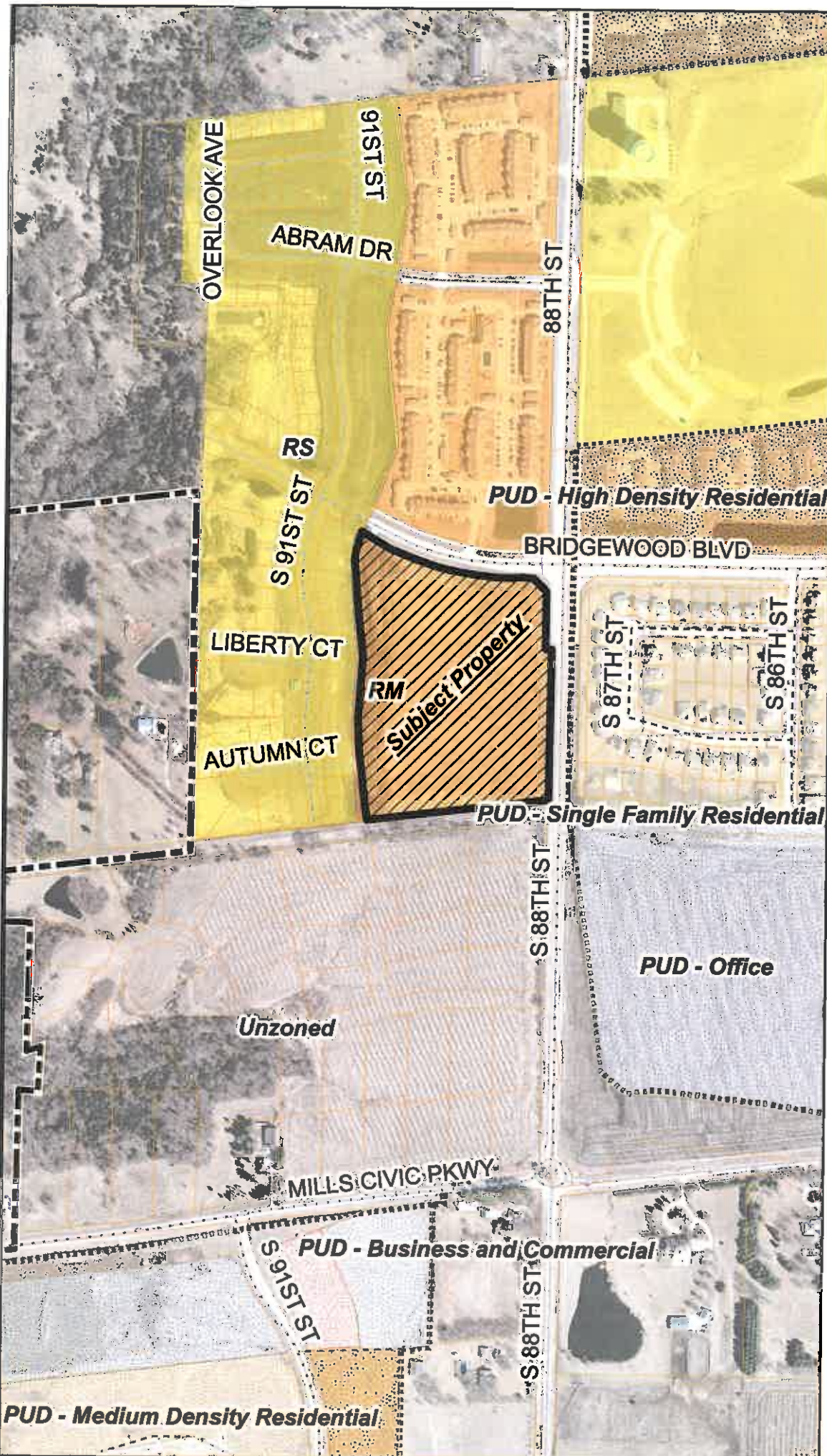
**EXHIBIT I**



**Whisper Ridge PUD**  
Refer to Plan and Zoning  
Commission



NOT TO SCALE



**Legend**

- Unzoned
- Open Space/Agricultural (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 (PCP)
- 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:** Marty Blanchard - Resignation from  
Human Services Advisory Board - Receive and File

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** None

**BACKGROUND:** Marty Blanchard has submitted a letter of resignation from the Human Services Advisory Board, effective immediately. The Mayor and City Council appreciate the time he has devoted to the Board.


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

**RECOMMENDATION:**

Receive and File Letter of Resignation.

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

**STAFF REVIEWS**

Department Director	Ryan T. Jacobson, City Clerk
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	

**From:** Marty Blanchard  
**Sent:** Monday, February 16, 2015 12:38 PM  
**To:** Holcomb, Althea  
**Cc:** Hotovec, Melinda  
**Subject:** RE: Meeting tonight

Althea, after much thought, I wish to submit my resignation from the WDMHS board. I have yet another conflict with tomorrow's meeting and that will make 2 missed meetings in a row of which both are out of my control. The board would be better suited by having a member that can devote 100% of their time to the support and administration of the great programs and services of WDM Human Services.

My kindest regards,

**Marty Blanchard**

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

**ITEM:** Judy Price - Resignation from  
Library Board of Trustees - Receive and File

**DATE:** February 23, 2015

**FINANCIAL IMPACT:** None

**BACKGROUND:** Judy Price has submitted a letter of resignation from the Library Board of Trustees, effective immediately. The Mayor and City Council appreciate the time she has devoted to the Board.

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

**RECOMMENDATION:**

Receive and File Letter of Resignation.

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

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	

**From:** Judy Price  
**Sent:** Thursday, February 05, 2015 11:38 AM  
**To:** Eschete, Darryl  
**Cc:** Judy Price  
**Subject:** Re: Technology Committee Meeting

Darryl,

Unfortunately I am going to have to give up my board seat. I am finding it hard to making the meetings with travel, etc.

Please let me know the correct channels to go through. I was thinking my 3 year term is coming up.

Thank you for all you do.

Judy

Sent from my iPhone