

# CITY OF WEST DES MOINES

## COUNCIL AGENDA

**date:** January 8, 2018

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

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MAYOR ..... STEVEN K. GAER  
COUNCILMEMBER AT LARGE ..... RENEE HARDMAN  
COUNCILMEMBER AT LARGE ..... JIM SANDAGER  
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

CITY MANAGER.....TOM HADDEN  
CITY ATTORNEY.....RICHARD SCIESZINSKI  
CITY CLERK.....RYAN JACOBSON

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**1. Call to Order/Pledge of Allegiance/Roll Call/Approval of Agenda**

**2. Citizen Forum** (Pursuant to City Council Procedural Rules citizen remarks are limited to five minutes under this agenda category - if additional time is desired the Mayor/Council may allow continuation as part of the Other Matters portion of the agenda)

**3. Mayor/Council/Manager Report/Other Entities Update**

**4. Consent Agenda**

- a. Motion - Approval of Minutes of December 27, 2017 Meeting
- b. Motion - Approval of Bill Lists
- c. Motion - Approval of Liquor Licenses:
  - 1. Great Plain's Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64<sup>th</sup> Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  - 2. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
  - 3. F & K Hagar, L.L.C. d/b/a Manhattan Grill, 1960 Grand Avenue, Suites 29-31 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 4. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal
  - 5. Waterfront Seafood Market, Inc. d/b/a Waterfront Seafood Market, 2900 University Avenue - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
- d. Motion - Approval of Tobacco Permit
- e. Motion - Approval of Reappointment - Human Rights Commission
- f. Motion - Approval to Sell Surplus City Equipment
- g. Motion - Approval of Purchase - PC Replacement
- h. Motion - Approval and Acceptance of Ingress/Egress Easement - Schroder Construction Services, 1120 Railroad Avenue

- i. Resolution - Order Construction:
  - 1. 2017 Sewer Rehabilitation Program
  - 2. Middle Creek Trunk Sewer Extension
  - 3. Valley View Aquatic Center Partial Roof Replacement
  - 4. Veterans Parkway Tree Cutting, SE 50<sup>th</sup> Street to SE Maffitt Lake Road
- j. Resolution - Accept Work:
  - 1. 2016 Sewer Rehabilitation Program
  - 2. SE 35<sup>th</sup> Street Bridge Replacement
- k. Resolution - Approval of Proposal from MidAmerican Energy Company for Underground Electric Service Extension - Walnut Creek Outfall Pump Station
- l. Resolution - Approval and Acceptance of Storm Water Management Facility Maintenance Agreement - The Parkways
- m. Resolution - Approval of Amendment to Property Tax Rebate Program

**5. Old Business**

- a. Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), and Chapter 10 (Performance Standards) - Update Definitions and Regulations Pertaining to Alternative Residential Structures - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
- b. Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations) - Regulate Variety Stores in the Neighborhood Commercial District - Wellington Square, LLC
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption

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

- a. Maple Grove Lift Station - 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. The Preserve on Grand Plat 2, north of Grand Avenue at South 33<sup>rd</sup> Street - Approval and Release of Final Plat for Single Family Residential Development - Diligent Grand Avenue 67, LLC
  - 1. Resolution - Approval and Release of Final Plat

- b. Continental Plaza Plat 2, 7300 Westown Parkway - Plat Property into Two Commercial Lots, Two Street Lots, and One Outlot for Detention - Penta Partners, LLC
    - 1. Resolution - Approval and Release of Final Plat
  - c. Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 8B (Stormwater Management Charges) - Modification of Rates - City Initiated
    - 1. Ordinance - Approval of First Reading
  - d. Amendment to City Code - Title 7 (Public Ways and Property), Chapter 8C (Sanitary Sewer System User Charges) - Modification of Rates - City Initiated
    - 1. Ordinance - Approval of First Reading
  - e. Inter-Fund Loan between the Sewer Enterprise Fund and the Stormwater Enterprise Fund - City Initiated
    - 1. Resolution - Approval of Inter-Fund Loan
- 8. Receive, File and/or Refer**
- 9. Other Matters**
- a. Legislative Updates

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

December 27, 2017

West Des Moines City Council Proceedings  
Wednesday, December 27, 2017

Mayor Pro tem Rick Messerschmidt 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 Wednesday, December 27, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, K. Trevillyan, and R. Trimble.

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

Vote 17-700: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

Council member Sandager arrived at 5:31 p.m. The attendance was re-taken. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble

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

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

Council member Trimble reported the Finance and Administration Subcommittee met, where discussion was held on proposed adjustments to admission rates for the aquatic centers. The subcommittee also discussed outcomes of the Regulatory Compliance Fund and Property Improvement Program and possible amendments to the Property Tax Rebate Program.

On Item 4. Consent Agenda.

Council members pulled Items 4(d) and 4(f) for discussion. It was moved by Trimble, second by Sandager to approve the consent agenda as amended.

- a. Approval of Minutes of December 11, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 2. Kum & Go, L.C., d/b/a Kum & Go #2035, 7265 Vista Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
  - 3. Occasions Catering, LLC d/b/a Occasions Catering, 7929 Ashworth Road - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal

December 27, 2017

4. The Tangerine Food Company d/b/a The Tangerine Food Company, 1960 Grand Avenue, Suite #21 - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
- e. Approval of 2018 and 2019 Committee/Liaison Assignments
- g. Approval of Park Use Agreement - West Des Moines Girls Softball Association
- h. Approval of Professional Services Agreements:
  1. Fairmeadows Park Water Quality Improvements
  2. Marketing Services - Five Waters Project
- i. Approval of Amendment to Professional Services Agreement - City Campus Amphitheater
- j. Approval and/or Ratification of Specific Fees and Charges - 2017-18 FY
- k. Accept Work - 2016 Sewer Cleaning and Televising Program
- l. Approval of Lease Agreement - Microsoft DM04 Project, 8855 Grand Avenue
- m. Approval and Acceptance of Purchase Agreements and Property Interests:
  1. Project Osmium Public Infrastructure (Veterans Parkway Improvements, SE Maffitt Lake Road to SE Adams Street)
  2. Project Osmium Public Infrastructure (Veterans Parkway Improvements, SE Adams Street to SE 50th Street)

Vote 17-701: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(d) Approval of Appointment - Water Works Board of Trustees

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

It was moved by Sandager, second by Trimble to approve Item 4(d) Approval of Appointment - Water Works Board of Trustees.

Vote 17-702: Messerschmidt, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 abstain due to potential conflict of interest  
Motion carried.

Council member Trimble expressed appreciation to Karen Novak Swalwell for her service on the Water Works Board of Trustees.

On Item 4(f) Approval of Appointment - City Clerk

Council member Trevillyan expressed appreciation to City Clerk Ryan Jacobson for his service.

It was moved by Trevillyan, second by Sandager to approve Item 4(f) Approval of Appointment - City Clerk.

December 27, 2017

Vote 17-703: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(a) Amendment to City Code - Title 3 (Business and Licensing), Chapter 6 (Massage Establishments and Technicians) - Establish Regulations for Massage Therapy Businesses, initiated by the City of West Des Moines

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

Vote 17-704: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-705: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 17-706: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Specific Fees and Charges.

Vote 17-707: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(a) Mayor Pro Tem Messerschmidt indicated this was the time and place for a public hearing to consider Aspen Valley, 800 and 900 blocks of 84th Street - Vacate a 30 ft. Buffer Park Easement Located Along Rear Lot Line of Lots 53-60, Aspen Valley, initiated by the property owners. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 11, 2017 in the Des Moines Register. Mayor Pro Tem Messerschmidt asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the vacation request.

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

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Council member Trimble inquired if this request includes all the properties impacted by the buffer park easement

Lynne Twedt, Development Services Director, responded this vacation request does include all the properties impacted by the easement, as the request can only be considered if signed by all the impacted property owners.

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Vacation Request.

Vote 17-708: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(b) Mayor Pro Tem Messerschmidt indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), and Chapter 10 (Performance Standards) - Update Definitions and Regulations Pertaining to Alternative Residential Structures, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 11, 2017 in the Des Moines Register. Mayor Pro Tem Messerschmidt asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

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

Council member Trimble inquired about the purpose for this proposed ordinance amendment.

Linda Schemmel, Development Coordinator, stated a few citizens have expressed interest in "tiny homes", so this ordinance would address that dwelling type. Also, when staff reviewed this section of the City Code, they identified some items on these dwelling types that needed to be cleaned up. She responded to questions from the Council, explaining that if a tiny home is sitting on a foundation, it would be considered as any other residential structure and require a garage. If a tiny home is on wheels, it could be moved at any time and would require parking but not an enclosed garage. She explained that a manufactured home on a single family lot would also be considered as any other residential structure and require a garage, however the City is limited by State law on imposing certain regulations on manufactures homes in manufactured home parks.

It was moved by Trimble, second by Mickelson to consider the first reading of the ordinance, with the correction as noted by the memorandum from staff.

Vote 17-709: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Mickelson to approve the first reading of the ordinance, with the correction as noted by the memorandum from staff.

Vote 17-710: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(c) Mayor Pro Tem Messerschmidt indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations) - Regulate Variety Stores in the Neighborhood Commercial District, initiated by Wellington Square, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 11, 2017 in the Des Moines Register. Mayor Pro Tem Messerschmidt asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Pro Tem Messerschmidt asked if there were any public comments.

Andy Hodges, Signature Commercial Real Estate, 9500 University Avenue, reported this application was submitted to allow for the building formerly occupied by Ace Hardware to be backfilled by Dollar Tree. He noted the Dollar Tree store would occupy approximately 9,000 sq. ft. of that 12,000 sq. ft. building, and they are hoping to open in summer 2018.

Jeremy Christiani, 1100 50<sup>th</sup> Street, Unit 1102, spoke in opposition to the proposed ordinance, citing concerns that this would allow variety stores in all neighborhood commercial districts across the entire city, and he does not believe such stores are a good fit for neighborhood commercial. He noted this particular case could be resolved by simply amending the specific PUD to allow variety stores. He also cited concerns about the potential negative impacts on neighborhood commercial districts as a result of trucks loading and unloading at variety stores.

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

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

Lynne Twedt, Development Services Director, responded to questions from the Council, stating staff has taken the stance that the city should avoid using PUD's to allow uses that would not otherwise be allowed in a zoning district. She also noted that the proposed ordinance would only allow variety stores up to 10,000 sq. ft. in a neighborhood commercial district.



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Council member Mickelson stated he is comfortable with the proposed ordinance because of the 10,000 sq. ft. limit, as he believes the neighborhood impact from a variety store of that size would be similar to a convenience store, which is already allowed in neighborhood commercial districts.

Ms. Twedt also noted grocery stores are allowed in neighborhood commercial districts with no size restrictions, which staff would generally consider to have a higher impact on a neighborhood than a small variety store.

Council member Trimble stated he agrees the variety store use fits well at this location, but he expressed concerns that it may not be a good fit for all neighborhood commercial districts.

Ms. Twedt noted there are only a few neighborhood commercial areas throughout the city. She agreed to a request from the Council to provide information on the code definition of a variety store and the locations of neighborhood commercial areas in West Des Moines before the next City Council meeting.

Vote 17-711: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 17-712: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(d) Mayor Pro Tem Messerschmidt indicated this was the time and place for a public hearing to consider City of Grimes \$4,590,000 Revenue Refunding Bonds - Host City Approval of Refunding Bonds for Walnut Creek YMCA Project, initiated by the City of Grimes and YMCA of Greater Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 15, 2017 in the Des Moines Register. Mayor Pro Tem Messerschmidt asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval to Proceed with Refunding Bonds.

Vote 17-713: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

December 27, 2017

On Item 7(a) AFM Bentley Center (f/k/a Vista Retail Center), 5045 Bentley Drive - Construction of a 17,000 sq. ft. Retail Building, initiated by Mian, Inc.

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

Vote 17-714: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8(a) West Des Moines Water Works - 2018 Budget - Received and Filed

On Item 9 - Other Matters

There was nothing to discuss at this time for "Legislative Updates."

The Council members expressed appreciation to outgoing Council member Messerschmidt for his service to the community.

Council member Messerschmidt stated he enjoyed his time serving on the City Council and working with the other elected officials and City staff.

The meeting was adjourned at 6:14 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Rick Messerschmidt, Mayor Pro Tem

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	01/08/18		\$ 2,818,996.24
			Total \$ Amount
EFT Claims	01/08/18		\$ 247,229.11
			Total \$ Amount
Control Pay	01/08/18		\$ 178,075.45
			Total \$ Amount
End of Month & Off-Cycle	12/13/17 to 01/21/18		\$ 341,705.63

Approved by the West Des Moines City Council  
this 8<sup>th</sup> day of January, 2018.

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

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

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

ATTEST:

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

Finance and Administration Committee acknowledgement of disbursement of expenditures:

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

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

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

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 01/08/2018

Type	Date	Number Source	Payee Name	Transaction Amount
<b>Bank Account: WB VENDOR DISB - WB Vendor Disbursement</b>				
Check	01/08/2018	306667 Accounts Payable	ABSOLUTE CONCRETE CONSTRUCTION	387,771.95
Check	01/08/2018	306668 Accounts Payable	ADAM , ROSEMARY	500.00
Check	01/08/2018	306669 Accounts Payable	ADP SCREENING & SELECTION SVCS	166.28
Check	01/08/2018	306670 Accounts Payable	AHLERS & COONEY	5,002.89
Check	01/08/2018	306671 Accounts Payable	AIRPORT SIGNS & GRAPHICS	1,488.57
Check	01/08/2018	306672 Accounts Payable	ALLIANCE CONSTRUCTION GROUP LLC	3,994.75
Check	01/08/2018	306673 Accounts Payable	AMERICAN SECURITY CORP	1,470.91
Check	01/08/2018	306674 Accounts Payable	ARROW INTERNATIONAL INC	557.81
Check	01/08/2018	306675 Accounts Payable	ASSOCIATED COMPUTER SYSTEMS LT	7,405.00
Check	01/08/2018	306676 Accounts Payable	AUREON NETWORK SERVICES	5,813.32
Check	01/08/2018	306677 Accounts Payable	BALL TEAM LLC	19,920.50
Check	01/08/2018	306678 Accounts Payable	BELLER DISTRIBUTING, LLC	44.60
Check	01/08/2018	306679 Accounts Payable	BIG CHAIR LLC	100.00
Check	01/08/2018	306680 Accounts Payable	BING BANG LLC	6,080.00
Check	01/08/2018	306681 Accounts Payable	BOLTON & MENK INC	25,144.50
Check	01/08/2018	306682 Accounts Payable	BOUND TREE MEDICAL LLC	1,332.56
Check	01/08/2018	306683 Accounts Payable	BROWN , MATTHEW ROBERT	117.00
Check	01/08/2018	306684 Accounts Payable	BUELOW , LISA	69.00
Check	01/08/2018	306685 Accounts Payable	CALHOUN-BURNS & ASSOCIATES INC	2,512.10
Check	01/08/2018	306686 Accounts Payable	CAPITOL CITY CONSTRUCTION CO	1,100.00
Check	01/08/2018	306687 Accounts Payable	CAPPEL'S ACE HARDWARE	50.16
Check	01/08/2018	306688 Accounts Payable	CARPENTER UNIFORM CO	2,654.76
Check	01/08/2018	306689 Accounts Payable	CENTRAL IOWA FIGURE SKATING CLUB INC	170.00
Check	01/08/2018	306690 Accounts Payable	CHRIS CAKES	1,085.75
Check	01/08/2018	306691 Accounts Payable	CITY OF DES MOINES	531,504.34
Check	01/08/2018	306692 Accounts Payable	CLIENTFIRST CONSULTING GROUP	1,552.50
Check	01/08/2018	306693 Accounts Payable	COLE , LEE	360.00
Check	01/08/2018	306694 Accounts Payable	CONCRETE TECHNOLOGIES INC	45,911.80
Check	01/08/2018	306695 Accounts Payable	CONTRACTOR SALES & SERVICE	617.10
Check	01/08/2018	306696 Accounts Payable	CORELL CONTRACTOR INC	30.00
Check	01/08/2018	306697 Accounts Payable	CURTIS COMMUNICATIONS INC	6,000.00
Check	01/08/2018	306698 Accounts Payable	DE LAGE LANDEN	926.69

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 01/08/2018

Type	Date	Number Source	Payee Name	Transaction Amount
Check	01/08/2018	306699 Accounts Payable	DES MOINES IRON AND SUPPLY	92.85
Check	01/08/2018	306700 Accounts Payable	DES MOINES REGISTER SUBSCRIPTIONS (CHECK)	300.03
Check	01/08/2018	306701 Accounts Payable	DES MOINES STAMP MFG CO	89.40
Check	01/08/2018	306702 Accounts Payable	DOWLING , CONNIE	261.00
Check	01/08/2018	306703 Accounts Payable	EARL MAY SEED AND NURSERY	199.80
Check	01/08/2018	306704 Accounts Payable	ELECTRICAL ENGINEERING & EQUIP	114.73
Check	01/08/2018	306705 Accounts Payable	EMSLRC	154.00
Check	01/08/2018	306706 Accounts Payable	FORECAST PUBLIC ART	15,052.85
Check	01/08/2018	306707 Accounts Payable	G & S LASER PRINTER SUPPLIES	245.00
Check	01/08/2018	306708 Accounts Payable	GENERAL TRAFFIC CONTROLS INC	38,528.00
Check	01/08/2018	306709 Accounts Payable	GILCREST JEWETT LUMBER COMPANY	65.87
Check	01/08/2018	306710 Accounts Payable	GRAINGER INC	250.81
Check	01/08/2018	306711 Accounts Payable	GRAYBAR ELECTRIC CO INC	225.88
Check	01/08/2018	306712 Accounts Payable	HAHN , JENNIFER	2,712.50
Check	01/08/2018	306713 Accounts Payable	HDR ENGINEERING INC	5,309.14
Check	01/08/2018	306714 Accounts Payable	HERITAGE-CRYSTAL CLEAN LLC	266.89
Check	01/08/2018	306715 Accounts Payable	HOME DEPOT CREDIT SERVICES	999.00
Check	01/08/2018	306716 Accounts Payable	HY VEE INC	5.98
Check	01/08/2018	306717 Accounts Payable	INSIGHT PUBLIC SECTOR	143,898.61
Check	01/08/2018	306718 Accounts Payable	IOWA APPRAISAL & RESEARCH CORP	1,250.00
Check	01/08/2018	306719 Accounts Payable	IOWA INDIVIDUAL HEALTH BENEFIT	8,226.00
Check	01/08/2018	306720 Accounts Payable	IOWA PRISON INDUSTRIES	2,772.20
Check	01/08/2018	306721 Accounts Payable	IOWA SIGNAL INC.	3,255.00
Check	01/08/2018	306722 Accounts Payable	IOWA STATE UNIVERSITY- DALLAS CO AG EXTENSION	35.00
Check	01/08/2018	306723 Accounts Payable	JEFFREY L BRUCE & COMPANY LLC	837.48
Check	01/08/2018	306724 Accounts Payable	JIM'S JOHNS	408.00
Check	01/08/2018	306725 Accounts Payable	JOINER CONSTRUCTION CO., INC.	2,641.94
Check	01/08/2018	306726 Accounts Payable	JORDAN CREEK CAR WASH	32.00
Check	01/08/2018	306727 Accounts Payable	KABEL BUSINESS SERVICES	250.00
Check	01/08/2018	306728 Accounts Payable	KENNY AND GYL CO	151.50
Check	01/08/2018	306729 Accounts Payable	KLOCKE'S EMERGENCY VEHICLES	145,575.81
Check	01/08/2018	306730 Accounts Payable	LOWE'S HOME CENTER, INC.	492.15
Check	01/08/2018	306731 Accounts Payable	LYNCH DALLAS PC	1,600.00
Check	01/08/2018	306732 Accounts Payable	M&M COMMERCIAL CLEANING	2,899.94

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 01/08/2018

Type	Date	Number Source	Payee Name	Transaction Amount
Check	01/08/2018	306733 Accounts Payable	MAC'S LIFT GATE INC	1,025.00
Check	01/08/2018	306734 Accounts Payable	MACDONALD LETTER SERVICE	200.00
Check	01/08/2018	306735 Accounts Payable	MCGREGER CORPORATION	47,561.70
Check	01/08/2018	306736 Accounts Payable	MID AMERICAN SIGNAL INC	86,852.00
Check	01/08/2018	306737 Accounts Payable	MIDAMERICAN ENERGY	87,342.68
Check	01/08/2018	306738 Accounts Payable	MIDAMERICAN ENERGY	18,574.15
Check	01/08/2018	306739 Accounts Payable	MIDAMERICAN- DM-WDM TL	57.00
Check	01/08/2018	306740 Accounts Payable	MIDAMERICAN-CLIVE-WDM TL	598.75
Check	01/08/2018	306741 Accounts Payable	MIDAMERICAN-WDM-WAUKEE TL	263.84
Check	01/08/2018	306742 Accounts Payable	MNM CONCRETE SPECIALIST LLC	18,398.65
Check	01/08/2018	306743 Accounts Payable	NELLIES VENDING	205.75
Check	01/08/2018	306744 Accounts Payable	NESTINGEN INC	9,000.00
Check	01/08/2018	306745 Accounts Payable	O'HALLORAN INTERNATIONAL INC	5,555.26
Check	01/08/2018	306746 Accounts Payable	OLSSON ASSOCIATES	4,206.50
Check	01/08/2018	306747 Accounts Payable	OTANEZ , EVA DER ROCIO ORTIZ	765.00
Check	01/08/2018	306748 Accounts Payable	PALMER GROUP	4,744.80
Check	01/08/2018	306749 Accounts Payable	PER MAR SECURITY	626.40
Check	01/08/2018	306750 Accounts Payable	PLUGUGLY CUSTOMS	165.00
Check	01/08/2018	306751 Accounts Payable	POLK COUNTY RECORDER	126.00
Check	01/08/2018	306752 Accounts Payable	PROFESSIONAL DEVELOPERS OF IA	270.00
Check	01/08/2018	306753 Accounts Payable	ROY'S TOWING AND RECOVERY	600.00
Check	01/08/2018	306754 Accounts Payable	RUBBER ROOFING SYSTEMS	3,630.15
Check	01/08/2018	306755 Accounts Payable	SCHROEDER , CURT	771.17
Check	01/08/2018	306756 Accounts Payable	SM HENTGES & SONS INC	392,402.57
Check	01/08/2018	306757 Accounts Payable	SMITH'S SEWER SERVICE INC	112.50
Check	01/08/2018	306758 Accounts Payable	SNAP-ON TOOLS- MARK STUCHEL	43.75
Check	01/08/2018	306759 Accounts Payable	SNI SOLUTIONS	8,325.00
Check	01/08/2018	306760 Accounts Payable	THE GRAVEDIGGER LLC	350.00
Check	01/08/2018	306761 Accounts Payable	TRUE VALUE & V&S VARIETY STORE	56.19
Check	01/08/2018	306762 Accounts Payable	ULTRAMAX	195.00
Check	01/08/2018	306763 Accounts Payable	UNITED PARCEL SERVICE	43.64
Check	01/08/2018	306764 Accounts Payable	VEENSTRA & KIMM INC	33,191.15
Check	01/08/2018	306765 Accounts Payable	VERIZON WIRELESS	6,941.11
Check	01/08/2018	306766 Accounts Payable	VISION SERVICE PLAN	1,545.94
Check	01/08/2018	306767 Accounts Payable	WEST DES MOINES COMM SCHOOLS -	248.39

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 01/08/2018

Type	Date	Number Source	Payee Name	Transaction Amount
			FACILITIES	
Check	01/08/2018	306768 Accounts Payable	WEST DES MOINES WATER WORKS	703.00
Check	01/08/2018	306769 Accounts Payable	WESTERN ECONOMIC SERVICES LLC	5,800.00
Check	01/08/2018	306770 Accounts Payable	WEX BANK	164.00
Check	01/08/2018	306771 Accounts Payable	YOUTH TECH INC	688.00
Check	01/08/2018	306772 Accounts Payable	PIERCE MANUFACTURING	635,823.00
Check	01/08/2018	306773 Accounts Payable	ASQ	99.00
Check	01/08/2018	306774 Accounts Payable	IOWACE	70.00
EFT	01/08/2018	1412 Accounts Payable	ARNOLD MOTOR SUPPLY, LLP	1,725.07
EFT	01/08/2018	1413 Accounts Payable	BAUER BUILT	857.25
EFT	01/08/2018	1414 Accounts Payable	BRAVO GREATER DES MOINES	450.00
EFT	01/08/2018	1415 Accounts Payable	BREWICK , MARK	75.44
EFT	01/08/2018	1416 Accounts Payable	BROWN , ALLEN	56.26
EFT	01/08/2018	1417 Accounts Payable	EMC RISK SERVICES	16,162.74
EFT	01/08/2018	1418 Accounts Payable	EXCEL MECHANICAL INC	7,908.59
EFT	01/08/2018	1419 Accounts Payable	FINESTEAD ENTERPRISES LLC	4,571.07
EFT	01/08/2018	1420 Accounts Payable	FOTH INFRASTRUCTURE & ENVIRONMENT LLC	170,740.94
EFT	01/08/2018	1421 Accounts Payable	HARTPENCE , LAWRENCE	21.14
EFT	01/08/2018	1422 Accounts Payable	HENNING , CLAUDIA	6,685.00
EFT	01/08/2018	1423 Accounts Payable	HYDRO KLEAN INC	5,630.10
EFT	01/08/2018	1424 Accounts Payable	JACOBSON , RYAN	68.74
EFT	01/08/2018	1425 Accounts Payable	KECK INC	15,142.89
EFT	01/08/2018	1426 Accounts Payable	KEIMIG , JON	20.03
EFT	01/08/2018	1427 Accounts Payable	KELTEK INC	352.75
EFT	01/08/2018	1428 Accounts Payable	MIDWEST WHEEL	466.14
EFT	01/08/2018	1429 Accounts Payable	MILES CAPITAL	6,273.08
EFT	01/08/2018	1430 Accounts Payable	ONECK IT SOLUTIONS LLC	3,331.21
EFT	01/08/2018	1431 Accounts Payable	PALMER , BRIAN	87.44
EFT	01/08/2018	1432 Accounts Payable	REMIND 101 INC	280.00
EFT	01/08/2018	1433 Accounts Payable	REMOTE ADMIN INC	4,000.00
EFT	01/08/2018	1434 Accounts Payable	SHIELDS , CHARLES	92.00
EFT	01/08/2018	1435 Accounts Payable	SWINTON , ASHLEE	877.25
EFT	01/08/2018	1436 Accounts Payable	THE UPS STORE	15.27
EFT	01/08/2018	1437 Accounts Payable	YEAGER , LEMAR	1,291.16

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

Bank Account: WB VENDOR DISB - WB Vendor Disbursement

Batch Date: 01/08/2018

Type	Date	Number Source	Payee Name	Transaction Amount
EFT	01/08/2018	1438 Accounts Payable	TRUMAN , GRETA	30.00
EFT	01/08/2018	1439 Accounts Payable	VAUGHAN , DANELL	17.55
WB VENDOR DISB WB Vendor Disbursement Totals:			Transactions: 136	<hr/> \$3,066,225.35
	Checks:	108	\$2,818,996.24	
	EFTs:	28	\$247,229.11	



City of West Des Moines  
**City Council Report**  
 Bank Account: WB CONTROLPAY - WB ControlPay  
 Batch Date: 01/08/2018

Type	Date	Number Source	Payee Name	Transaction Amount	
<b>Bank Account: WB CONTROLPAY - WB ControlPay</b>					
EFT	01/08/2018	2039 Accounts Payable	ABC ELECTRICAL CONTRACTORS	123456789 / 123456789	8,419.37
EFT	01/08/2018	2040 Accounts Payable	ADVENTURE LIGHTING	123456789 / 123456789	16.00
EFT	01/08/2018	2041 Accounts Payable	ARAMARK UNIFORM SERVICES	123456789 / 123456789	524.55
EFT	01/08/2018	2042 Accounts Payable	BUSINESS PUBLICATIONS	123456789 / 123456789	1,290.00
EFT	01/08/2018	2043 Accounts Payable	CAPITAL CITY EQUIPMENT	123456789 / 123456789	66.26
EFT	01/08/2018	2044 Accounts Payable	CAPITAL SANITARY SUPPLY CO INC	123456789 / 123456789	1,415.49
EFT	01/08/2018	2045 Accounts Payable	CENTURYLINK	123456789 / 123456789	5,824.57
EFT	01/08/2018	2046 Accounts Payable	COMPASS PROFESSIONAL HEALTH	123456789 / 123456789	11,730.00
EFT	01/08/2018	2047 Accounts Payable	COMPETITIVE EDGE	123456789 / 123456789	427.35
EFT	01/08/2018	2048 Accounts Payable	CORE AND MAIN LP	123456789 / 123456789	59.96
EFT	01/08/2018	2049 Accounts Payable	ELECTRONIC ENGINEERING	123456789 / 123456789	494.22
EFT	01/08/2018	2050 Accounts Payable	EMERGENCY APPARATUS MAINT	123456789 / 123456789	631.10
EFT	01/08/2018	2051 Accounts Payable	FELD FIRE	123456789 / 123456789	17,982.54
EFT	01/08/2018	2052 Accounts Payable	FERGUSON ENTERPRISES INC 226	123456789 / 123456789	29.97
EFT	01/08/2018	2053 Accounts Payable	G&L CLOTHING	123456789 / 123456789	1,042.47
EFT	01/08/2018	2054 Accounts Payable	GALLS LLC	123456789 / 123456789	172.50
EFT	01/08/2018	2055 Accounts Payable	HOTSY CLEANING SYSTEMS INC	123456789 / 123456789	35.64
EFT	01/08/2018	2056 Accounts Payable	INLAND TRUCK PARTS	123456789 / 123456789	649.73
EFT	01/08/2018	2057 Accounts Payable	INTERNATIONAL CODE COUNCIL	123456789 / 123456789	375.90
EFT	01/08/2018	2058 Accounts Payable	INTERSTATE ALL BATTERY CENTER	123456789 / 123456789	1,020.15
EFT	01/08/2018	2059 Accounts Payable	INTERSTATE POWER SYSTEMS	123456789 / 123456789	5,972.51
EFT	01/08/2018	2060 Accounts Payable	IOWA FIRE EQUIPMENT	123456789 / 123456789	42.50
EFT	01/08/2018	2061 Accounts Payable	LOGAN CONTRACTORS SUPPLY, INC	123456789 / 123456789	144.98
EFT	01/08/2018	2062 Accounts Payable	MEDIACOM	123456789 / 123456789	11.47
EFT	01/08/2018	2063 Accounts Payable	MENARDS	123456789 / 123456789	265.84
EFT	01/08/2018	2064 Accounts Payable	METHODIST OCCUPATIONAL HEALTH	123456789 / 123456789	3,172.00
EFT	01/08/2018	2065 Accounts Payable	METRO WASTE AUTHORITY	123456789 / 123456789	156.92
EFT	01/08/2018	2066 Accounts Payable	NINTH BRAIN SUITE LLC	123456789 / 123456789	543.00
EFT	01/08/2018	2067 Accounts Payable	PAY-LESS OFFICE PRODUCTS INC	123456789 / 123456789	3,067.58
EFT	01/08/2018	2068 Accounts Payable	PRAXAIR	123456789 / 123456789	1,915.69
EFT	01/08/2018	2069 Accounts Payable	PRIORITY DISPATCH	123456789 / 123456789	441.00
EFT	01/08/2018	2070 Accounts Payable	SANDRY FIRE SUPPLY LLC	123456789 / 123456789	1,775.36
EFT	01/08/2018	2071 Accounts Payable	SECURITY EQUIPMENT INC	123456789 / 123456789	2,042.40
EFT	01/08/2018	2072 Accounts Payable	SHOTTENKIRK CHEVROLET	123456789 / 123456789	1,830.31

City of West Des Moines  
**City Council Report**  
 Bank Account: WB CONTROLPAY - WB ControlPay  
 Batch Date: 01/08/2018

Type	Date	Number Source	Payee Name	Transaction Amount
EFT	01/08/2018	2073 Accounts Payable	SNYDER & ASSOCIATES 123456789 / 123456789	63,397.40
EFT	01/08/2018	2074 Accounts Payable	SPINDUSTRY SYSTEMS, INC. 123456789 / 123456789	15,659.00
EFT	01/08/2018	2075 Accounts Payable	SPRAYER SPECIALTIES INC 123456789 / 123456789	68.33
EFT	01/08/2018	2076 Accounts Payable	STIVERS FORD (CONTROL PAY) 123456789 / 123456789	5,298.13
EFT	01/08/2018	2077 Accounts Payable	STRAUSS SAFE AND LOCK CO 123456789 / 123456789	26.94
EFT	01/08/2018	2078 Accounts Payable	TEAM SERVICES 123456789 / 123456789	2,845.72
EFT	01/08/2018	2079 Accounts Payable	VALLEY PLUMBING CO INC 123456789 / 123456789	16,470.80
EFT	01/08/2018	2080 Accounts Payable	VERMEER 123456789 / 123456789	164.00
EFT	01/08/2018	2081 Accounts Payable	WORLDPOINT ECC INC 123456789 / 123456789	270.80
EFT	01/08/2018	2082 Accounts Payable	ZOLL MEDICAL 123456789 / 123456789	285.00
WB CONTROLPAY WB ControlPay Totals:			Transactions: 44	\$178,075.45
	EFTs:	44	\$178,075.45	

# Payment Register

From Payment Date: 12/13/2017 - To Payment Date: 12/26/2017

Number	Date	Status	Source	Payee Name	Transaction Amount
18	01/02/2018	Open	Accounts Payable	WEST BANK	\$1,780.72
19	01/02/2018	Open	Accounts Payable	WEST BANK	\$36.29
20	01/03/2018	Open	Accounts Payable	WEST BANK	\$384.88
79	12/15/2017	Open	Accounts Payable	KABEL BUSINESS SERVICES	\$4,265.78
80	12/22/2017	Open	Accounts Payable	KABEL BUSINESS SERVICES	\$3,514.47
81	12/29/2017	Open	Accounts Payable	KABEL BUSINESS SERVICES	\$6,324.18
1405	12/18/2017	Open	Accounts Payable	DELTA DENTAL OF IOWA	\$4,770.86
1406	12/21/2017	Open	Accounts Payable	DELTA DENTAL OF IOWA	\$8,088.67
1407	01/02/2018	Open	Accounts Payable	DELTA DENTAL OF IOWA	\$5,974.72
1409	12/19/2017	Open	Accounts Payable	WELLMARK BLUE CROSS	\$108,913.00
1410	12/26/2017	Open	Accounts Payable	WELLMARK BLUE CROSS	\$75,191.42
1411	12/31/2017	Open	Accounts Payable	WELLMARK BLUE CROSS	\$122,460.64
					\$341,705.63

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

**ITEM:** Approval of Liquor Licenses

**DATE:** January 8, 2018

**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. 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
2. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
3. F & K Hagar, L.L.C. d/b/a Manhattan Grill, 1960 Grand Avenue, Suites 29-31 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
4. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal
5. Waterfront Seafood Market, Inc. d/b/a Waterfront Seafood Market, 2900 University Avenue - Class LC Liquor License with Sunday Sales and Catering Privileges - 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 Cigarette/Tobacco License

**DATE:** January 8, 2018

**FINANCIAL IMPACT:** None

**BACKGROUND:** Under Title III - Chapter 10, Cigarette Sales, the Council has the authority to issue cigarette permits for establishments located within the city limits of West Des Moines. All cigarette permits expire on June 30 of each year. Applications from the following establishments are on file in the City Clerk's office for review:

1. UKFC VCI, LLC d/b/a Mr. and Mrs. Vape Foundry, 2600 University Avenue, Ste. 218

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

**RECOMMENDATION:** Motion to approve the issuance of a cigarette/tobacco permit 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	Tim Stiles, Finance Director
Legal	
Agenda Acceptance	<i>RTJ</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	
Date Reviewed	

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

**ITEM:** Approval of Reappointment  
Human Rights Commission

**DATE:** January 8, 2018

**FINANCIAL IMPACT:** None

**BACKGROUND:**

Mayor Steven K. Gaer recommends the reappointment of current Human Rights Commissioner Sanjita Pradhan. Ms. Pradhan was appointed to the Commission in May 2014. The proposed reappointment term would expire on December 31, 2020.

Sanjita Pradhan                      4437 Tamara Lane                      421-9240 (h)    281-4219 (w)

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

**RECOMMENDATION:**

Approval of reappointment of Sanjita Pradhan to the Human Rights Commission.

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

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

**DATE: January 8, 2018**

**ITEM:**

Motion - Approval to Sell Surplus City Equipment

**FINANCIAL IMPACT:**

Approximate revenue to the General Fund of \$10,000.00.

**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 Services has accumulated and inventoried a list of the following surplus items to be sold by auction on GovDeals.com:

**APPROXIMATE VALUE \$10,000.00**

1	2012 Lifeline Ambulance (Chassis), Unit 593D – VIN 1FDUF4GT0CEC34729
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Because the City Council subcommittee meeting scheduled for January 2, 2018 was cancelled, this agenda item was only distributed to the subcommittee members via email on January 3, 2018.




**RECOMMENDATION:**

City Council Approve:

- Motion authorizing the Department of Public Services 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 Services Director 
<b>Appropriations/Finance</b>	Tim Stiles, Finance Director 
<b>Legal</b>	
<b>Agenda Acceptance</b>	

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

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

**ITEM:** Approval for Purchase  
PC Replacement

**DATE:** January 8, 2018

**FINANCIAL IMPACT:** The City authorizing the expenditure of \$88,326.00 to come out of account 100.650.700.5400.700. Budgeted funds are available for purchase

**BACKGROUND:** The purchase is for desktop computers, laptop computers, and monitors. The equipment replaces existing computers, as part of the regular hardware refresh cycle. This purchase helps maintain the viability of the City's computer inventory.

EmbarkIT is recommended as the lowest responsible bidder per the requirements of the City of West Des Moines' Purchasing Policy, which states the following:

By virtue of Iowa Code, Chapter 73.1 and 73.3), preference will be given to products and provisions grown and produced within the State of Iowa and to Iowa domestic labor.

Purchasing from vendors located in the City is preferred. Therefore, at each Department Director's discretion, staff is allowed to make those purchases with a City-based vendor whose bid may be up to five percent (5%) more than the lowest cost bid, if all is equal in quality and specifications, up to a \$5,000 total difference.

EmbarkIT's bid was less than five percent above the lowest bid (\$87,500.00) with a product equal in quality, and therefore it is recommended for purchase approval.

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

**RECOMMENDATION:** Approval of purchase and payment for desktop computers, laptop computers and monitors

**Lead Staff Member:** Tyler Kern

**STAFF REVIEWS**

Department Director	Craig Williams, Interim IT Director <i>CH</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>[Signature]</i>
Legal	
Agenda Acceptance	Ryan Jacobson, City Clerk <i>[Signature]</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	



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

**DATE: January 8, 2018**

**ITEM:** Schroder Industrial Park Plat 3, 1120 Railroad Avenue - Approval and Acceptance of Ingress/Egress Easement - Schroder Construction Services, Inc. – FP-003671-2017

**Motion: Approve and Accept Ingress/Egress Easement**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The City Council approved the final plat Schroder Industrial Park Plat 3 on December 11, 2017. As part of the review and approval of the final plat, an ingress/egress easement was required to allow access between the parcels created to the public streets.

Exhibit I is a copy of the agreement. For policy purposes, formal acceptance by the City Council of 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 motion approving and accepting the Ingress/Egress Easement for the final plat Schroder Industrial Park Plat 3.

Lead Staff Member: Kara V. Tragesser, AICP 

**STAFF REVIEWS**

Department Director	
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"/>

**ATTACHMENT:**

Exhibit I      Agreement

Prepared By: K. Truesdell, Development Services, PO Box 65320 West Des Moines IA 50265-0320 515-222-3610  
Return To: City Clerk City of West Des Moines, PO Box 65320, West Des Moines IA, 50265-0320 515-222-3610

**INGRESS/EGRESS AND CROSS ACCESS EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

Whereas, Schroder Construction Services Inc. is the owner of property legally described as:

**Replat of Lot 1 Schroder Industrial Park Plat 2, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa**

Whereas, it is in the interest of the Grantor and future parties in interest of these properties to ensure efficient traffic flow between these lots and adjacent properties and to ensure access to public rights of way; and

Whereas, a grant of mutual permanent easements for the benefit of the above listed property to allow ingress/egress and cross access will ensure the efficient flow of traffic between these lots and adjacent properties; and

Whereas, the execution of such an easement is a condition of the approval of a Final Plat to subdivide the property into two lots;

Wherefore, the Grantor hereby grants, establishes and conveys a permanent and perpetual easement over, across and through the following legally described easement:

A part of Lot 2 Schroder Industrial Park Plat 3, an Official Plat in the City of West Des Moines, Polk County, IA, described as follows:

Beginning at the northeast corner of said Lot 2; thence southeasterly 40.44 feet along a 410.00 foot radius curve, concave easterly, with a chord bearing S10°03'03"E and with a length of 40.42 feet; thence S77°07'24"W, a distance of 40.00 feet; thence N66°03'04"W, a distance of 99.21 feet; thence N72°04'50"W, a distance of 82.56 feet; thence N86°35'41"W, a distance of 61.35 feet; thence N89°01'30"W, a distance of 299.45 feet; thence northwesterly 26.22 feet along a 50.00 foot radius curve, concave northeasterly, with a chord bearing N73°59'59"W with a length of 25.92 feet; thence N58°58'29"W, a distance of 50.19 feet; thence westerly 25.90 feet along a 50.00 foot radius curve, concave southerly, with a chord bearing N73°48'43"W with a length of 25.61 feet; thence N88°38'58"W, a distance of 51.81 feet to the west line of said Lot 2; thence N00°29'39"W along said line, a distance of 24.01 feet; thence S88°38'58"E, a distance of 45.70 feet; thence southeasterly 51.79 feet along a 100.00 foot radius curve, concave southerly, with a chord bearing S73°48'43"E with a length of 51.22 feet; thence S58°58'29"E, a distance of 46.23 feet; thence southeasterly 15.73 feet along a 30.00 foot radius curve, concave northeasterly, with a chord bearing S73°59'59"E with a length of 15.55 feet; thence S89°01'30"E, a distance of 298.91 feet; thence N02°14'40"E, a distance of 3.61 feet to a corner point on the north line of said Lot 2; thence S76°40'24"E along said line, 83.99 feet; thence S89°52'47"E along said line, 181.93 feet to the point of beginning.

The terms and conditions of this Easement are binding upon the Grantor, its successors and assigns, and 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.

The Grantor covenants that it holds the above-described legal property by good and marketable title, free and clear of liens, easements, and encumbrances, except any of record, and that the Grantor has a right and lawful authority to make and execute this Easement. Grantor warrants and defends said Easement against the lawful claims of all persons claiming by, through or under Grantor.

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

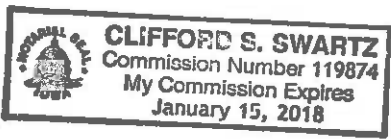
Dated this 21 day of December, 2017

By: SCHROEDER CONSTRUCTION SERVICES, INC.  
Name: Allen Schroeder  
Title: Pres.

STATE OF IOWA, COUNTY OF POLK

This record was acknowledged before me on December 21, 2017, by Allen Schroeder, the President of Schroeder Construction Services, Inc.

Clifford S. Swartz  
Notary Public in and for the State of Iowa



CITY OF WEST DES MOINES, IOWA

\_\_\_\_\_  
Steven K. Gann, Mayor

Attest.

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

CITY OF WEST DES MOINES, IOWA

I, Ryan T. Jacobson, City Clerk of the City of West Des Moines, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of West Des Moines by Resolution and Roll Call No. \_\_\_\_\_ passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, and this certificate is made pursuant to authority contained in said Resolution.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

**DATE: January 8, 2018**

**ITEM:**

Resolution - Ordering Construction  
2017 Sewer Rehabilitation Program

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the 2017 Sewer Rehabilitation Program is \$390,340.00. Payments will be made from account no. 640.000.000.5250.490 with the ultimate funding intended to come from Sewer Fee Revenues.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, January 31, 2018, and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, February 5, 2018. The contract would be awarded on Monday, February 5, 2018, and work will begin shortly thereafter.

This is an ongoing maintenance program to rehabilitate existing portions of the City's sanitary sewer system. Previous inspections of these sanitary sewers revealed defects at several locations. The project is anticipated to be completed by June, 29, 2018.

This agenda item was distributed to the Public Services Subcommittee by e-mail only since there was no meeting.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the 2017 Sewer Rehabilitation Program.
- Fixing 2:00 p.m. on Wednesday, January 31, 2018, as the time and date for project Bid Letting.
- Ordering the City Clerk to publish notice of Letting and Public Hearing.

**Lead Staff Member:** Brian J. Hemesath, P.E., Interim City Engineer *BAM*

**STAFF REVIEWS**

Department Director	Brian J. Hemesath, P.E., Interim City Engineer
Appropriations/Finance	Tim Stiles, Finance Director <i>TMS</i>
Legal	Richard Scieszinski, City Attorney <i>JBW</i>
Agenda Acceptance	<i>KA</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
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:

**2017 Sewer Rehabilitation Program  
Project No. 0510-066-2017**

is hereby ordered to be constructed according to the Plans and Specifications prepared by AECOM Technical Services, Inc., 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, February 5, 2018, 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 thirteen (13) 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, January 31, 2018.

**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, January 31, 2018, and the results of said bids shall be considered at a meeting of this Council on Monday, February 5, 2018, at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** on this **8th** day of **January, 2018.**

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

ATTEST:

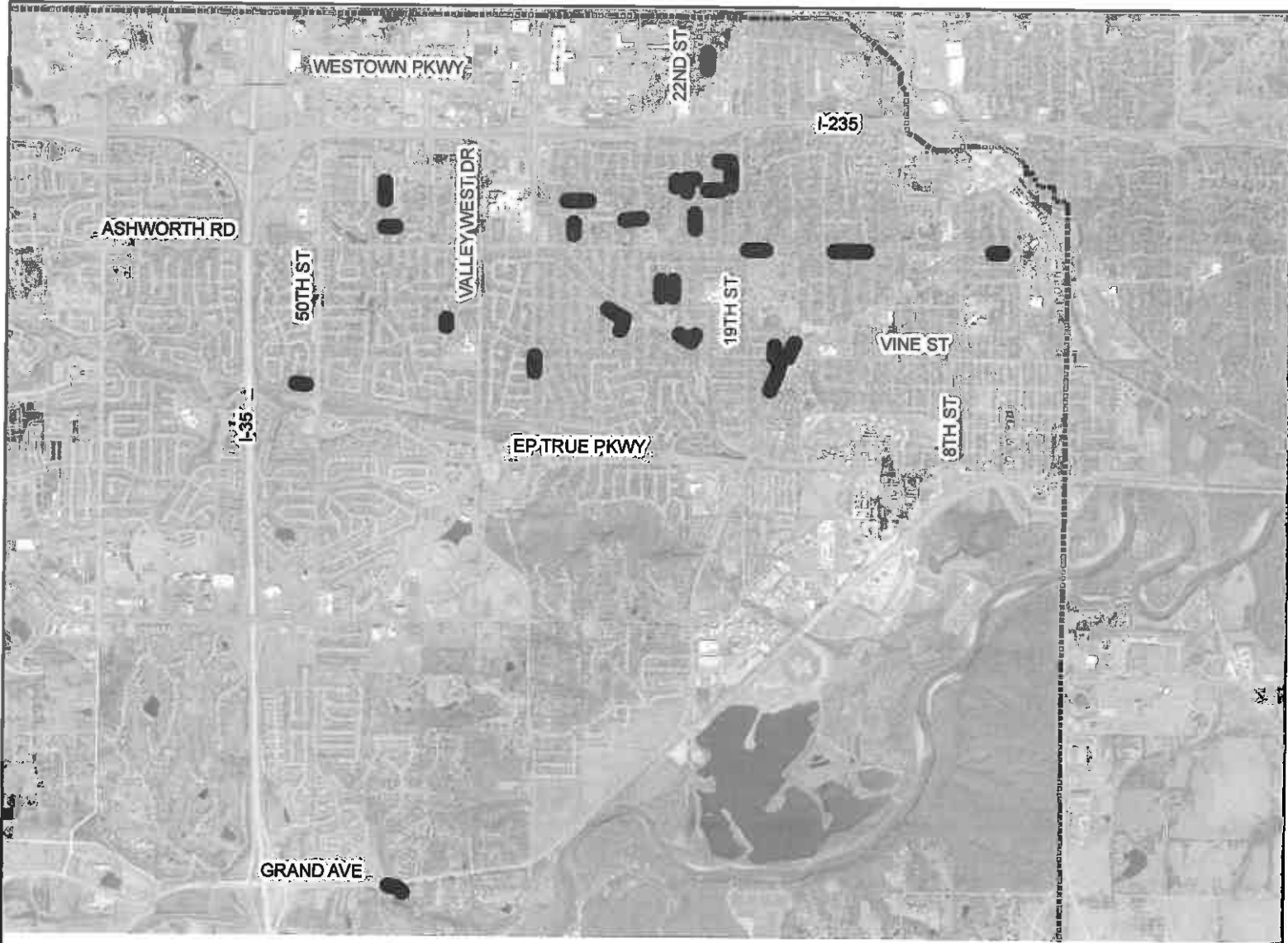
\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

**Engineer's Estimate of Probable Construction Cost**  
**2017 Sewer Rehabilitation Program**  
**Project No. 0510-066-2017**  
**City of West Des Moines**  
**West Des Moines, Iowa**  
**AECOM Project No: 60553066**  
**December 21, 2017**

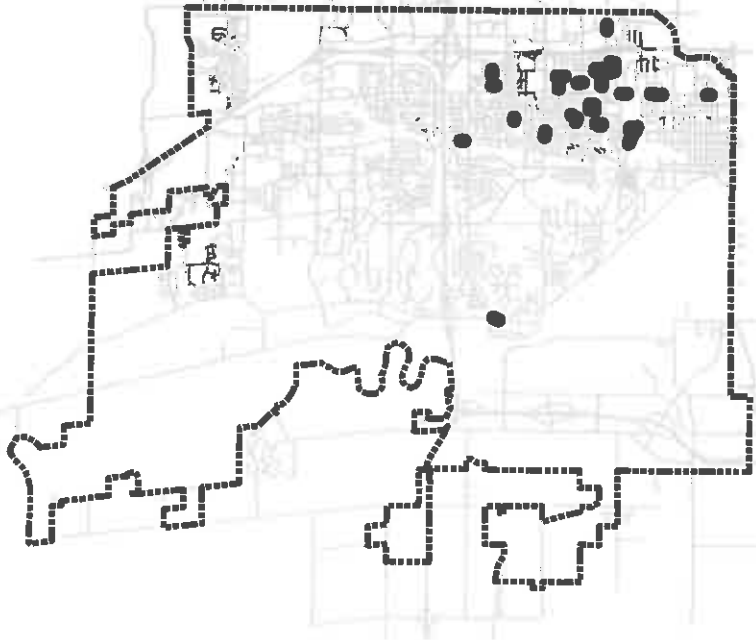


Item	Description	Unit	Estimated Quantity	Unit Price	Extended Price
1.1	8" CIPP SEWER LINING	LF	8,847	\$ 30.00	\$ 259,410.00
1.2	10" CIPP SEWER LINING	LF	1,529	\$ 35.00	\$ 53,515.00
1.3	12" CIPP SEWER LINING	LF	361	\$ 40.00	\$ 14,440.00
1.4	18" CIPP SEWER LINING	LF	410	\$ 80.00	\$ 32,800.00
1.5	SEWER REPAIR #1 - 935 44TH STREET	LS	1	\$ 25,000.00	\$ 25,000.00
1.6	PAVEMENT REMOVAL AND REPLACEMENT	SY	23	\$ 225.00	\$ 5,175.00
<b>TOTAL ESTIMATE</b>					<b>\$ 390,340.00</b>

	<p>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.</p>
	<p><i>Todd L. Allyn</i> — <u>12/21/17</u>  TODD L. ALLYN, PE Date</p>
	<p>License No. <u>14621</u></p>
	<p>My license renewal date is December 31, 2018.</p>
	<p>Pages or sheets covered by this seal:  <b>Engineer's Estimate</b></p> <hr/> <p>Date Issued:</p>



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT:	<b>2017 Sewer Rehabilitation Program</b>		
LOCATION:	<b>Exhibit "A"</b>		
DRAWN BY: JDR	DATE: 1/3/2018	PROJECT NUMBER/NAME: 0510-066-2017	SHT. 1 of 1

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

**DATE: January 8, 2018**

**ITEM:**

Resolution - Ordering Construction  
Middle Creek Trunk Sewer Extension

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the Middle Creek Trunk Sewer Extension is \$2,393,065.00. Payments will be made from account no. 640.000.000.5250.490 with the ultimate funding intended to come from Osmium Urban Renewal Area TIF.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, January 31, 2018, and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, February 5, 2018. The contract would be awarded on Monday, February 5, 2018, and work will begin shortly thereafter.

This project consists of constructing approximately 9,250 feet of 24 inch sanitary sewer extending from the WRA Middle Creek Trunk Sewer near SE 35th Street westerly along Middle Creek to the west side of Interstate 35 to serve Project Osmium (Microsoft). The project is anticipated to be completed by November 28, 2018.

This agenda item was distributed to the Public Services Subcommittee by e-mail only since there was no meeting.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the Middle Creek Trunk Sewer Extension.
- Fixing 2:00 p.m. on Wednesday, January 31, 2018, as the time and date for project Bid Letting.
- Ordering the City Clerk to publish notice of Letting and Public Hearing.

**Lead Staff Member: Brian J. Hemesath, P.E., Interim City Engineer**

*BJM  
for*

**STAFF REVIEWS**

Department Director	Brian J. Hemesath, P.E., Interim City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	<i>(Handwritten initials)</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
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:

**Middle Creek Trunk Sewer Extension  
Project No. 0510-015-2017**

is hereby ordered to be constructed according to the Plans and Specifications prepared by Veenstra & Kimm, Inc., 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, February 5, 2018, 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 thirteen (13) 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, January 31, 2018.

**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, January 31, 2018, and the results of said bids shall be considered at a meeting of this Council on Monday, February 5, 2018, at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** on this **8th** day of **January, 2018**.

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

ATTEST:

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



**VEENSTRA & KIMM, INC.**

3000 Westown Parkway • West Des Moines, Iowa 50266-1320

515-225-8000 • 515-225-7948 (FAX) • 800-241-8000 (WATS)

---

January 3, 2018

Brian Hemesath  
Interim 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  
MIDDLE CREEK TRUNK SEWER EXTENSION  
WEST DES MOINES PROJECT NO. 0510-015-2017  
ENGINEERS ESTIMATE OF COST

Enclosed is a copy of the preliminary engineer's estimate of cost for construction of the Middle Creek Trunk Sewer Extension project. The engineer's estimate of cost for construction of the project is \$2,393,065.

If you have any questions or comments concerning the project, please contact the writer at 225-8000.

VEENSTRA & KIMM, INC.

A handwritten signature in cursive script, appearing to read 'H. R. Veenstra Jr.', is written over a light gray background.

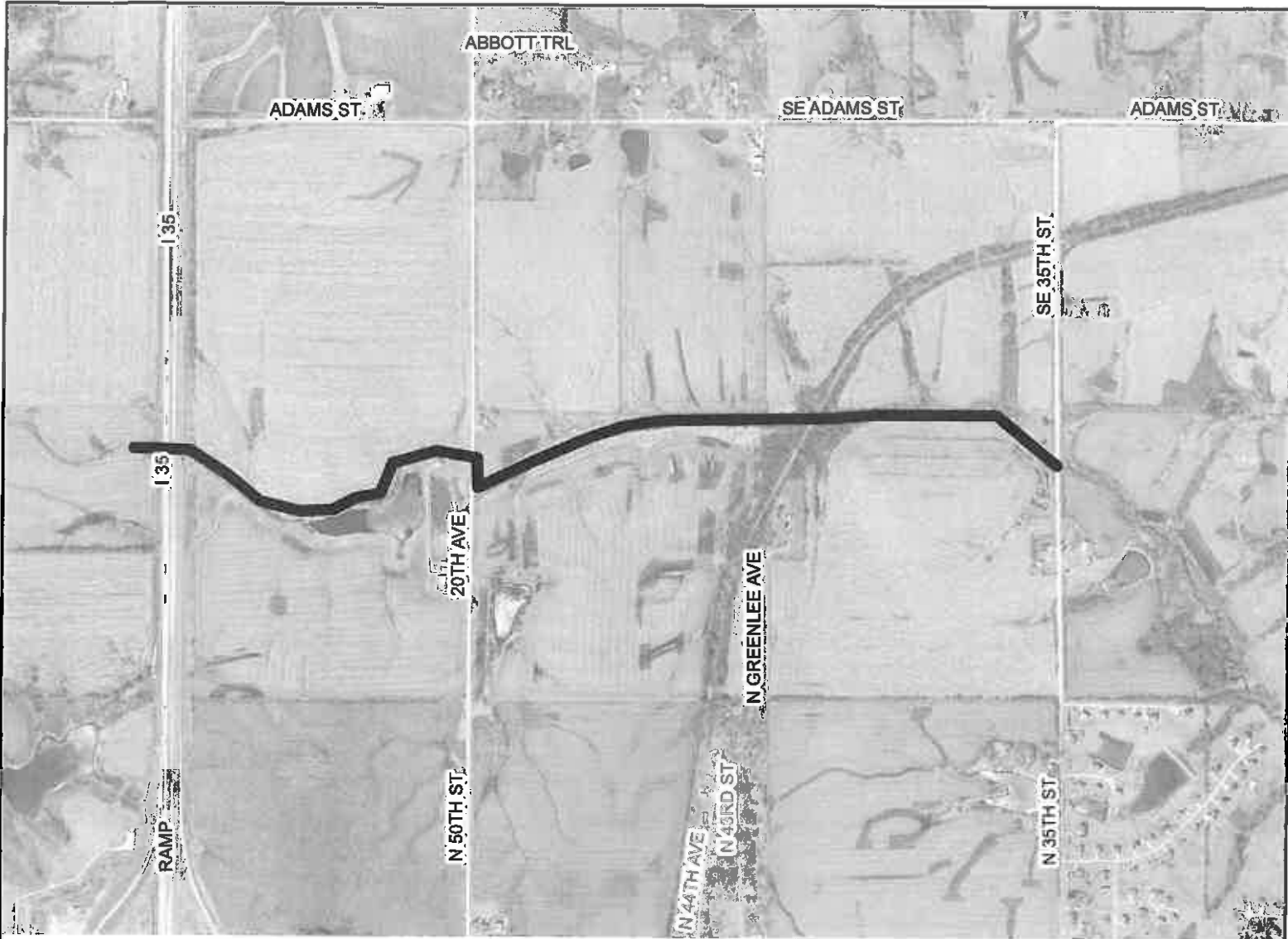
H. R. Veenstra Jr.

HRVjr:pjh  
102228  
Enclosure

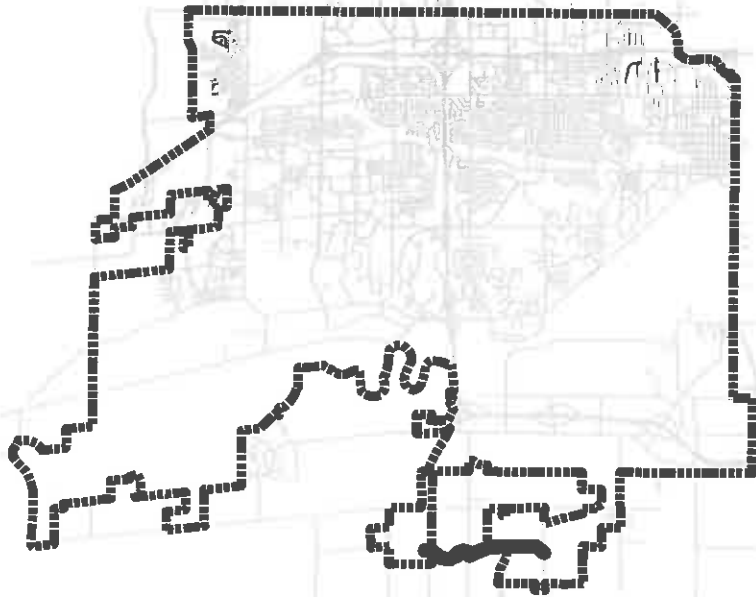
**CITY OF WEST DES MOINES, IOWA  
MIDDLE CREEK TRUNK SEWER EXTENSION  
PRELIMINARY ESTIMATE OF COST**

Revised January 2, 2018

DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE
1 Sanitary Sewer in Place - 24"	LF	8535	\$180.00	\$1,536,300.00
2 Sanitary Sewer In Place - 12"	LF	10	\$200.00	\$2,000.00
3 Sanitary Sewer Tunneled in Casing - 24"	LF	410	\$750.00	\$307,500.00
4 Sanitary Sewer Tunneled - 24"	LF	300	\$600.00	\$180,000.00
5 Manholes - Type SW 301 - 48"	EA	24	\$8,000.00	\$192,000.00
6 Manholes - Type SW 303 - 48"	EA	1	\$9,500.00	\$9,500.00
7 Manholes - Type SW 303 - 60"	EA	2	\$9,500.00	\$19,000.00
8 Video Inspection of Sanitary Sewer	LF	9255	\$3.00	\$27,765.00
9 Rip-Rap	LF	230	\$50.00	\$11,500.00
10 Field Tile	LF	200	\$20.00	\$4,000.00
11 Stabilizing Material	TON	100	\$35.00	\$3,500.00
12 Erosion Control	LS	1	\$35,000.00	\$35,000.00
13 Seeding	ACRE	21	\$1,200.00	\$25,200.00
14 Wetland Seeding	ACRE	1.2	\$4,000.00	\$4,800.00
15 Construction Staking	LS	1	\$20,000.00	\$20,000.00
16 Traffic Control	LS	1	\$15,000.00	\$15,000.00
<b>Estimated Construction Cost</b>				<b>\$2,393,065.00</b>



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION 



PROJECT:

**Middle Creek Trunk Sewer Extension**

LOCATION:

**SE 35th St to I-35**

DRAWN BY: JDR

DATE: 1/3/2018

PROJECT: 0510-015-2017

SHT. 1 of 1

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

**DATE: January 8, 2018**

**ITEM:**

Resolution - Ordering Construction  
Valley View Aquatic Center Partial Roof Replacement

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the Valley View Aquatic Center Partial Roof Replacement is \$173,800.00. Payments will be made from account no. 500.000.000.5250.490 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, January 31, 2018, and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, February 5, 2018. The contract would be awarded on Monday, February 5, 2018, and work will begin shortly thereafter.

There is a need for the partial replacement of the translucent roof at the Valley View Aquatic Center located at 255 81st Street. The existing translucent roofing over the entrance to the facility was not installed correctly, is deteriorating, is causing issues to other areas of the facility, and is in need of replacement. The project is anticipated to be completed by May 11, 2018.

This agenda item was distributed to the Public Services Subcommittee by e-mail only since there was no meeting.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the Valley View Aquatic Center Partial Roof Replacement.
- Fixing 2:00 p.m. on Wednesday, January 31, 2018, as the time and date for project Bid Letting.
- Ordering the City Clerk to publish notice of Letting and Public Hearing.

**Lead Staff Member: Brian J. Hemesath, P.E., Interim City Engineer** *BOM for*

**STAFF REVIEWS**

Department Director	Brian J. Hemesath, P.E., <i>Interim</i> City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	<i>[Handwritten initials]</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
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:

**Valley View Aquatic Center Partial Roof Replacement  
Project No. 0510-058-2017**

is hereby ordered to be constructed according to the Plans and Specifications prepared by Design Alliance, Inc. 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, February 5, 2018, 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 thirteen (13) 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, January 31, 2018.

**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, January 31, 2018, and the results of said bids shall be considered at a meeting of this Council on Monday, February 5, 2018, at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** on this **8th** day of **January, 2018.**

---

Steven K. Gaer, Mayor

ATTEST:

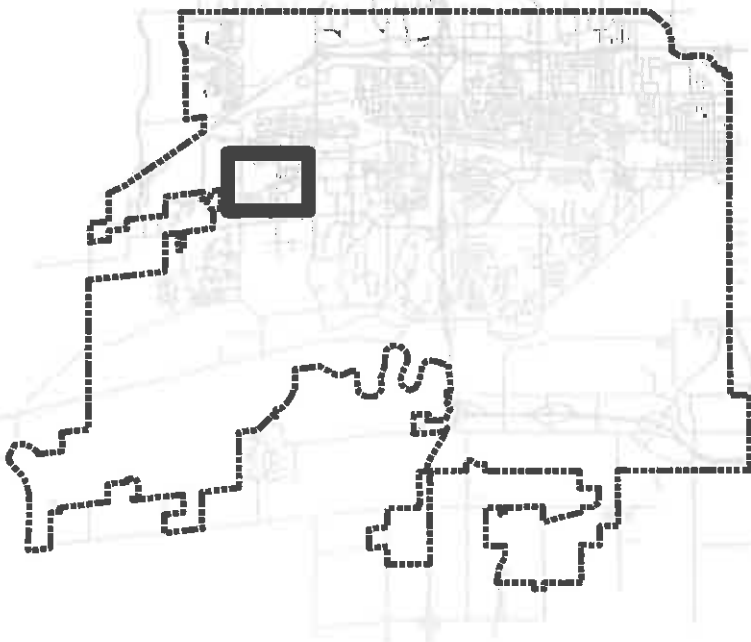
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Ryan T. Jacobson, City Clerk





**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT:	<b>Valley View Aquatic Center Partial Roof Replacement</b>		
LOCATION:	<b>255 81st Street</b>		
DRAWN BY: JDR	DATE: 8/21/2017	PROJECT NUMBER : 0510-058-2017 SUBDIVISION NAME:	SHT. 1 of 1



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

**DATE: January 8, 2018**

**ITEM:**

Resolution - Ordering Construction  
Veterans Parkway Project A & B Tree Cutting, SE 50th Street to SE Maffitt Lake Road

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the Veterans Parkway Project A & B Tree Cutting from SE 50th Street to SE Maffitt Lake Road is \$272,760.00. Payments will be made from account no. 500.000.000.5250.490 with the ultimate funding intended to come from Osmium Urban Renewal Area TIF.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, January 31, 2018, and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, February 5, 2018. The contract would be awarded on Monday, February 5, 2018, and work will begin shortly thereafter.

This project consists of removal and off-site disposal of trees and brush within the right-of-way and temporary construction easements along the future Veterans Parkway alignment from SE 50th Street to SE Maffitt Lake Road. The project is anticipated to be completed by March 30, 2018.

This agenda item was distributed to the Public Services Subcommittee by e-mail only since there was no meeting.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the Veterans Parkway Project A & B Tree Cutting, SE 50th Street to SE Maffitt Lake Road.
- Fixing 2:00 p.m. on Wednesday, January 31, 2018, as the time and date for project Bid Letting.
- Ordering the City Clerk to publish notice of Letting and Public Hearing.

**Lead Staff Member:** Brian J. Hemesath, P.E., Interim City Engineer *BHM for*

**STAFF REVIEWS**

Department Director	Brian J. Hemesath, P.E., Interim City Engineer
Appropriations/Finance	Tim Stiles, Finance Director <i>[Signature]</i>
Legal	Richard Scieszinski, City Attorney <i>[Signature]</i>
Agenda Acceptance	<i>[Signature]</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
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:

**VETERANS PARKWAY PROJECT A AND B  
TREE CUTTING  
SE 50TH STREET TO SE MAFFITT LAKE ROAD  
Project No. 0510-018-2017**

is hereby ordered to be constructed according to the Plans and Specifications prepared by HR Green, Inc., 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, February 5, 2018, 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 thirteen (13) 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, January 31, 2018.

**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, January 31, 2018, and the results of said bids shall be considered at a meeting of this Council on Monday, February 5, 2018, at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** on this **8th** day of **January, 2018.**

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

ATTEST:

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



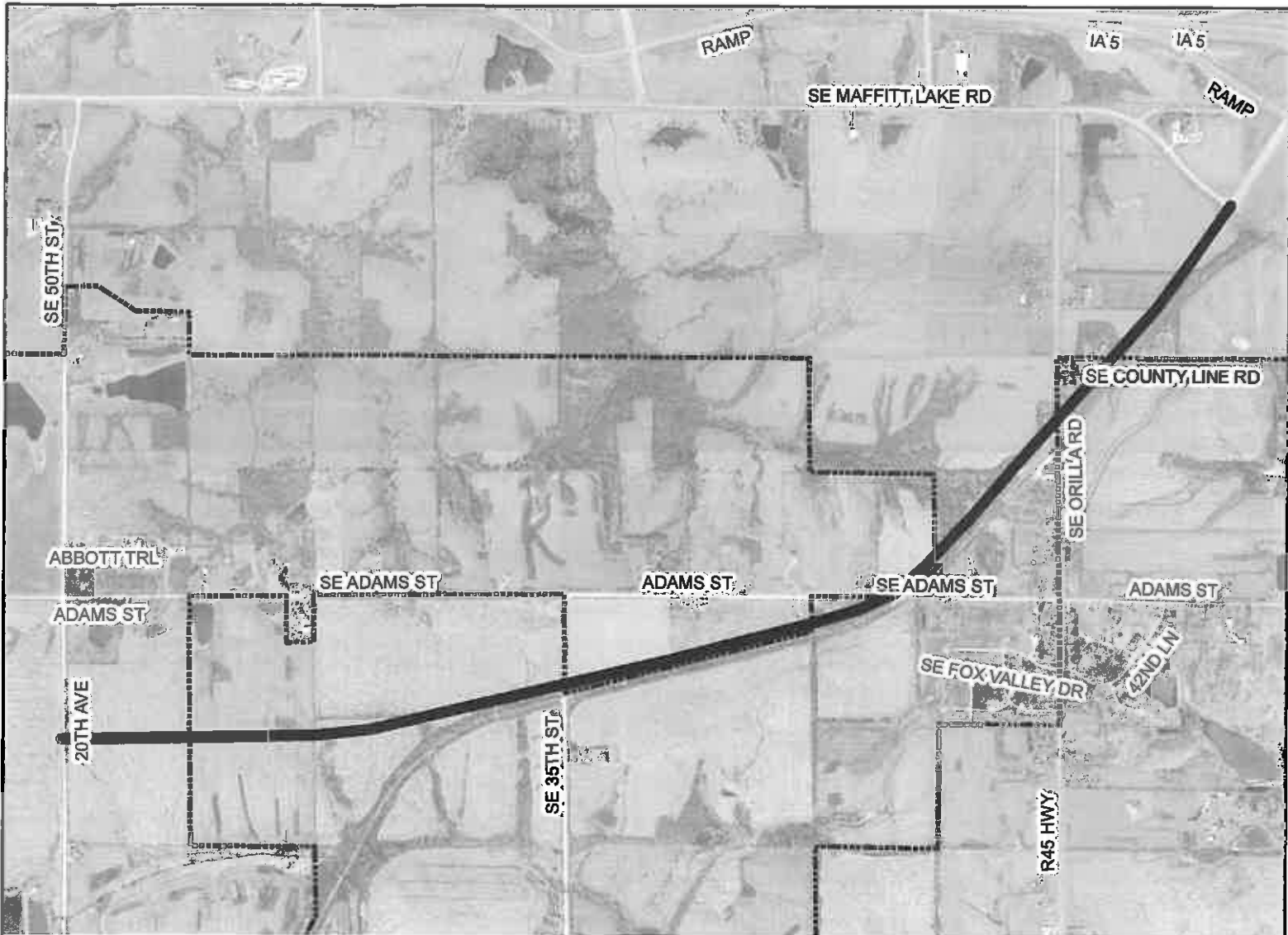
**OPINION OF PROBABLE CONSTRUCTION COST**  
**VETERANS PARKWAY PROJECT A AND B**  
**SE 50TH STREET TO SE MAFFITT LAKE ROAD PROJECT**  
**WEST DES MOINES, IOWA**  
**PROJECT NO. 510-018-2017**



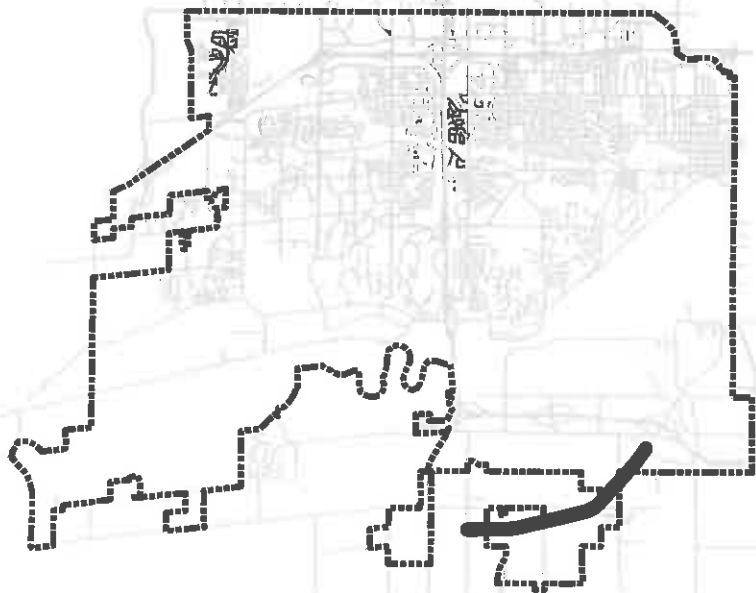
January 3, 2018

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL
1	Construction Survey – Project A	LS	1	\$5,000.00	\$ 5,000.00
2	Construction Survey – Project B	LS	1	5,000.00	\$ 5,000.00
3	Clearing – Project A	LS	1	150,000.00	\$ 150,000.00
4	Clearing – Project B	LS	1	100,000.00	\$ 100,000.00
5	Traffic Control – Project A	LS	1	5,000.00	\$ 5,000.00
6	Traffic Control – Project B	LS	1	5,000.00	\$ 5,000.00
7	Temporary Construction Fence	LF	276	10.00	\$ 2,760.00
<b>Opinion of Probable Construction Cost</b>					<b>\$ 272,760.00</b>

	<p>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.</p> <p><i>David J. Moermond</i> Date: 1-3-2018</p> <p>DAVID J. MOERMOND, P.E.          License No. 12281          My renewal date is December 31, 2019</p>
	<p>Pages or sheets covered by this seal:  <u>Opinion of Probable Construction Cost</u></p>



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT:

**Osmium Tree Cutting**

LOCATION:

**Exhibit "A"**

DRAWN BY: JDR

DATE: 1/4/2018

PROJECT NUMBER/NAME: 0510-018-2017

SHT. 1 of 1

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

**DATE: January 8, 2018**

**ITEM:**

Resolution - Accepting Work  
2016 Sewer Rehabilitation Program

**FINANCIAL IMPACT:**

The total construction cost for the 2016 Sewer Rehabilitation Program was \$389,365.00 which was paid from account no. 640.000.000.5250.490 with the ultimate funding intended to come from Sewer Fee Revenues. The original cost of the project was \$389,365.00. There were zero (0) Change Orders on the project.

**BACKGROUND:**

Insituform Technologies USA was working under an agreement dated February 21, 2017 for construction services for the 2016 Sewer Rehabilitation Program. Work on this project included rehabilitation of existing portions of West Des Moines' sanitary sewer system. Previous inspections of these sewers with closed circuit television revealed defects at several locations.

This action accepts the public improvements and authorizes staff to pay the retainage no sooner than 30 days.

This agenda item was distributed to the Public Services Subcommittee by e-mail only since there was no meeting.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Accepting Work for 2016 Sewer Rehabilitation Program.

**Lead Staff Member: Brian J. Hemesath, P.E., Interim City Engineer** *JBW*

**STAFF REVIEWS**

Department Director	Brian J. Hemesath, P.E., Interim City Engineer
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	Richard Scieszinski, City Attorney <i>JBW</i>
Agenda Acceptance	<i>JA</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

## RESOLUTION ACCEPTING WORK

**WHEREAS**, on February 21, 2017, the City Council entered into a contract with Insituform Technologies USA of Chesterfield, MO, for the following described public improvement:

**2016 Sewer Rehabilitation Program  
Project No. 0510-002-2016**

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 January 8, 2018; and,

**WHEREAS**, the City has retained 5% of the construction costs;

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 \$389,365.00 as shown in said report, and that the Finance Director is hereby authorized to make payment to the Contractor in the amount of \$19,468.25, which includes retainage for the project, no sooner than 30 days subject to the Contractor satisfying all the conditions of the contract.

**PASSED AND APPROVED** on this **8th** day of **January, 2018**.

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

ATTEST:

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



Contractor: **Insituform Technologies USA**  
**1614 NE 83rd Street**  
**Kansas City, MO 64118**

Project Title	2016 Sewer Rehabilitation Program	
WDM Project File Number	0510-002-2016	
Purchase Order Number	2017-0000494	
Orig. Contract Amount & Date	\$389,365.00	02/22/17
Estimated Completion Date	08/11/17	
Pay Period	8/11/17 to 1/22/18	
Pay Request Number	Retainage	
Date	01/22/18	

BID ITEMS							
Item No.	Description	Unit	Est. Qty	Unit Price	Extended Price	Quantity Completed	Value Completed
1.1	15" CIPP Sewer Lining	LF	860.0	\$66.00	\$56,760.00	860.00	\$56,760.00
1.2	24" CIPP Sewer Lining	LF	1,291.0	\$105.00	\$135,555.00	1,291.00	\$135,555.00
1.3	36" CIPP Sewer Lining	LF	1,126.0	\$175.00	\$197,050.00	1,126.00	\$197,050.00
<b>TOTAL</b>					<b>\$389,365.00</b>		<b>\$389,365.00</b>

MATERIALS STORED SUMMARY			
Description	# of Units	Unit Price	Extended Cost
None			\$0.00
<b>TOTAL</b>			<b>\$0.00</b>

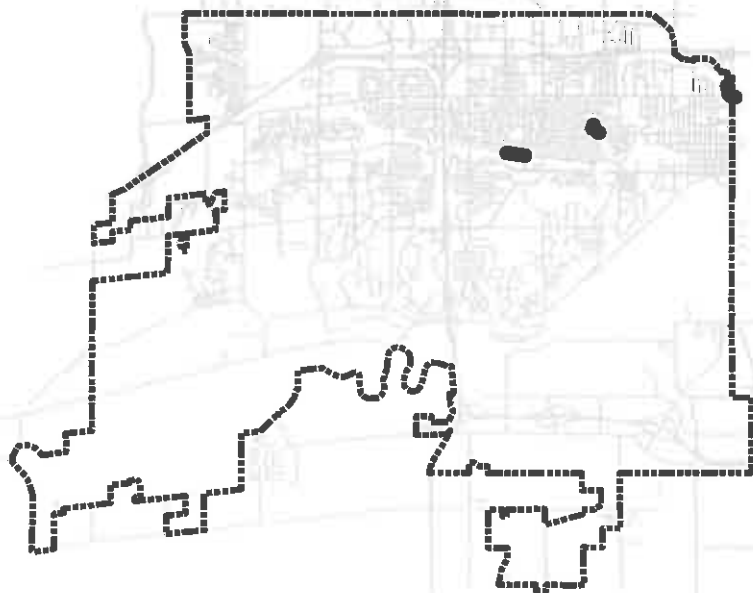
PAY REQUEST SUMMARY		
	Total Approved	Total Completed
Contract Price	\$389,365.00	\$389,365.00
Approved Change Order 1		\$0.00
Approved Change Order 2		\$0.00
Revised Contract Price	\$389,365.00	\$389,365.00
Materials Stored		\$0.00
Retainage (5%)		\$0.00
<b>Total Earned Less Retainage</b>		<b>\$389,365.00</b>
Total Previously Approved (list each)	Pay Request 1	\$128,777.25
	Pay Request 2	\$233,783.80
	Pay Request 3	\$7,335.90
<b>Total Previously Approved</b>		<b>\$369,896.75</b>
<b>Amount Due This Request</b>		<b>\$19,468.25</b>
Percent Complete		100%
Percent of Contract Period Utilized		100%

The amount **\$19,468.25** is recommended for approval for payment in accordance with the terms of the Contract

Contractor: <b>Insituform Technologies USA</b>	Recommended By: <b>AECOM</b>	Checked By: <b>City of West Des Moines</b>
Signature: <b>Name: Brian Smith</b>	Signature: <b>Name: Todd L. Ailyn, P.E.</b>	Signature: <b>Name: Brian J. Hemesath, P.E.</b>
Title: <b>Senior Project Manager</b>	Title: <b>Project Manager</b>	Title: <b>Interim City Engineer</b>
Date:	Date:	Date:



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION 



PROJECT:

**2016 Sewer Rehabilitation Program**

LOCATION:

**Various Locations**

DRAWN BY: JDR

DATE: 1/10/2017

PROJECT: 0510-002-2016

SHT. 1 of 1



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

**DATE: January 8, 2018**

**ITEM:**

Resolution - Accepting Work  
SE 35th Street Bridge Replacement

**FINANCIAL IMPACT:**

The total construction cost for the SE 35th Street Bridge Replacement was \$301,303.64 which was paid from account no. 500.000.000.5250.490 with the ultimate funding intended to come from General Obligation Bonds. The original cost of the project was \$299,446.96. There was one (1) Change Order on the project that totaled \$1,856.68.

**BACKGROUND:**

Gus Construction was working under an agreement dated August 22, 2016 for construction services for the SE 35th Street Bridge Replacement. Work on this project includes replacing an existing 31'x 20' steel I-beam bridge having high timber abutments and timber bridge deck with a 12'x10'x80' reinforced concrete box culvert. Work also included culvert construction, roadway grading, minor channel shaping, and placement of rip-rap.

This action accepts the public improvements and authorizes staff to pay the retainage no sooner than 30 days.

This agenda item was distributed to the Public Services Subcommittee by e-mail only since there was no meeting.

**OUTSTANDING ISSUES:**

None.


**RECOMMENDATION:**

City Council Adopt:

- Resolution Accepting Work for SE 35th Street Bridge Replacement.

**Lead Staff Member:** Brian J. Hemesath, P.E., Interim City Engineer <sup>BOM</sup> <sub>for</sub>

**STAFF REVIEWS**

Department Director	Brian J. Hemesath, P.E., Interim City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**RESOLUTION ACCEPTING WORK**

**WHEREAS**, on August 22, 2016, the City Council entered into a contract with Gus Construction of Casey, Iowa, for the following described public improvement:

**SE 35th Street Bridge Replacement  
Project No. 0510-064-2014**

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 January 8, 2018; and,

**WHEREAS**, the City has retained 5% of the construction costs;

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 \$301,303.64 as shown in said report, and that the Finance Director is hereby authorized to make payment to the Contractor in the amount of \$15,065.18, which includes retainage for the project, no sooner than 30 days subject to the Contractor satisfying all the conditions of the contract.

**PASSED AND APPROVED** on this **8th** day of **January, 2018**.

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

ATTEST:

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



Department of Engineering Services  
 4200 Mills Civic Pkwy, Ste 2D, PO Box 65320  
 West Des Moines, IA 50265-0320  
 (515) 222-3620 Fax (515) 273-0602

**RETAINAGE**

Contractor: **Ges Construction Co., Inc.**  
 1491 340th St.  
 Adair, IA 50002


Project Title	SE. 35th Street over Middle Creek Bridge Replacement	
WDM Project File Number	0510-064-2014	
Purchase Order Number	2017-00000150	
Orig. Contract Amount & Date	\$299,446.96	08/22/16
Estimated Completion Date	06/30/17	
Pay Period	5/12/17 to 1/3/18	
Pay Request Number	Retainage	
Date	02/05/18	

BID ITEMS							
Item No.	Description	Unit	Est. Qty	Unit Price	Extended Price	Quantity Completed	Value Completed
1	CLEARING AND GRUBBING	ACRE	0.60	\$30,000.00	\$18,000.00	0.63	\$18,900.00
2	EMBANKMENT-IN-PLACE	CY	1,669.00	\$18.00	\$30,042.00	1,669.00	\$30,042.00
3	EXCAVATION, CLASS 10, ROADWAY AND BORROW	CY	568	\$12.00	\$6,816.00	568.00	\$6,816.00
4	EXCAVATION, CLASS 10, CHANNEL	CY	135.00	\$11.00	\$1,485.00	135.00	\$1,485.00
5	TOPSOIL, STRIP, SALVAGE AND SPREAD	CY	410.00	\$5.00	\$2,050.00	410.00	\$2,050.00
6	SUBGRADE STABILIZATION MATERIAL, POLYMER GRID	SY	260	\$2.00	\$520.00	260.00	\$520.00
7	GRANULAR SURFACING ON ROAD, CLASS A CRUSHED STONE	TON	150.00	\$45.00	\$6,750.00	175.72	\$7,907.40
8	REMOVAL OF EXISTING BRIDGE	LS	1.00	\$5,500.00	\$5,500.00	1.00	\$5,500.00
9	FLOODED BACKFILL	CY	46	\$75.00	\$3,450.00	46.00	\$3,450.00
10	COMPACTION WITH MOISTURE CONTROL (STRUCTURES)	CY	1,380.00	\$4.00	\$5,520.00	1,380.00	\$5,520.00
11	EXCAVATION, CLASS 20	CY	1,140	\$18.00	\$20,520.00	1,140.00	\$20,520.00
12	FOUNDATION TREATMENT MATERIAL	TON	170.00	\$38.00	\$6,460.00	185.20	\$7,037.60
13	STRUCTURAL CONCRETE (RCB CULVERT)	CY	219.20	\$444.00	\$97,324.80	219.20	\$97,324.80
14	REINFORCING STEEL	LB	38256	\$1.11	\$42,464.16	38,232.00	\$42,437.52
15	TEMPORARY STREAM DIVERSION	EACH	1	\$4,000.00	\$4,000.00	1.00	\$4,000.00
16	ENGINEERING FABRIC	SY	450	\$2.00	\$900.00	450.00	\$900.00
17	REVTMENT, CLASS E	TON	320	\$52.00	\$16,640.00	336.91	\$17,519.32
18	SAFETY CLOSURE	EACH	2.00	\$500.00	\$1,000.00	2.00	\$1,000.00
19	FENCE, FIELD	LF	500.00	\$12.00	\$6,000.00	500.00	\$6,000.00
20	FIELD FENCE BRACE PANELS	EACH	14	\$300.00	\$4,200.00	11.00	\$3,300.00
21	CONSTRUCTION SURVEY	LS	1	\$4,500.00	\$4,500.00	1.00	\$4,500.00
22	TRAFFIC CONTROL	LS	1	\$3,500.00	\$3,500.00	1.00	\$3,500.00
23	(SWPPP) PREPARATION	LS	1	\$550.00	\$550.00	1.00	\$550.00
24	(SWPPP) MANAGEMENT	LS	1	\$3,500.00	\$3,500.00	1.00	\$3,500.00
25	MULCHING	ACRE	1.6	\$750.00	\$1,200.00	0.80	\$600.00
26	SEEDING AND FERTILIZING (RURAL)	ACRE	0.8	\$3,500.00	\$2,800.00	0.80	\$2,800.00
27	STABILIZING CROP - SEEDING AND FERTILIZING	ACRE	0.8	\$2,500.00	\$2,000.00		\$0.00
28	SILT FENCE	LF	120	\$3.00	\$360.00	533.00	\$1,599.00
29	SILT FENCE FOR DITCH CHECKS	LF	155	\$4.00	\$620.00		\$0.00
30	MAINTENANCE OF SILT FENCE OR SILT FENCE FOR DITCH	LF	275	\$0.20	\$55.00		\$0.00
31	PERIMETER AND SLOPE SEDIMENT CONTROL DEVICE, 12 IN.	LF	240.00	\$3.00	\$720.00	675.00	\$2,025.00
					<b>\$299,446.96</b>		<b>\$301,303.64</b>

MATERIALS STORED SUMMARY						
			Description	# of Units	Unit Price	Extended Cost
						\$0.00
						\$0.00
					TOTAL	\$0.00

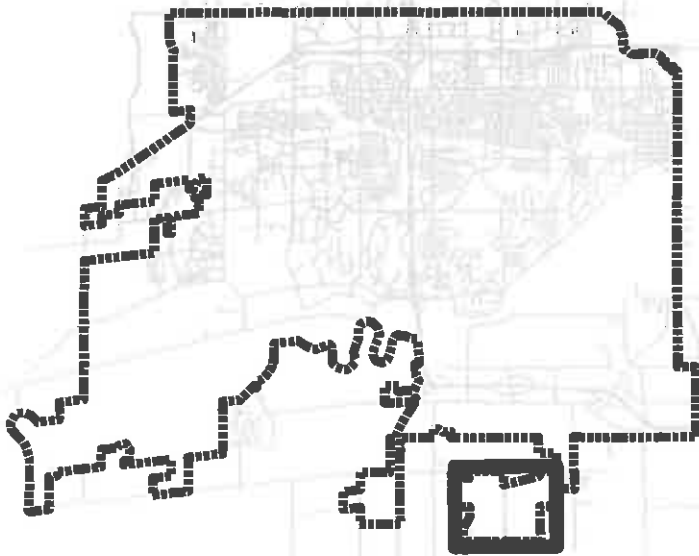
PAY REQUEST SUMMARY			
		Total Approved	Total Completed
Contract Price		\$299,446.96	\$301,303.64
Approved Change Order 1		\$1,856.68	
Approved Change Order 2			\$0.00
Revised Contract Price		\$301,303.64	\$301,303.64
Materials Stored			\$0.00
Retainage (5%)			\$0.00
Total Earned Less Retainage			\$301,303.64
Total Previously Approved (list each)	Pay Request 1	\$40,410.09	
	Pay Request 2	\$234,200.04	
	Pay Request 3	\$11,628.33	
	Pay Request 4		
	Pay Request 5		
	Pay Request 6		
Total Previously Approved			\$286,238.46
Amount Due This Request			<b>\$15,065.18</b>
Percent Complete			100%
Percent of Contract Period Utilized			100%

The amount **\$15,065.18** is recommended for approval for payment in accordance with the terms of the Contract

Contractor:	Recommended By:	Checked By: 
Gus Construction Co., Inc.	Calhoun-Burns and Associates	City of West Des Moines
Signature	Signature	Signature:
Name	Name: Jeff M. Feiden, P.E.	Name: Brian J. Hemesath, P.E.
Title	Title: Project Engineer	Title: Interim City Engineer
Date	Date:	Date:



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT: **South 35th Street Bridge Replacement (0510-064-2014)**

LOCATION: **South 35th Street - Adams Street to Corporate Limits**

DRAWN BY: JDR

DATE: 8-12-2016

SHT. 1 of 1

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

DATE: January 8, 2018

**ITEM:**

Resolution – Approving Proposal from MidAmerican Energy Company for Underground Electric Service Extension  
Walnut Creek Outfall Pump Station

**FINANCIAL IMPACT:**

The cost of this work is estimated to be \$18,574.15 for underground electric service extension to accommodate the proposed Walnut Creek Outfall Stormwater Pump Station. The actual costs may vary from estimates and will be determined at the time of construction. These improvements can be paid from account no. 660.000.000.5250.490.

**BACKGROUND:**

The City will be constructing the new Walnut Creek Outfall Stormwater Pump Station in 2018. The Walnut Creek Outfall Stormwater Pump Station will be located on the east side of Highway 28 just south of Grand Avenue within the City of Des Moines corporate limits. The stormwater pump station is necessary to accommodate the Walnut Creek Outfall project serving the Val-Gate Business District and remainder of the Northeast Basin. The extension of a new underground electric service by MidAmerican Energy is needed in conjunction with this project.

This agenda item was distributed to the Public Services Subcommittee by e-mail only since there was no meeting.

**OUTSTANDING ISSUES:**      None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Approving Proposal from MidAmerican Energy Company for Underground Electric Service Extension for the Walnut Creek Outfall Pump Station

Lead Staff Member: Brian J. Hemesath, P.E., Interim City Engineer *Bom for*

**STAFF REVIEWS**

Department Director	Brian J. Hemesath, P.E., Interim City Engineer
Appropriations/Finance	Tim Stiles, Finance Director <i>[Signature]</i>
Legal	Richard J. Scieszinski, City Attorney <i>JBW</i>
Agenda Acceptance	<i>KA</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**RESOLUTION APPROVING PROPOSAL**

**WHEREAS**, the City Council of the City of West Des Moines has heretofore directed the extension of underground electric service for the following described public improvement:

**Walnut Creek Outfall Pump Station  
Project No. 0510-009-2013**

**WHEREAS**, a proposal has been received from MidAmerican Energy Company, a franchised utility, to perform said work; and,

**WHEREAS**, the estimated costs for said work is \$18,574.15;

therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that the proposal from MidAmerican Energy Company be accepted and approved.

**PASSED AND APPROVED** on this **8th** day of **January, 2018**.

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

ATTEST:

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



MidAmerican Energy  
10510 Douglas Ave,  
Urbandale, IA 50322

12/13/2017

City of West Des Moines  
ATTN: Jason Schlickbernd  
[Jason.Schlickbernd@wdm.iowa.gov](mailto:Jason.Schlickbernd@wdm.iowa.gov)

Reference: Electric underground service to serve a 2500kVA, 277/480V 3 Phase Transformer on 63<sup>rd</sup> St in West Des Moines, IA – WMIS 2654439

Dear Mr. Schlickbernd:

We are pleased to submit two (2) copies of the Refundable Advance for Construction Underground Electric Service Extension Proposal for Speculative Use for the above project. This proposal is valid for 90 days and if MidAmerican Energy construction has not commenced within 12 months it may be voided.

Please sign and return all two (2) copies of the proposal as soon as you are ready to commit to the work. You may withhold payment until 30 days before MidAmerican Energy Company is ready to start the work. In the meantime, please keep me informed of your schedule. After we have received your payment, we will sign and return a copy of the proposal for your records.

If you have any questions, please call me at (515) 252-6565.

Sincerely,  
MidAmerican Energy Company

A handwritten signature in black ink that reads "Dustin Wedlund". The signature is written in a cursive style with a large, looped "D" and "W".

Dustin Wedlund  
Customer Technician





MidAmerican Energy  
10510 Douglas Ave,  
Urbandale, IA 50322

## MIDAMERICAN ENERGY COMPANY

### REFUNDABLE ADVANCE FOR CONSTRUCTION UNDERGROUND ELECTRIC SERVICE EXTENSION PROPOSAL FOR SPECULATIVE USE

MidAmerican Energy Company, an Iowa corporation and the City of West Des Moines ("Applicant"), agree as follows:

1. MidAmerican Energy Company will extend its electric lines underground to serve a 2500kVA, 277/480V 3 Phase Transformer for the Walnut Creek Pump Station on 63<sup>rd</sup> St in West Des Moines, IA as shown on the attached drawings.
2. MidAmerican Energy Company will furnish the necessary labor and materials required to fulfill its undertaking, as specified above, and will commence such work as soon as reasonable and practicable after the execution of this Proposal and receipt of Applicant's cash deposit indicated below, and will prosecute such work to completion with reasonable diligence.
3. In consideration of the receipt of a payment in the amount of \$18,574.15 which is a refundable Advance for Construction, MidAmerican Energy Company agrees to construct necessary electric facilities as set forth above. Please submit payment with Applicant's signed acceptance of this Proposal. If MidAmerican Energy Company is caused by Applicant to work during the winter construction season, Applicant agrees to pay in cash an additional sum of \$4.84 per trench foot as a refundable Advance for Construction for all required trenching.
4. The Advance for Construction shall be subject to refund by MidAmerican Energy Company to Applicant based upon the following terms and conditions:
  - a. Advances shall not accrue interest and shall be subject to refund from the date of original advance payment. This will span a six-year period at the rate of fifty percent (50%) of the annual metered electric service bill of the above Applicant.
  - b. If additional customers are connected to the above described line extension, the above Applicant shall receive refunds equal to three times estimated base revenue for each additional new customer to the extent the base revenue exceeds the additional distribution construction costs incurred by MidAmerican Energy Company. Base revenue shall be estimated annual kilowatt hours based on similarly situated customers, less the cost of fuel.

- c. Refunds shall be made on the anniversary date of the original advance payment or sooner at the option of MidAmerican Energy Company.
  - d. Revenue for un-metered private lighting shall not be included in any refund.
  - e. No refunds shall be made for revenue received after six (6) years from the date of the original advance payment.
  - f. Never shall the total of refunds exceed the refundable portion of the payment stated above.
  - g. No refunds shall be made for customers served from a further extension of the above described electric line extension.
5. Except as may hereinafter be provided, MidAmerican Energy Company shall:
- a. Not tamp the backfill. Applicant agrees to indemnify and hold MidAmerican Energy Company harmless from any and all damages that may result from the non-tamping of backfill operations conducted by MidAmerican Energy Company. In case any action is brought against MidAmerican Energy Company, or any of its agents or employees, relative to such backfill operations, the Applicant shall assume full responsibility for the defense thereof. Upon failure to do so on proper notice, MidAmerican Energy Company reserves the right to defend such action and charge all costs to the Applicant provided, however, that nothing herein shall be construed as an assumption of liability by the Applicant for damages and claims attributable to MidAmerican Energy Company negligence.
6. Applicant shall provide, without cost to MidAmerican Energy Company, such easements as are necessary and incidental to such installation and use of MidAmerican Energy's facilities on private property within the area served. If a 3<sup>rd</sup> party easement is required any cost associated in obtaining the easement will be paid by the applicant.
7. Applicant shall be responsible for complying with all aspects of compliance as required by any local, state, or federal permit or plan associated with storm water pollution prevention or erosion control. It is specifically understood and agreed that MidAmerican Energy Company is providing the service requested by the Applicant solely for the Applicant. MidAmerican Energy Company will not become or agree to become a co-permittee or operator for the purpose of applicants' compliance with any local, state or federal permit or plan associated with storm water pollution prevention or erosion control.

8. Applicant shall be responsible for locating and marking all privately owned systems such as water services, culverts, irrigation systems, drain pipes, septic lines, and underground wiring before MidAmerican Energy Company's construction.
9. It is specifically understood and agreed that any distribution systems, or other facilities constructed or installed by MidAmerican Energy Company under terms of this Proposal shall remain the sole property of MidAmerican Energy Company and MidAmerican Energy Company shall determine, as its own judgment indicates, the manner and method of utilization thereof and to extend the same or connect other facilities there to and serve other customers there from as it shall see fit, subject only to such obligations as MidAmerican Energy Company shall have assumed in this Proposal; and no other person shall have any right, title, interest or claim, in or to the said distribution system or other facilities by virtue of any provision of this Proposal.
10. Applicant shall furnish, install, own and maintain all 4-inch ducts as shown on attached prints. All ducts shall be black w/red stripe or grey in color, PVC type schedule 40 or schedule 40 HDPE coil-able. Applicant shall install ducts a minimum of forty-two (42) inches and a maximum of forty-eight (48) inches below finish grade with capped and staked ends and equipped with pull wires. MidAmerican Energy Company will provide marker balls for the duct ends. These are available at MidAmerican Energy Company's storeroom. Applicant is responsible for correct placement and depth of conduit. **Note: No more than ten (10) conduits allowed within the secondary compartment of the transformer pad.**

Proposed this 13<sup>th</sup> day of December, 2017.

MIDAMERICAN ENERGY COMPANY

By: \_\_\_\_\_

Title: \_\_\_\_\_

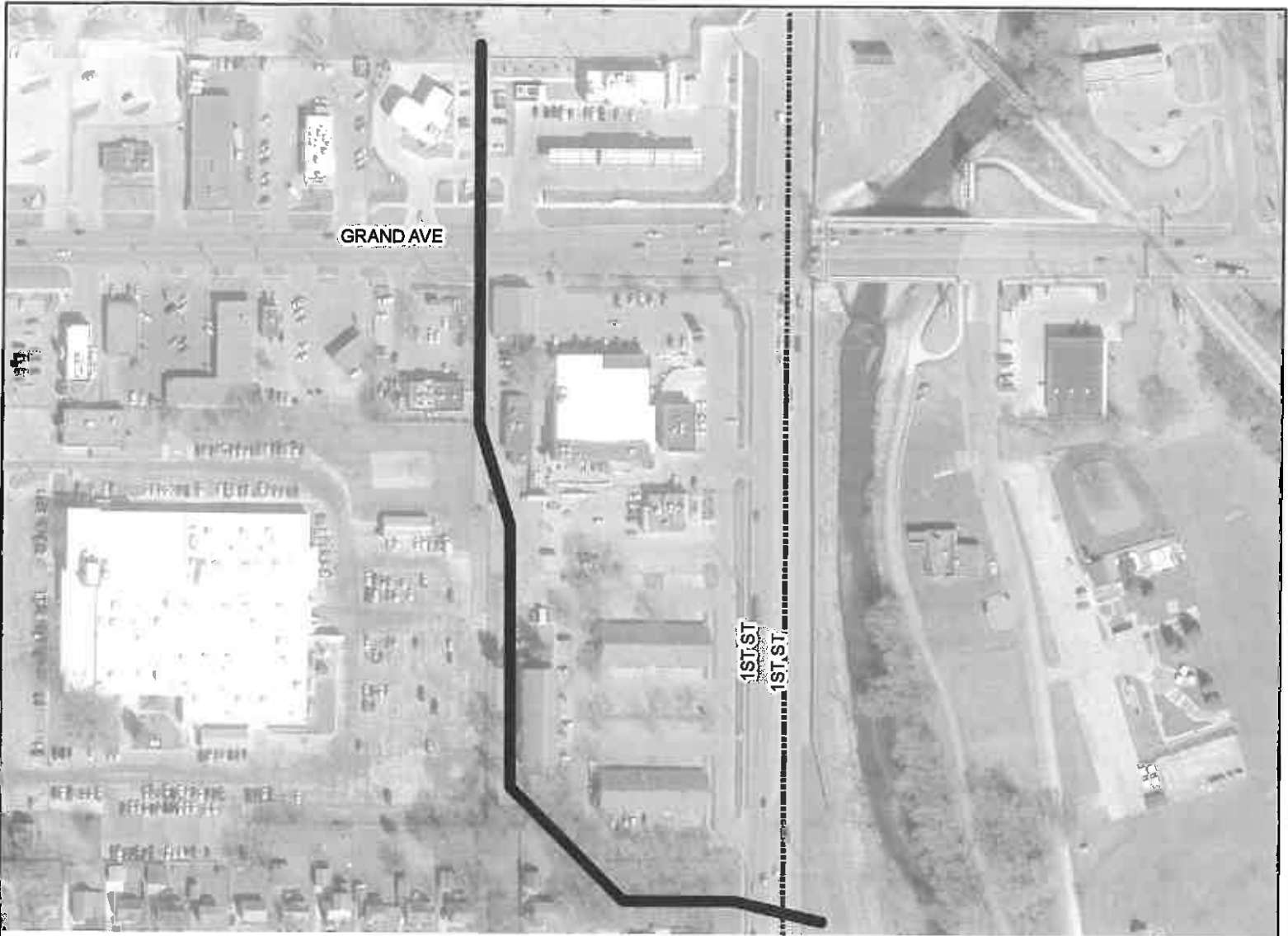
Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPLICANT:

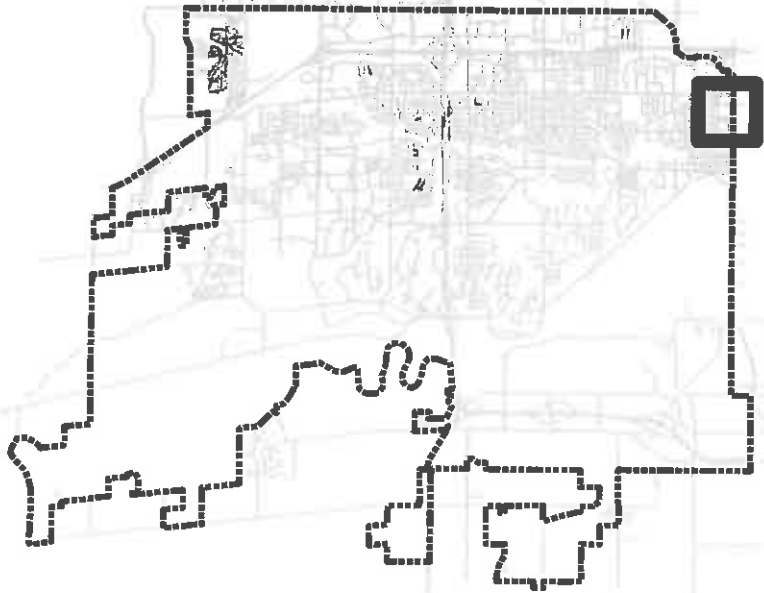
By: \_\_\_\_\_

Title: \_\_\_\_\_





**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT:	<b>Walnut Creek Outfall Storm Sewer</b>		
LOCATION:	<b>'Exhibit A'</b>		
DRAWN BY: JDR	DATE: 5/30/2017	PROJECT NUMBER: 0510-009-2013 SUBDIVISION NAME:	SHT. 1 of 1

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

**DATE: January 8, 2018**

**ITEM:** The Parkways, Northwest corner S. Jordan Creek Parkway and Mills Civic Parkway - Approval and Acceptance of Storm Water Management Facility Maintenance Agreement – Hurd Parkway, LLC – FP-003566-2017

**Resolution: Approval and Acceptance of Storm Water Management Facility Maintenance Agreement**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** On August 21, 2017, the Parkways Final Plat was approved for the northwest corner of S. Jordan Creek Parkway and Mills Civic Parkway which created 5 lots, 4 street lots and 2 outlots. The final plat identified five (5) storm water detention areas on the Parkways property. Separate Storm Water Management Facility Maintenance Agreements will be prepared for each portion of the property that feeds to a specific storm water detention area. The Storm Water Management Facility Maintenance Agreement (SWMFMA) being accepted at this meeting applies to Lots 4 and 5 within the Parkways final plat. This SWMFMA applies to the Hy-Vee development on Lot 5 and the larger Lot 4 property to the west and south. On December 22, 2017, an Overlay District Site Plan was approved administratively to construct an approximately 18,000 square foot Hy-Vee HealthMarket store and related site improvements for that property located at 375 S. Jordan Creek Parkway within the Parkways development.

Exhibit II is a copy of the agreement. For policy purposes, formal acceptance by the City Council of this agreement 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 Storm Water Management Facility Maintenance Agreement, granted to the City as part of the approval of The Parkways Final Plat and the Overlay District Site Plan for construction of a building at 375 S. Jordan Creek Parkway.

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

**STAFF REVIEWS**

Department Director	<i>JA</i>
Appropriations/Finance	
Legal	<i>JP</i>
Agenda Acceptance	<i>JP</i>

**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 - Storm Water Management Facility Maintenance Agreement

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

**RESOLUTION**

**A RESOLUTION APPROVING AND ACCEPTING A STORM WATER MANAGEMENT FACILITY MAINTENANCE AGREEMENT RELATED TO A FINAL PLAT AND OVERLAY DISTRICT SITE PLAN APPROVAL GRANTED TO CONSTRUCT A RETAIL STORE AT 375 S. JORDAN CREEK PARKWAY**

**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 document has been presented to the City for approval and acceptance; and

Storm Water Management Facility Maintenance Agreement for that property  
locally known as 375 S. Jordan Creek Parkway and legally described as:

LOTS 4 AND 5, THE PARKWAYS, 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 document.

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

**PASSED AND ADOPTED** this 8<sup>th</sup> day of January, 2018.

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

ATTEST:

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

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Prepared by: Timothy C. Hogan, Hogan Law Office, 3101 Ingersoll Ave., Suite 103, Des Moines, IA 50312  
515-279-9059

Return to: City Clerk, City of West Des Moines, 4200 Mills Civic Parkway, West Des Moines, IA 50265

**STORM WATER MANAGEMENT FACILITY MAINTENANCE COVENANT  
AND PERMANENT EASEMENT AGREEMENT  
FOR THE PARKWAYS**

**THIS STORM WATER MANAGEMENT FACILITY MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT** (this "Agreement") is entered into between **HURD PARKWAY, LLC**, an Iowa limited company ("Grantor"), and the **CITY OF WEST DES MOINES, IOWA**, an Iowa municipality (the "City") in consideration for the approval by the City of the final plat for The Parkways.

Grantor is obligated by the Municipal Code of the City of West Des Moines, Iowa to control storm water runoff for the proposed development as a part of the final plat approval process. In consideration for the City's approval of Grantor's final plat, the parties enter into this Agreement to control and address storm water runoff for the following described property (collectively the "Benefited Property" and each individually a "Lot"):

Lots 4 and 5 in The Parkways, an Official Plat in the City of West Des Moines,  
Dallas County, Iowa.

**PART I – COVENANTS ON THE BENEFITED PROPERTY**

The following provisions are covenants running with the land to the City, binding on all successors and assigns of the Benefited Property and shall only be amended or released with the written permission of the City.

1. Grantor hereby agrees that the storm water runoff shall be controlled through installation, construction and maintenance of Storm Water Management Facility as detailed in the documents submitted for the final plat upon, over, under, through and across the property described in **Exhibit "A"** (the "Easement Area").
2. Grantor covenants and agrees that the design, construction and maintenance of the Storm Water Management Facility shall be in substantial compliance with the Storm Water Management Plan now



on file with the City and which is available for public inspection. The design, construction and maintenance of the Storm Water Management Facility shall meet the storm water runoff control requirements of the Municipal Code of the City of West Des Moines, Iowa.

3. It is hereby agreed and covenanted that the Benefited Property receives benefit from the Storm Water Management Facility by controlling runoff from the Benefited Property to meet the requirements of the Post-Construction Storm Water Management Ordinance of the Municipal Code of the City of West Des Moines, Iowa and the Subdivision Design requirements of Section 10-3-1 or succeeding legislation of the Municipal Code of the City of West Des Moines, Iowa.

4. It is hereby agreed that Grantor is solely responsible for constructing, installing and ensuring that the Storm Water Management Facility meets the standard set forth in the Post-Construction Storm Water Ordinance and Section 10-3-1 of the Municipal Code of the City of West Des Moines, Iowa.

5. Grantor hereby agrees that Grantor shall initially perform all obligations imposed herein on behalf of the "Owners". All references to "Owners" shall mean Grantor and Grantor's successors and assigns in ownership of the Benefited Property. Every Owner hereby consents and agrees to be subject to the covenants and obligations of this Agreement by virtue of their ownership of a Lot in the Benefited Property.

6. Grantor hereby covenants and agrees that the Owner of Lot 4, and its successors and assigns in ownership (hereinafter the "Lot 4 Owner") is hereby designated and authorized to accept notices and service of process as it relates to the inspection, replacement, reconstruction, repair, grading, and maintenance of the Storm Water Management Facility, Easement Area, or permanent easements or notice of assessment for replacement, reconstruction, repair, grading and maintenance of the Storm Water Management Facility.

7. Grantor hereby agrees and consents on behalf of itself and all successors and assigns of the Benefited Property, that the Lot 4 Owner shall be the responsible party for all maintenance, repair and replacement of the Storm Water Management Facility, including the obligations set forth in Part II, paragraph 12 herein. Grantor and all Owners shall comply with all terms of the Easement set forth in Part II herein.

8. Grantor hereby agrees and consents, on behalf of itself and all successors and assigns of the Benefited Property, that the Lot 4 Owner is designated as the responsible party for inspection of the Storm Water Management Facility on an annual basis, including but not limited to all pipes, inlets and outlets for defects, obstructions or changes in the Storm Water Management Facility from the original design of the Facility. The inspection shall be documented with date stamped photographs of the Storm Water Management Facility. The Lot 4 Owner shall document such inspection by completing the Inspection Report Form available from the City of West Des Moines Public Works Department. Any deficiencies or defects noted by the inspection shall be corrected by the Lot 4 Owner. The inspection photographs and Inspection Report Form shall be made available to the City for review upon request and shall be kept and maintained for a period of five (5) years from the date of inspection.

9. Grantor hereby agrees and consents, on behalf of itself and all successors and assigns of the Benefited Property, that the Lot 4 Owner shall be subject to assessment of the costs of maintaining, reconstructing, repairing or grading the Easement Area and Storm Water Management Facility

established by Grantor pursuant to paragraph 10 below. Grantor, on behalf of itself and all successors and assigns of the Benefited Property, shall execute an Agreement and Waiver in favor of the City to allow the City to recover any costs expended for action taken as set forth in paragraph 10 below, to address the maintenance, reconstruction, repair or grading of the Storm Water Management Facility or Easement Area.

10. Should the Lot 4 Owner fail to maintain, reconstruct, repair or grade such Storm Water Management Facility or the Easement Area upon notice from the City, the City may cause such action to be done and assess the costs against Lot 4 of the Benefited Property. The assessment shall be immediately due and payable to the City pursuant to the terms of the Agreement and Waiver attached hereto as Exhibit "B" and made a part hereof.

## **PART II – EASEMENT FOR STORM WATER MANAGEMENT FACILITY AND SURFACE WATER FLOWAGE**

The following provisions of Part II herein are for a permanent easement over the Easement Area running with the land in favor of the City and the Owners of the Benefited Property.

11. Grantor hereby grants to the Owners and the City a Permanent Surface Water Flowage Easement and Storm Water Management Facility under, over, through and across the Easement Area for the purpose of constructing, reconstructing, repairing, grading and maintaining the Storm Water Management Facility and the surface of the Easement Area in a manner that will permit the free and unobstructed flow of surface water over the Easement Area.

12. It is the obligation of Grantor and, thereafter, the Lot 4 Owner to maintain the Easement Area and Storm Water Management Facility as set forth below:

### **Storm Water Detention and Retention Ponds or Basins:**

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.
- b. Remove all trash, litter, debris or obstructions in the basin in the Easement Area and any inlets or outlets located within the Easement Area.
- c. Plant, maintain and replant as necessary permitted vegetation.
- d. Inspect for any defects, obstructions, or any changes in the original design.
- e. Inspect and determine the depth of the pond or basin on an annual basis.
- f. Remove any accumulated sediment from the outlet structures and remove any sediment which may accumulate greater than 12 inches in ponds or basins and greater than 6 inches in an underground detention basin.
- g. Till the soil at the bottom of the riparian buffer if it does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
- h. All repairs shall conform to the original design.
- i. Maintain the storm water and retention pond or basin to assure the effectiveness for storm water runoff for the Benefited Property.

Grass and Bioretention Swales:

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.
- b. Remove all trash, litter, debris or obstructions in the basin in the Easement Area and any inlets or outlets located within the Easement Area.
- c. No chemicals or substances shall be applied to the Easement Area that shall harm or impair the effectiveness of the swale as a storm water runoff control measure.
- d. Replant vegetation as soon as practicable when any vegetation dies.
- e. Inspect and determine the depth of the swale on an annual basis.
- f. Remove any sediment accumulated greater than 6 inches which may accumulate in the swale.
- g. Till the soil at the bottom of the swale if the grass swale does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
- h. All repairs shall conform to the original design.
- i. Maintain the grass and/or bioretention swale to assure the effectiveness for storm water runoff for the Benefited Property.

Riparian Buffer:

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.
- b. Replant vegetation as soon as practicable when any vegetation dies.
- c. Remove all trash, litter, debris or obstructions in the Easement Area.
- d. Inspect for erosion in the riparian buffer on an annual basis
- e. Inspect and determine the depth of the riparian buffer on an annual basis.
- f. Remove any sediment accumulated greater than 25% of the original design depth.
- g. Till the soil at the bottom of the riparian buffer if it does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
- h. All repairs shall conform to the original design.
- i. Maintain the riparian buffer to assure the effectiveness for storm water runoff for the Benefited Property.

13. No chemicals or any substance shall be applied to the Storm Water Maintenance Facility that shall harm or impair the effectiveness of the Storm Water Maintenance Facility as a storm water runoff control measure.

14. No structure shall be erected over or within the Easement Area without obtaining the prior written approval of the City Engineer.

15. No structure, material, device, thing or matter for which could possibly obstruct or impede the normal flow of surface water over the Easement Area shall be erected or caused to be placed on the Easement Area without obtaining the prior written approval of the City Engineer.

16. No planting of trees and shrubs shall be allowed within the Easement Area (other than planting allowed or required pursuant to the original Storm Water Management Control Plan on file with the City).

17. No change shall be made to the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.

18. The Owners and the City and its agents, contractors, employees and assigns shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described, including, but not limited to, the right to remove any unauthorized plantings or structures placed or erected on the Easement Area and the right to do maintenance, repair, reconstruction and grading.

19. Grantor covenants that the Easement Area or any area appurtenant to or necessary for the operation of the Storm Water Management Facility shall not be sold, transferred, donated or in any other manner conveyed in order to relieve Grantor or the Benefited Property from complying with the requirements of this Agreement.

20. This Agreement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

Grantor does hereby covenant with the City that Grantor holds the real estate described in this Agreement by Title In Fee Simple; that Grantor has good and lawful authority to convey the same; and that Grantor covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever.

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

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement.

Dated July 12, 2017.

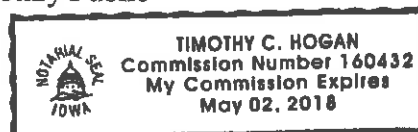
**HURD PARKWAY, LLC,**  
an Iowa limited liability company

By:   
Richard W. Hurd, Manager

STATE OF IOWA, COUNTY OF POLK:

This record was acknowledged before me on July 12, 2017, by Richard W. Hurd, as Manager of Hurd Parkway, LLC.

By:   
Notary Public



**CERTIFICATION BY CITY OF WEST DES MOINES, IOWA**

I, Ryan T. Jacobson, City Clerk of the City of West Des Moines, Iowa, do hereby certify that acquisition of the within and foregoing Permanent Easement was duly authorized and approved by the City Council of the City of West Des Moines by Roll Call No. \_\_\_\_\_, passed on \_\_\_\_\_, and that this certificate is made pursuant to the authority of said City Council.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CITY OF WEST DES MOINES, IOWA

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

**EXHIBIT "A"**  
**EASEMENT AREA**

Private Storm Detention Easement "Q" depicted and shown on Lot 4 of the recorded Final Plat for The Parkways, an Official Plat in the City of West Des Moines, Dallas County, Iowa.

**EXHIBIT "B"**

**AGREEMENT AND WAIVER  
POST CONSTRUCTION STORM WATER MANAGEMENT**

**THIS AGREEMENT** made and entered into by and between the City of West Des Moines, Iowa, hereinafter referenced the CITY, and HURD PARKWAY, LLC, hereinafter the PROPERTY OWNER.

**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 its Comprehensive Plan, adopted in December 1993, as amended, and in accordance with Iowa Code Chapter 354, Platting, Division and Subdivision of Land; and

**WHEREAS**, pursuant to U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR"), the City is required to obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4); and

**WHEREAS**, as a condition of the City's MS4 Permit, the City is obliged to develop, implement, and enforce a program to address storm water runoff from new construction and reconstruction projects for which State NPDES General Permit #2 storm water permit coverage is required; and

**WHEREAS**, the Property Owner, as the developer and/or owner of a construction or reconstruction project in the City of West Des Moines, are subject to the program implemented by the City to address storm water runoff from the project; and

**WHEREAS**, in order to comply with the program implemented by the City, the Property Owner has executed a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement (hereinafter "Agreement") with the City to address the rights and obligations of the parties regarding control of post-construction storm water runoff from the project; and

**WHEREAS**, a provision of the Agreement required the Property Owner to execute this Agreement and Waiver in favor of the City to allow the City to recover any costs expended for action taken by the City, its consultants, contractors and assigns to address the maintenance, reconstruction, repair or grading of the Storm Water Management Facility or Easement Area if the Property Owner or the Property Owner's successors and assigns fail to do so; and

**WHEREAS**, this Agreement and Waiver is made in conjunction with the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement located on:

**SEE EXHIBIT "A" ATTACHED HERETO**

and applies to the Benefited Property described as follows:

Lots 4 and 5 in The Parkways, an Official Plat in the City of West Des Moines,  
Dallas County, Iowa.

**NOW, THEREFORE, BE IT AGREED AMONG THE PARTIES AS FOLLOWS:**

1. In the event the Property Owner or its successors and assigns fail to comply with the requirements of the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement regarding any action necessary for the maintenance, reconstruction, repair or grading of the Storm Water Management Facility or Easement Area, the City shall have the right to cause the above-described actions completed in accordance with such plans and specification as it shall deem appropriate.
2. For the purpose of this Agreement, the City may elect to enter into a contract for the completion of such actions as a part of any contract(s) and assess the cost of such actions to the Property Owner or its successors and assigns pursuant to the formula established in the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement.
3. In consideration for the completion of such actions by the City, the undersigned Property Owner 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 completion of said actions 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 Owner being to authorize and direct said City to complete such actions without requiring any of the formalities or legal proceedings required of cities by the statues of Iowa; and
  - C. Any limitation of the amount of said assessment as a percentage of valuation as provided in the Code of Iowa; and
  - D. Any right to defer or postpone the payment for any such action.
4. It is further agreed that:
  - A. When said actions have been constructed or completed in accordance with the plans and specifications, the City may make assessments against the properties of the undersigned Property Owner, or its successors or assigns, for their pro-rata share of the entire cost of the construction and/or completion of said actions.
  - B. Said assessments shall be due immediately and will be paid to the City of West Des Moines and shall constitute a lien upon the properties hereinafter described. Further, each of the undersigned Property Owner hereby agrees 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 legal formalities provided by law in such cases had been fully and faithfully performed and observed.
5. The amount and proportion of the cost of the actions completed by the City 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 costs are determined and approved by the City Council, they shall constitute the assessments against the properties.
  6. The Property Owner retains the right to request of the City a review of the mathematical calculations made to ensure their accuracy.
  7. The Property Owner hereby authorizes the City Council to pass any Resolution requisite or necessary to order and secure said actions, to provide for the construction of the same and to make the assessments herein provided for, without further notice to said Property Owner or any of them. Any such Resolution may contain recitals that said actions are ordered or made by the Council without petition of Property Owner, without in any way qualifying this Agreement or releasing the Property Owner from its obligation to pay the assessments levied against their property for the cost of said action.
  8. The 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 such liens as are held by lienholders hereinafter listed and designated as signers of the Agreement and Waiver. Each lienholder designated below, by execution of this Agreement and Waiver, consent to the subordination of its lien to the lien of the assessment levied pursuant hereto.
  9. The Property Owner further agrees that the terms of this Agreement and Waiver shall become a covenant which runs with the land of the below-referenced property, and shall be binding upon all successors and assigns. Furthermore, the Property Owner shall give a copy of this Agreement and Waiver to 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 TO BE ASSESSED:**

Lot 4 of The Parkways, an Official Plat in the City of West Des Moines, Dallas County, Iowa.

**PROPERTY OWNER:**

~~HURD PARKWAY, LLC~~

By:   
 Richard W. Hurd, Manager

Witness:   
 Name: Timothy C Hoban


**LIENHOLDERS:**


UNIVERSITY OF IOWA COMMUNITY CREDIT UNION

By:   
Scott Wilson, Sr. Vice President/Commercial Services

Witness:   
Name: Barb Markham

UICCU FINANCIAL, LLC

By:   
Scott Wilson, Secretary/Treasurer

Witness:   
Name: Barb Markham

**EXHIBIT "A"**  
**EASEMENT AREA**

Private Storm Detention Easement "Q" depicted and shown on Lot 4 of the recorded Final Plat for The Parkways, an Official Plat in the City of West Des Moines, Dallas County, Iowa.

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

**ITEM:** Amendment of Eligible Area for the Property Tax Rebate Program      **DATE:** January 8, 2018

**RESOLUTION:** Approval of Finance and Administration City Council Subcommittee's recommendations for amendment of the Property Tax Rebate Program eligible area

**FINANCIAL IMPACT:** No financial impact anticipated at this time.

**SYNOPSIS:** The Property Tax Rebate Program, originally adopted by City Council on September 6, 2016 and amended on December 12, 2016 and June 26, 2017, is a program to assist in the redevelopment of commercial property in the City. This pilot program would provide a five-year, 100% rebate of the incremental increase in property taxes on a property if the owner of the property would expend a minimum of \$500,000 on building upgrades/construction. The program also requires the creation/retention of a minimum of five (5) full-time equivalency jobs.

On October 31, 2016, Knapp Properties, submitted a request with the City to consider adding additional eligible areas to the program. The Subcommittee at that time chose to not amend the map of eligible areas.

After experiencing significant success with the program and several potential redevelopment projects that are in process, staff is proposing that the area identified in red as depicted in Exhibit I be added to the areas eligible for funding through this program. Generally, the area is bounded by University Avenue on the north, I-35/80 on the east, I-80 on the south, and Jordan Creek Parkway on the west. The entire area is currently within the Westown V Urban Renewal Plan. It should also be pointed out that the Program is set to expire on December 31, 2018.

The Finance & Administration Subcommittee has reviewed this amendment and submitted a recommendation to amend the eligibility area to include the area generally bounded by University Avenue on the north, I-35/80 on the east, I-80 on the south, and Jordan Creek Parkway on the west as depicted on Exhibit I.

**RECOMMENDATION:** That the City Council approve the recommendations of the F&A City Council Subcommittee and the eligible area amendment.

**Lead Staff Member:** Katie Hernandez, Business Development Coordinator, Community & Economic Development KH

**STAFF REVIEWS**

Department Director	Clyde E. Evans, Community and Economic Development Director <i>CEE</i>
Appropriations/Finance	
Legal	<i>JBW</i>
Agenda Acceptance	<i>(kw)</i>

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

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

**SUBCOMMITTEE REVIEW (if applicable)**

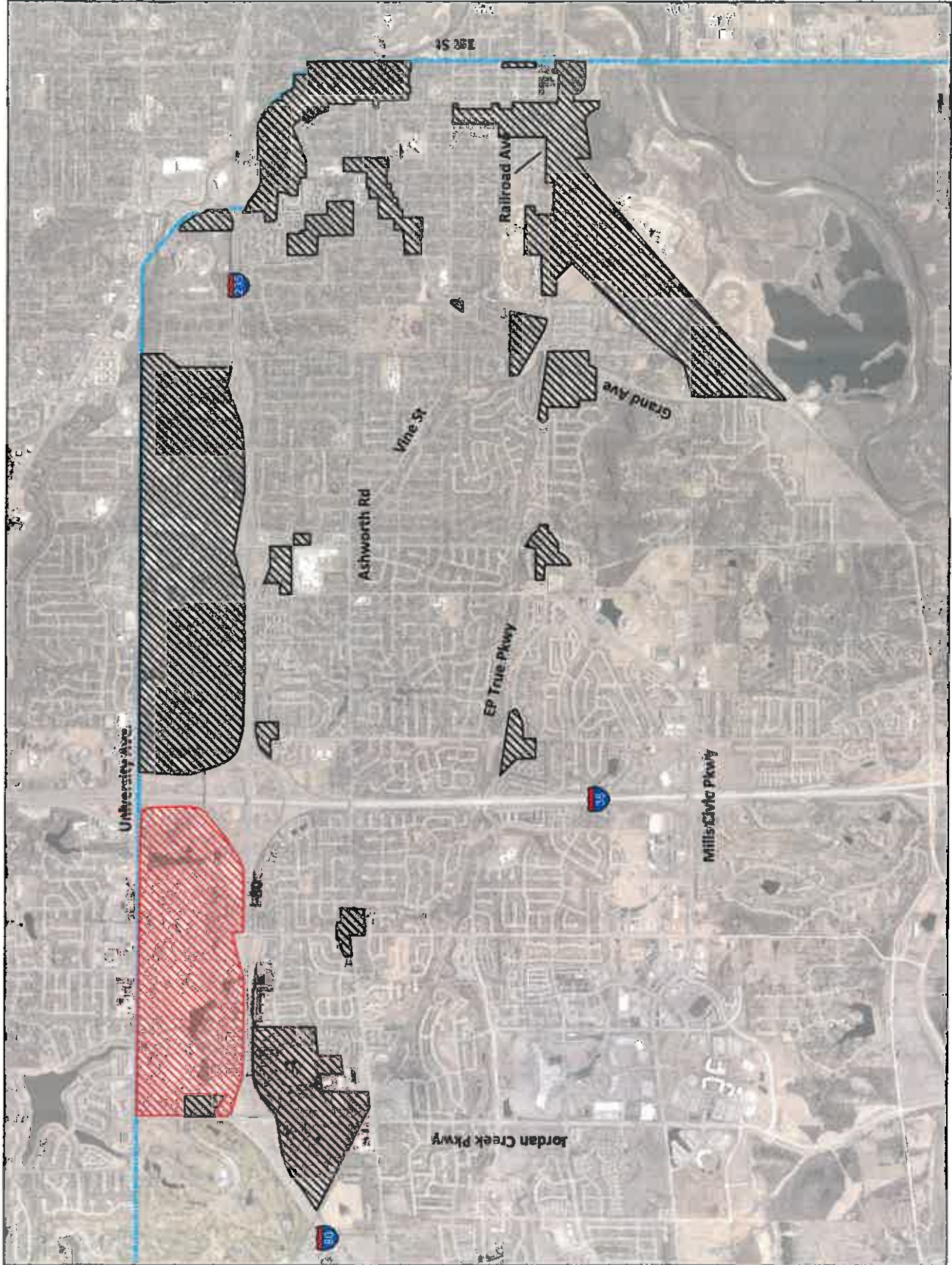
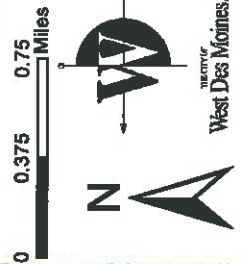
Committee	F&A		
Date Reviewed	December 13, 2017		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**Attachments:**

Exhibit I                      Proposed Map Amendment  
 Exhibit II                     Proposed Resolution

EXHIBIT I

- Corporate Limit
- Eligible Area
- Proposed Amendment Area



Prepared by: Clyde Evans, Community & Economic Development, PO Box 65320, W.D.M., IA 50265-0320, 515-273-0770  
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA AMENDING THE ECONOMIC INCENTIVE POLICY FOR REDEVELOPMENT IN CERTAIN AREAS OF THE CITY**

**WHEREAS**, the City Council of the City of West Des Moines, Iowa wishes to promote economic development within the City of West Des Moines;

**WHEREAS**, the continued quality growth of retail/office/mixed use/industrial users within the City aids in the creation of jobs; increase in tax base; and the general economic well-being of the City;

**WHEREAS**, the City Council has the opportunity to influence the location and/or expansion decision of the owners of property in certain older areas of the City;

**WHEREAS**, it was necessary to make amendments to the program to make the program more viable;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES ENACT THE FOLLOWING AMENDMENT OF THE ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE PROPERTY TAX REBATE PROGRAM:**

The City of West Des Moines City Council may, at its sole discretion, offer the incentive to those companies wishing to initiate, relocate, or retain their businesses in the City of West Des Moines. The City Council is in no way obligated to offer this incentive to any property owner that meets the requirements of the Property Tax Rebate program. The map of eligible areas is hereby amended by adding the attached commercial area to the map of eligible areas, Exhibit I.

Passed and approved by the City Council on the 8th day of January, 2018.

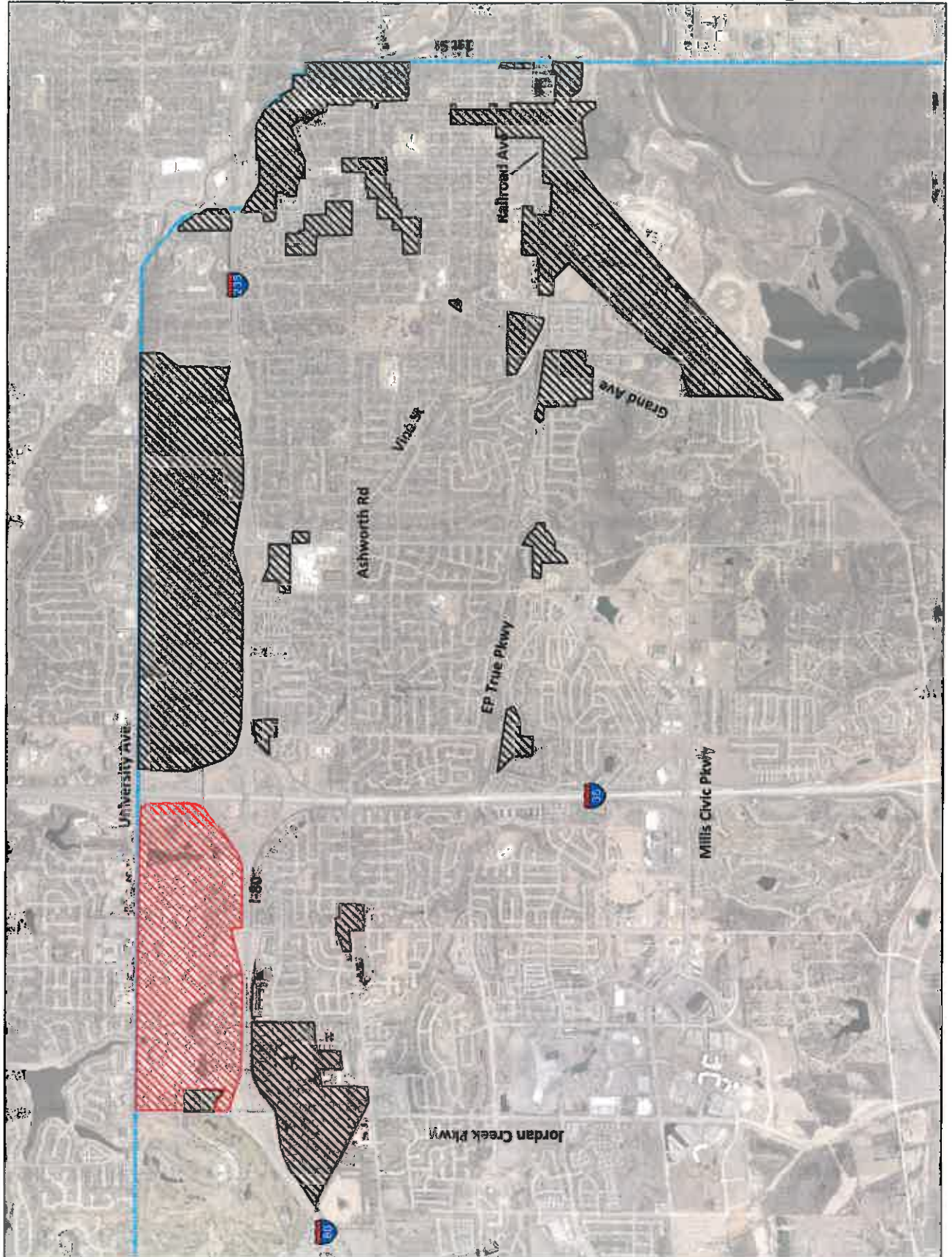
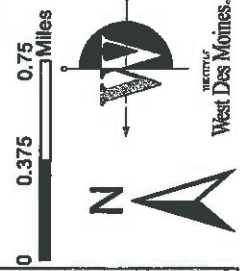
\_\_\_\_\_  
Steven K. Gaer, Mayor

**ATTEST:**

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

EXHIBIT I

- Corporate Limit
- Eligible Area
- Proposed Amendment Area





**NO CHANGE FROM PREVIOUS READING**

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

**Date: January 8, 2018**

**ITEM:** Ordinance Amendment – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), and Chapter 10 (Performance Standards) to update definitions and regulations pertaining to alternative residential structures – City Initiated (AO-003705-2017)

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The City of West Des Moines requests an amendment to several chapters of Title 9 (Zoning) to update definitions and regulations pertaining to alternative residential structures. These changes are intended to further define and develop performance standards for structures that could serve as dwellings outside of traditional single and multi-family buildings.

Previous Council Action:



Vote: 5-0 Approval  
Date: December 27, 2017  
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, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Linda Schemmel, AIA 

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Date(s) Published	December 11, 2017
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	November 27, 2017		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

Exhibit I - Ordinance

Prepared by: LSchemmel, 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.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), SECTION 2 (DEFINITIONS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), SECTION 4 (SPECIFIC USE REGULATIONS), AND CHAPTER 10 (PERFORMANCE STANDARDS), SECTION 4 (SPECIFIC USE REGULATIONS) TO UPDATE DEFINITIONS AND REGULATIONS PERTAINING TO ALTERNATIVE RESIDENTIAL STRUCTURES

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), Section 2 (Definitions) is hereby amended by adding the text in bold italic lettering in alphabetical order and deleting the highlighted strikethrough text:

~~DWELLING: A building or portion thereof used exclusively for residential purposes, including one family, two family and multiple family dwellings, but not including hotels, motels, and nursing homes.~~

~~DWELLING UNIT: One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.~~

***DWELLING OR DWELLING UNIT: A building, a portion of a building or one or more habitable rooms providing living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, but do not include hotels, motels, and nursing or convalescent homes.***

~~FACTORY BUILT HOME: Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this title, factory built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.~~

***FACTORY BUILT OR MODULAR STRUCTURE: A structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this title, a Factory Built or Modular Structure would not include a Manufactured or Mobile Home constructed under the authority of 42 U.S.C. § 5403 (United States Code – Manufactured Home Construction and Safety Standards).***

~~FACTORY BUILT HOME PARK: A parcel or contiguous parcels of land divided into two (2) or more factory built home lots for rent or sale.~~

**MANUFACTURED OR MOBILE HOME:** *A structure which is manufactured or constructed under the authority of 42 U.S.C. § 5403 (United States Code – Manufactured Home Construction and Safety Standards) and is intended to be long term living quarters, permitted and taxed as real property. It is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A Manufactured or Mobile Home must be on a permanent foundation with permanent connections to utility services. Mobile Homes constructed prior to 1976 shall be considered this type of structure.*

**MANUFACTURED OR MOBILE HOME PARK:** *A parcel or contiguous parcels of land under common ownership upon which two (2) or more Manufactured or Mobile Homes reside as a land-leased community. A Manufactured or Mobile Home Park does not include Manufactured or Mobile Homes or Park Homes placed on a temporary basis due to a disaster emergency.*

**PARK HOME OR PARK MODEL:** *A trailer which is 400 or less square feet in gross trailer area, certified by their manufacturers as complying with the ANSI A119.5 standard for recreational park trailers or constructed to comply with 2018 International Residential Code, Appendix V, and is intended for long term placement of temporary living quarters for recreational, camping or seasonal use purposes only, permitted and taxed as a trailer. A Park Home may have wheels and is not placed on a permanent foundation, however must be anchored to the ground to resist code designated wind forces. Park Homes will not have permanent connections to utility services.*

**RECREATIONAL VEHICLE:** *A vehicle which is:*

- A. Built in single chassis;*
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;*
- C. Designed to be self-propelled or permanently towable by a light duty truck; and*
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.*

**RECREATIONAL VEHICLE:** *A single chassis trailer or motor vehicle which is 400 or less square feet when measured at the largest horizontal projection and is designed to be self-propelled or permanently towable, permitted and taxed as a trailer or motor vehicle. Recreational Vehicles are designed to provide temporary living quarters for recreational or camping, travel or seasonal use purposes only. Recreational Vehicles will not have permanent connections to utility services.*

**TINY HOME:** *A structure which is 400 or less square feet in floor area excluding any lofts, constructed to comply with the 2018 International Residential Code, Appendix V and is intended to be a single family dwelling, permitted and taxed as real property. A Tiny Home must be on a permanent foundation with permanent connections to utility services. A structure of 400 or less square feet in floor area excluding any lofts that has any wheels or axles attached to its body or frame would be defined as a Park Home.*

**TRAILER:** *Any structure used for sleeping, living, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, sawhorses, or skirtings, or being attached to a permanent foundation, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.*

**TRAILER:** *Any structure used for temporary human habitation, business or storage purposes, having no permanent foundation, but is supported by wheels, blocks, or jacks, and which is or was equipped with wheels or other devices for transporting the structure from place to place.*

**Section 2. Amendment.** Title 9: (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 4 (Specific Use Regulations) is hereby amended to place in alphabetical order the following subsection in bold italic lettering:

***E. Alternative Dwelling Units: The following may serve as dwellings on a short term or long term basis:***

***1. MANUFACTURED OR MOBILE HOME: Is to be used as a place for long term residential occupancy: greater than 180 consecutive days in any calendar year.***

***a. Use Matrix:***

<b><i>Zoning:</i></b>	<b><i>OS</i></b>	<b><i>RE</i></b>	<b><i>RS</i></b>	<b><i>R-1</i></b>	<b><i>SF-CR</i></b>	<b><i>SF-VJ</i></b>	<b><i>MH</i></b>	<b><i>RM</i></b>	<b><i>RH</i></b>	<b><i>VJHB</i></b>
<b><i>Manufactured or Mobile Home</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>P</i></b>			
<b><i>- Second Dwelling Unit</i></b>										

***b. Units located outside of a Manufactured or Mobile Home Park:***

- i. Must meet the bulk regulations and setbacks of the zoning district where they are located.***
- ii. The appearance of the foundation must be visually compatible with the surrounding residential structures.***
- iii. Must meet the specific use regulations for residential districts related to enclosed garage space (Chapter 10, Section 4B of this title).***
- iv. Must meet the off street parking regulations for single-family detached dwellings (Chapter 15 of this title)***

***2. PARK HOME OR PARK MODEL: Is to be used for long term placement of a trailer intended for temporary residential occupancy for recreational, camping or seasonal use: no more than 180 (non-consecutive) days in any calendar year.***

***a. Use Matrix:***

<b><i>Zoning:</i></b>	<b><i>OS</i></b>	<b><i>RE</i></b>	<b><i>RS</i></b>	<b><i>R-1</i></b>	<b><i>SF-CR</i></b>	<b><i>SF-VJ</i></b>	<b><i>MH</i></b>	<b><i>RM</i></b>	<b><i>RH</i></b>	<b><i>VJHB</i></b>
<b><i>Park Home or Park Model</i></b>	<b><i>Pc</i></b>									
<b><i>- Second Dwelling Unit</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>Pc</i></b>	<b><i>Pc</i></b>						
<b><i>- Short term rental as part of an approved campground or recreational vehicle park</i></b>	<b><i>Pc</i></b>									
<b><i>- Short term rental not part of an approved campground or recreational vehicle park</i></b>										

**b. Parking and Drives:**

- i. Must meet the off street parking regulations for single-family detached dwellings (Chapter 15 of this Title)**

**3. RECREATIONAL VEHICLE:**

- a. Occupancy of a Recreational Vehicle is not an allowed use unless located in an approved campground or recreational vehicle park.**
- b. Recreational Vehicles may be used for sleeping purposes only, for a time period of no more than thirty (non-consecutive) days in any calendar year, and only for non-paying guests of the occupant of a single family dwelling. A Recreational Vehicle must be located in conformance with all City regulations governing parking and storage. Vehicles cannot be used for sleeping purposes when parked on any public or private street, off street parking lot or loading area.**

**4. TINY HOME: Is to be used as a place for long term residential occupancy: greater than 180 consecutive days in any calendar year.**

**a. Use Matrix:**

<b>Zoning:</b>	<b>OS</b>	<b>RE</b>	<b>RS</b>	<b>R-1</b>	<b>SF-CR</b>	<b>SF-VJ</b>	<b>MH</b>	<b>RM</b>	<b>RH</b>	<b>VJHB</b>
<b>Tiny Home</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			
<b>- Second Dwelling Unit</b>	<b>P</b>	<b>P</b>	<b>Pc</b>	<b>Pc</b>						

**b. Parking and Drives:**

- i. Must meet the specific use regulations for residential districts related to enclosed garage space (Chapter 10, Section 4B of this title).**
- ii. Must meet the off street parking regulations for single-family detached dwellings (Chapter 15 of this title)**

**Section 3. Amendment.** Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A is hereby amended to place in numerical order the following paragraph in bold lettering:

**25. Factory-Built Structures: All Factory Built Structures not designated as a Manufactured or Mobile Home or a trailer for temporary business or storage use must meet all bulk regulations and design standards of their respective zoning district.**

**Section 4. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 5. 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 6. 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 7. 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 8. 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 \_\_\_\_\_, 2018, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
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 \_\_\_\_\_, 2018, and was published in the Des Moines Register on \_\_\_\_\_, 2018.

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

**NO CHANGE FROM PREVIOUS READING**

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

**Date: January 8, 2018**

**ITEM:** Amendment to City Code, Title 9 – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations) to regulate variety stores in the Neighborhood Commercial District – Wellington Square, LLC – AO-003695-2017

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Wellington Square, LLC, is requesting an amendment to City Code, Title 9, Zoning, Chapter 6, Commercial, Office, and Industrial Use Regulations, Section 6, Commercial, Office and Industrial Use Regulations, to allow SIC 533 Variety Stores as a permitted use in the Neighborhood Commercial (NC) zoning district. The City received a Pre-Application to use the former ACE Hardware building at 245 50<sup>th</sup> Street for a Dollar Tree store. The applicant is proposing an approximately 9,000 sq. ft. store at the former ACE Hardware site. They are proposing to divide the building into two units. The subject property is included in the Southwoods East PUD with an underlying zoning designation of Neighborhood Commercial. Current code does not allow variety stores in Neighborhood Commercial districts. Current code does allow such stores in the Regional and Community Commercial zoning districts. Staff concerns are with the size of the store (not comfortable with a large building in the NC district); however, it should be noted that grocery stores of unlimited size are allowed in the Neighborhood Commercial districts. Staff recognizes that smaller traditional variety stores could be beneficial to the neighborhoods surrounding the NC districts and therefore supports allowing them in Neighborhood Commercial areas.

**Previous Council Action:**

Vote: 5-0 approval

Date: December 27, 2017

Approval of the First Reading of the Ordinance.

***City Council Discussion:*** At the December 27, 2017 City Council meeting, one resident spoke against the proposed amendment indicating that the amendment would allow such stores in any Neighborhood Commercial district across the city and he felt that such stores were not a good fit for these areas. He also raised concerns with truck loading and unloading. The resident suggested that the PUD be amended to simply allow Variety Stores in this particular development. Staff clarified that although done in the past, the city is no longer using PUDs to allow uses that are otherwise not allowed per city code for a particular district. In order to allow Ace Hardware to move to the former Dahl's Grocery store, city code was first amended to allow such establishments in the Neighborhood Commercial zoning district. That same approach is driving the proposed city code amendment. It was noted that this particular development/store already has a loading dock due to its original use as a garden center. It was also pointed out that convenience and other stores of similar size have delivery trucks that frequent the establishments regardless if there is a defined loading dock, and grocery stores, which are considerably larger and operate in the same manner or more intensely, are an allowed use with the Neighborhood Commercial districts. The Council members asked staff to provide information identifying what types of stores fit within the SIC 5331 Variety Store category and also to identify where other Neighborhood Commercial areas are located within the City. This information was provided to the Council members in an email after the Council meeting (email attached).

**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, subject to the applicant meeting all City Code requirements

Lead Planner: Brian Portz, AICP *BP*

**Staff Reviews:**

Department Director	<i>JA</i>
Appropriations/Finance	
Legal	<i>J</i>
Agenda Acceptance	<i>BP</i>

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

Published In	Des Moines Register
Date(s) Published	December 11, 2017
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	December 11, 2017		
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input checked="" type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Email correspondence defining Variety Stores and identifying NC designated districts
- Exhibit II - Ordinance



**Portz, Brian**

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**From:** Twedt, Lynne  
**Sent:** Wednesday, December 27, 2017 7:34 PM  
**To:** Messerschmidt, Rick; Mickelson, John; Trevillyan, Kevin; Trimble, Russ; Sandager, Jim  
**Cc:** Gaer, Steve; Hadden, Tom; Scieszinski, Richard; Schemmel, Linda; Portz, Brian  
**Subject:** Variety Stores

**All:**  
Per your request ...

the following is the SIC definition for a variety stores:

*Establishments primarily engaged in the retail sale of a variety of merchandise in the low and popular price ranges. Sales usually are made on a cash-and-carry basis, with the open-selling method of display and customer selection of merchandise. These stores generally do not carry a complete line of merchandise, are not departmentalized, do not carry their own charge service, and do not deliver merchandise.*

A quick internet search identified the following as fitting under SIC 5331:

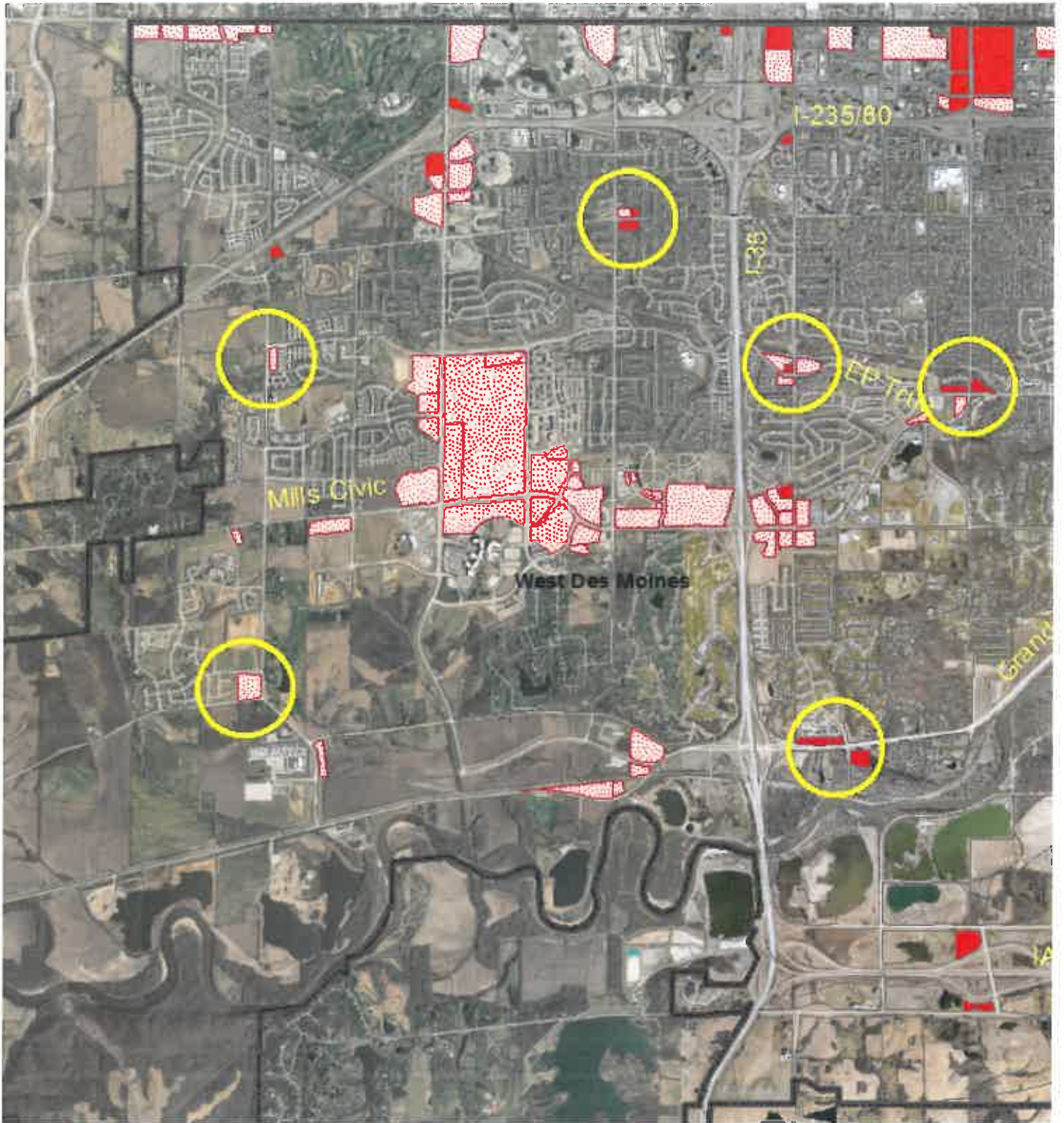
- Brookstone Inc
- Family Dollar Stores
- Dollar General
- Walgreen\*\*
- 99 Cents Only Stores
- Bartell Drugs
- Stop & Shop Pharmacy\*\*
- Big Lots
- Pricesmart
- Below Five
- CVS Pharmacy\*\*
- Dollar Tree
- Costs-U-Less
- Rite Aid Pharmacy\*\*

\*\* Note Pharmacies can also be classified under SIC 5912 which is defined as:

*Establishments in this industry are engaged in the retail sale of prescription drugs, proprietary drugs, and nonprescription medicines and may also carry a number of related lines, such as cosmetics, toiletries, tobacco, and novelty merchandise. These stores are included on the basis of their usual trade designation rather than on the stricter interpretation of the commodities handled.*

Per current code, pharmacies are allowed in all commercial districts, including Neighborhood Commercial.

Circled in yellow are the Neighborhood Commercial designated areas within the city:



Please let me know if you would like any additional information.  
Lynne

Prepared by: B. Portz, 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.**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE, AND INDUSTRIAL ZONING DISTRICT), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS) TO ALLOW VARIETY STORES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT**

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

**Section 1. Amendment.** Title 9: Zoning, Chapter 6: Commercial, Office and Industrial District, Section 6, Commercial, Office, and Industrial Use Regulations, Subsection C. Table 6.1 is hereby amended by adding text in bold, italicized lettering.

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
533 Variety Stores	P	P					P	P							
<i>533 Variety Stores 10,000 sq. ft. or less</i>	<i>P</i>	<i>P</i>	<i>P</i>				<i>P</i>	<i>P</i>							

**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. 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 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 from and after its passage, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2018, and approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
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 \_\_\_\_\_, 2018, and was published in the Des Moines Register on \_\_\_\_\_, 2018.

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

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

**DATE: January 8, 2018**

**ITEM:**

Public Hearing (5:35 p.m.)  
Maple Grove Lift Station

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost was estimated to be \$1,719,812.00 for the Maple Grove Lift Station. There were thirteen (13) bids submitted with the low bid of \$1,183,910.00 being submitted by Gator Excavating, Inc. of Grimes, Iowa. Payments will be made from account no. 640.000.000.5250.490 with the ultimate funding intended to come from Sewer Fee Revenues.

**BACKGROUND:**

This project consists of the construction of a new sanitary sewer lift station on the north side of I-80 just east of 88th Street to divert sanitary sewer flows from the Jordan Creek Trunk Sewer to the newly constructed Fox Creek Trunk Sewer through a combination of forcemain and gravity sewer. The Jordan Creek Trunk Sewer is nearing capacity and the diversion will provide for some additional sewer capacity in that system. The Fox Creek Trunk Sewer was designed to accommodate the diverted flows. The project is anticipated to be completed by November 1, 2018. The bids received contained three (3) irregularities which were noted in the bid tabulation.

This agenda item was distributed to the Public Services Subcommittee by e-mail only since there was no meeting.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs for the Maple Grove Lift Station;
- Motion receiving and filing Report of Bids;
- Resolution waiving bid irregularities and awarding the construction contract to Gator Excavating, Inc.

**Lead Staff Member:** Brian J. Hemesath, P.E., Interim City Engineer *BJM for*

**STAFF REVIEWS**

Department Director	Brian J. Hemesath, P.E., Interim City Engineer
Appropriations/Finance	Tim Stiles, Finance Director <i>TMS</i>
Legal	Richard Scieszinski, City Attorney <i>RJS</i>
Agenda Acceptance	<i>(Signature)</i>

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

Published In	Des Moines Register
Dates(s) Published	December 29, 2017

**SUBCOMMITTEE REVIEW (if applicable)**

Committee				
Date Reviewed				
Recommendation	<table border="1"> <tr> <td>Yes</td> <td>No</td> <td>Split</td> </tr> </table>	Yes	No	Split
Yes	No	Split		

**RESOLUTION APPROVING ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST**

**WHEREAS**, on December 11, 2017, Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**Maple Grove Lift Station  
Project No. 0510-055-2015**

and,

**WHEREAS**, notice of hearing on Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvements were published as required by law;

therefore,

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES**, that the Plans, Specifications, Form of Contract, and Estimate of Costs for said Public Improvement are hereby approved.

**PASSED AND APPROVED** on this **8th** day of **January, 2018**.

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

ATTEST:

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

**RESOLUTION APPROVING THE AWARDING OF A CONTRACT**

**WHEREAS**, the City Council of the City of West Des Moines has heretofore directed advertisement for bids for the following described public improvement:

**Maple Grove Lift Station  
Project No. 0510-055-2015**

and,

**WHEREAS**, bids have been received and opened by the City Clerk and placed on file by the City Council; and,

**WHEREAS**, irregularities were noted on three of the bids that were received; and,

**WHEREAS**, the irregularities noted were not substantive in nature; and,

**WHEREAS**, the bid of Gator Excavating, Inc. in the amount of \$1,183,910.00 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**, waives the irregularities in the bids that were received.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that a contract for the Maple Grove Lift Station, is hereby awarded to Gator Excavating, Inc. in the amount of \$1,183,910.00 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 8th day of **January, 2018**.

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

ATTEST:

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



January 3, 2018

Brian Hemesath  
Interim 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  
MAPLE GROVE LIFT STATION  
PROJECT NO. 0510-055-2015  
REVIEW OF BIDS  
RECOMMENDATION TO AWARD CONTRACT

The City of West Des Moines received bids until 2:00 P.M. on January 3, 2018 for the Maple Grove Lift Station project. A total of 13 bids were received. A summary of the bids received as corrected for arithmetic errors is as follows:

Gator Excavating	\$1,183,910.00
Graff Excavating	\$1,192,401.00
Rognes Corporation	\$1,246,189.00
Synergy Contracting, LLC	\$1,286,549.20
Elder Corporation	\$1,294,700.00
McAninch Corporation	\$1,337,422.00
Vanderpool Construction	\$1,362,268.00
J&K Contracting, LLC	\$1,362,928.00
Raccoon Valley Contractors, LLC	\$1,375,555.00
S.M. Hentges & Sons Inc.	\$1,579,461.00
Minger Construction	\$1,614,193.60
Progressive Structures, LLC	\$1,664,345.00
S.J. Louis Construction, Inc.	\$1,673,000.00

The apparent low bid was submitted by Gator Excavating in the amount of \$1,183,910.

The engineer's estimate of cost for construction of the project was \$1,719,812. The low bid by Gator Excavating was 31.16% below the engineer's estimate of cost.



Brian Hemesath  
January 3, 2018  
Page 2

The bids received on the Maple Grove Lift Station project were indicative of an extremely competitive bidding market. Normally, a project similar to the Maple Grove Lift Station would generate 4 to 5 bids. The receipt of 13 bids would be very unusual.

The dry weather experienced in the summer of 2017 combined with the favorable weather in the fall and early winter of 2017 allowed almost all underground contractors to complete the work they had under contract. The amount of new underground utility work bid over the last 60 days has been limited. As a result, many bidders are looking for work especially over the next several months until the volume of new work bid in the market place increases in the spring months.

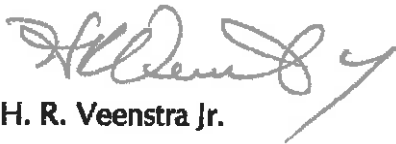
The Maple Grove Lift Station project is available for construction immediately after the award of contract. This resulted in the project being viewed very favorably by bidders as it is an opportunity to utilize their equipment and crews during the balance of the winter months. The ability to work on the project almost immediately, along with the number of contractors aggressively bidding the project combined to result in the very favorable bid.

Veenstra & Kimm, Inc. has worked with Gator Excavating on several underground utility projects. Gator Excavating would appear to have the experience and expertise to undertake the project. Gator Excavating's experience with lift stations is somewhat limited. The Maple Grove Lift Station is not considered a complex lift station.

If the City of West Des Moines elects to move forward with the project, Veenstra & Kimm, Inc. would recommend award of contract to Gator Excavating in the amount of \$1,183,910.

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  
102206  
Enclosure

BID TABULATION  
 WEST DES MOINES, IOWA  
 MAPLE CROWE LIFT STATION  
 PROJECT NO. 0810-055-3005

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	Gator Excavating 3100 SE Miele Drive Grimes, IA 50111			Graff Excavating 803 E State Street Toluado, IA 52342			Rogues Corporation 720 SW Goodwin Street Ankeny, IA 50023			Synergy Contracting, LLC 1120 2nd Street NE Boonville, IA 50015			Elder Corporation 9088 E University Ave Des Moines, IA 50327			McAninch Corporation 4001 Delaware Ave Des Moines, IA 50313			Vanderpool Construction 1100 N 14th Street Indianola, IA 50125		
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE			
1	Sanitary Sewer in Pile - 18"	LF	2,684	\$ 81.90	\$ 218,746.00	\$ 108.00	\$ 289,872.00	\$ 125.00	\$ 335,500.00	\$ 98.00	\$ 263,932.00	\$ 133.00	\$ 356,972.00	\$ 132.75	\$ 356,307.00	\$ 135.00	\$ 362,400.00							
2	Sanitary Sewer Tunnelled in Casing - 18"	LF	220	\$ 353.00	\$ 77,660.00	\$ 495.00	\$ 108,900.00	\$ 320.00	\$ 70,400.00	\$ 443.80	\$ 97,636.00	\$ 580.00	\$ 110,000.00	\$ 442.75	\$ 97,405.00	\$ 392.00	\$ 86,240.00							
3	Force Main - 12"	LF	1,517	\$ 52.10	\$ 78,935.70	\$ 51.00	\$ 77,367.00	\$ 37.00	\$ 56,129.00	\$ 70.00	\$ 106,190.00	\$ 64.00	\$ 97,088.00	\$ 44.00	\$ 66,748.00	\$ 50.00	\$ 75,850.00							
4	Manholes - Type SW 301 - 48"	EA	7	\$ 5,000.00	\$ 35,000.00	\$ 4,250.00	\$ 29,750.00	\$ 5,050.00	\$ 35,350.00	\$ 7,840.00	\$ 54,880.00	\$ 6,400.00	\$ 44,800.00	\$ 4,859.00	\$ 34,013.00	\$ 5,750.00	\$ 40,250.00							
5	Connect to Existing Manhole	LS	1		\$ 3,235.00		\$ 3,235.00		\$ 4,800.00		\$ 4,800.00		\$ 3,700.00		\$ 3,700.00		\$ 3,700.00							
6	Video Inspection of Sanitary Sewer	LF	2904	\$ 1.75	\$ 5,082.00	\$ 3.00	\$ 8,712.00	\$ 2.50	\$ 7,260.00	\$ 2.80	\$ 8,131.20	\$ 4.55	\$ 13,213.20	\$ 1.90	\$ 5,517.60	\$ 2.00	\$ 5,808.00							
7	7" PCC Driveway	SY	360	\$ 75.00	\$ 27,000.00	\$ 80.00	\$ 28,800.00	\$ 55.00	\$ 19,800.00	\$ 48.00	\$ 17,280.00	\$ 75.50	\$ 27,180.00	\$ 74.00	\$ 26,640.00	\$ 65.00	\$ 23,400.00							
8	Lift Station	LS	1		\$ 685,000.00		\$ 685,000.00		\$ 675,000.00		\$ 669,400.00		\$ 694,996.80		\$ 636,172.00		\$ 690,500.00							
9	Stabilizing	TONS	100	\$ 27.00	\$ 2,700.00	\$ 24.00	\$ 2,400.00	\$ 30.00	\$ 3,000.00	\$ 42.00	\$ 4,200.00	\$ 45.50	\$ 4,550.00	\$ 25.00	\$ 2,500.00	\$ 25.00	\$ 2,500.00							
10	Erosion Control	LS	1		\$ 15,000.00		\$ 15,000.00		\$ 8,900.00		\$ 8,900.00		\$ 9,100.00		\$ 10,500.00		\$ 16,500.00							
11	Seeding	ACRE	12	\$ 1,250.00	\$ 15,000.00	\$ 1,300.00	\$ 15,600.00	\$ 1,800.00	\$ 21,600.00	\$ 1,300.00	\$ 15,600.00	\$ 1,900.00	\$ 22,800.00	\$ 1,575.00	\$ 18,900.00	\$ 1,350.00	\$ 16,200.00							
12	Construction Staking	LS	1		\$ 18,000.00		\$ 18,000.00		\$ 4,750.00		\$ 4,750.00		\$ 7,400.00		\$ 5,250.00		\$ 5,100.00							
13	Traffic Control	LS	1		\$ 2,461.30		\$ 2,461.30		\$ 4,000.00		\$ 4,000.00		\$ 2,700.00		\$ 5,250.00		\$ 3,900.00							
<b>TOTAL BID</b>					\$ 71,83,910.00		\$ 71,192,401.40		\$ 1,246,189.00		\$ 1,266,549.20		\$ 1,294,700.00		\$ 1,337,422.00		\$ 1,352,360.00							
<b>TOTAL BID</b>																								

Construct the Maple Crowe Lift Station  
 for the following unit and lump sum prices

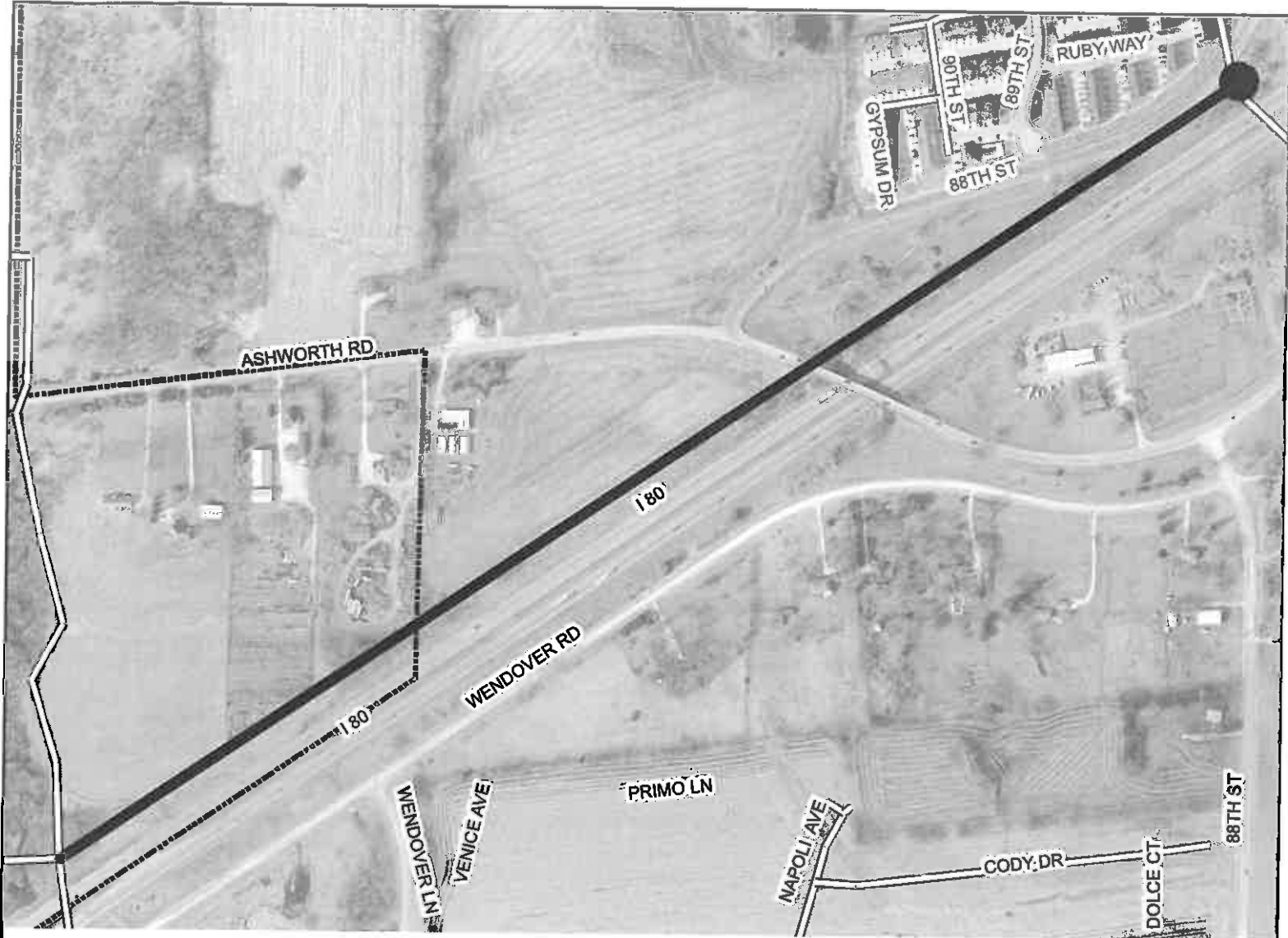
BID TABULATION  
 WEST DES MOINES, IOWA  
 MAPLE GROVE LIFT STATION  
 PROJECT NO. 0510-085-2015

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	J&K Contracting LLC 1307 E Lincoln Way Ames, IA 50010		Raccoon Valley Contracting 520 SE Prairie Park Lane Waukee, IA 50263		S.M. Hendges & Sons 620 Quaker Avenue Jordan, MN 55352		Minger Construction 620 Corporate Drive Jordan, MN 55352		Progressive Structures 24412 Hwy 13 Ellader, IA 52043		S.J. Louik Construction 1351 Broadway Street Rockville, MN 56369	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1	Sanitary Sewer in Place - 18"	LF	2,664	\$ 114.00	\$ 305,976.00	\$ 182.00	\$ 485,424.00	\$ 148.00	\$ 397,232.00	\$ 171.25	\$ 455,635.00	\$ 145.00	\$ 385,180.00	\$ 130.00	\$ 402,600.00
2	Sanitary Sewer Tunnelled In Casing - 18"	LF	220	\$ 510.00	\$ 112,200.00	\$ 326.00	\$ 71,720.00	\$ 500.00	\$ 110,000.00	\$ 465.00	\$ 102,300.00	\$ 465.00	\$ 102,300.00	\$ 800.00	\$ 176,000.00
3	Force Main - 12"	LF	1,517	\$ 69.00	\$ 104,673.00	\$ 55.00	\$ 83,435.00	\$ 79.00	\$ 119,843.00	\$ 91.00	\$ 138,047.00	\$ 85.00	\$ 128,945.00	\$ 55.00	\$ 83,435.00
4	Manholes - Type SW 301 - 48"	EA	7	\$ 6,325.00	\$ 44,275.00	\$ 7,000.00	\$ 49,000.00	\$ 6,180.00	\$ 43,260.00	\$ 7,000.00	\$ 49,000.00	\$ 6,500.00	\$ 45,500.00	\$ 9,000.00	\$ 63,000.00
5	Connect to Existing Manhole	LS	1	xxxxx	\$ 10,000.00	xxxxx	\$ 60,000.00	xxxxx	\$ 9,300.00	xxxxx	\$ 111,500.00	xxxxx	\$ 2,700.00	xxxxx	\$ 90,000.00
6	Video Inspection of Sanitary Sewer	LF	2904	\$ 2.00	\$ 5,808.00	\$ 3.00	\$ 8,712.00	\$ 2.00	\$ 5,808.00	\$ 1.85	\$ 4,791.60	\$ 5.00	\$ 14,520.00	\$ 2.00	\$ 5,808.00
7	7" PCC Driveway	SY	360	\$ 57.00	\$ 20,520.00	\$ 60.00	\$ 21,600.00	\$ 77.00	\$ 27,720.00	\$ 97.50	\$ 35,100.00	\$ 130.00	\$ 46,800.00	\$ 100.00	\$ 36,000.00
8	Lift Station	TONS	1	xxxxx	\$ 711,265.00	xxxxx	\$ 550,000.00	xxxxx	\$ 647,000.00	xxxxx	\$ 657,500.00	xxxxx	\$ 850,000.00	xxxxx	\$ 782,350.00
9	Stabilizing	LS	100	\$ 45.00	\$ 4,500.00	\$ 28.00	\$ 2,800.00	\$ 34.00	\$ 3,400.00	\$ 40.00	\$ 4,000.00	\$ 40.00	\$ 4,000.00	\$ 29.00	\$ 2,900.00
10	Erosion Control	LS	1	xxxxx	\$ 16,950.00	xxxxx	\$ 14,400.00	xxxxx	\$ 16,000.00	xxxxx	\$ 23,000.00	xxxxx	\$ 32,000.00	xxxxx	\$ 9,000.00
11	Seeding	ACRE	12	\$ 1,410.00	\$ 16,920.00	\$ 1,450.00	\$ 17,400.00	\$ 2,388.00	\$ 28,656.00	\$ 1,510.00	\$ 18,120.00	\$ 3,000.00	\$ 36,000.00	\$ 900.00	\$ 10,800.00
12	Construction Staking	LS	1	xxxxx	\$ 5,400.00	xxxxx	\$ 5,000.00	xxxxx	\$ 7,000.00	xxxxx	\$ 5,500.00	xxxxx	\$ 10,000.00	xxxxx	\$ 5,957.00
13	Traffic Control	LS	1	xxxxx	\$ 4,420.00	xxxxx	\$ 3,000.00	xxxxx	\$ 4,230.00	xxxxx	\$ 4,900.00	xxxxx	\$ 2,400.00	xxxxx	\$ 5,190.00
				\$1,362,928.00	\$1,375,355.00	\$1,375,355.00	\$1,375,355.00	\$1,579,451.00	\$1,579,451.00	\$1,614,193.60	\$1,614,193.60	\$1,656,386.60	\$1,656,386.60	\$1,673,000.00	\$1,673,000.00
TOTAL BID (Items 1-13)															

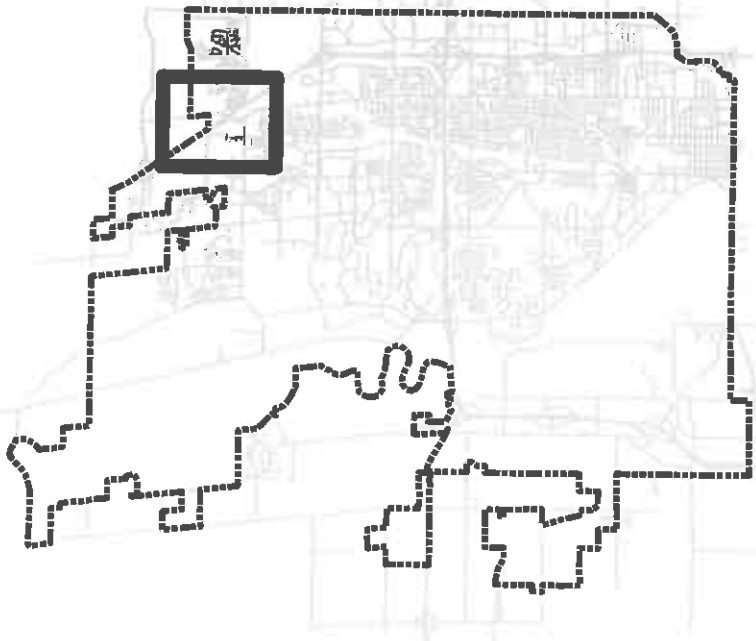
I hereby certify that this is a true tabulation of bids received on January 3, 2018 by the City of West Des Moines, Iowa.



*H. Robert Veensma*  
 H. Robert Veensma Jr., P.E.  
 Iowa License No. 9037  
 My license renewal date is December 31, 2018



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT:	<b>Maple Grove Lift Station</b>		
LOCATION:	<b>Exhibit "A"</b>		
DRAWN BY: JDR	DATE: 12/4/2017	PROJECT NUMBER/NAME: 0510-055-2015	SHT. 1 of 1

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

Date: January 8, 2018

**ITEM:** The Preserve on Grand Plat 2, North of Grand Avenue at S. 33<sup>rd</sup> Street – Approval and Release of Final Plat for Single Family Residential Development – Diligent Grand Avenue 67 LLC – FP-003653-2017

**RESOLUTION:** Approval and Release of Final Plat

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** Diligent Grand Avenue 67 LLC, represented by Jake Becker of McClure Engineering, is requesting approval of a final plat for The Preserve of Grand Plat 2 to subdivide the property into 48 single family residential lots, one street lot, and three outlots for storm water detention and flowage. The property is undeveloped.

**CITY COUNCIL SUBCOMMITTEE:** This item was presented to the Development and Planning City Council Subcommittee on October 2, 2017. The Subcommittee is supportive of the project.


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

As part of this approval, the City Council is approving and accepting the following:



- Sanitary Sewer Easements, Storm Water and Overland Flowage Easements, Storm Sewer Easements
- Storm Water Facility Maintenance Agreement and Covenant
- Parkland Dedication Agreement
- Lot tie for Lot 35 and Outlot 35A
- Deed for Street Lot A
- Surety in Lieu of Construction of Public Sidewalk, Public Sanitary Sewer, Public Storm Sewer, and Public Street Paving

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

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve and release the Final Plat, The Preserve on Grand Plat 2 to subdivide property into 48 single family residential lots, one street lot, and three outlots for storm water detention and flowage, subject to the applicant complying with all applicable City Code requirements.

Lead Staff Member: Kara V. Tragesser, AICP 

**STAFF REVIEWS:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	




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

Published In	n/a
Date(s) Published	n/a
Letter sent to surrounding property owners	n/a

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	October 2, 2017		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I**            **Location Map**
- Exhibit II**           **Final Plat**
- Exhibit III**          **Resolution: Approval and Release of Final Plat**
- Exhibit A – Conditions of Approval (None)**

# The Preserve on Grand Plat 2



**Legend**

 Corporate Limits



1: 12,296




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

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**









NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
2. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
3. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
4. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
5. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.



THE PRESERVE ON GRAND  
PLAT 2 FINAL PLAT

West Des Moines, Iowa  
2110004  
SEPTEMBER 2017

DESIGNED BY:  
C. SMITH  
CHECKED BY:  
J. BECKER  
DATE REVISION:  
J. DEWEY  
DRAWING NO.:  
FP-02  
SHEET NO.:  
4 / 5

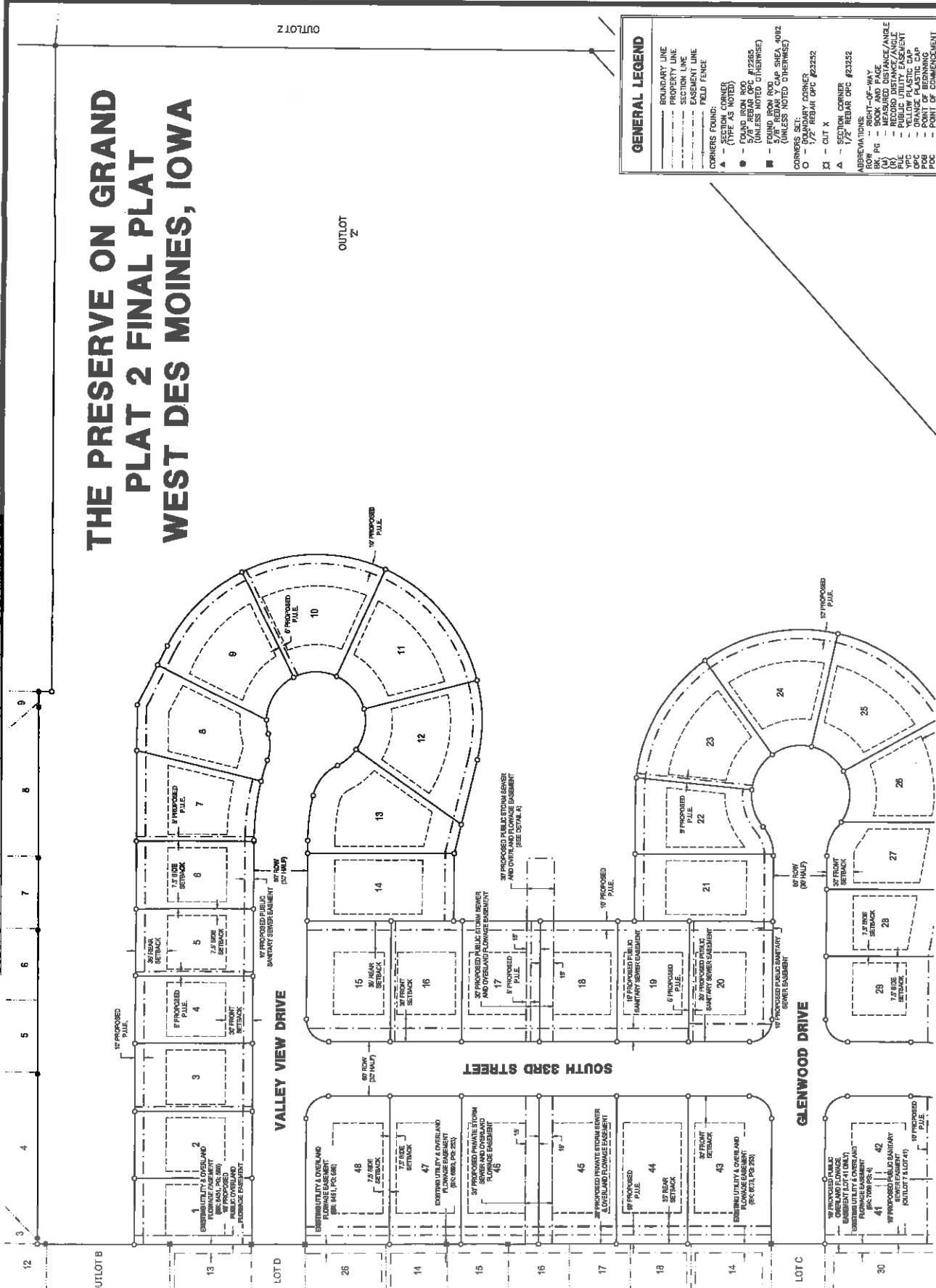
# THE PRESERVE ON GRAND PLAT 2 FINAL PLAT WEST DES MOINES, IOWA

OUTLOT Z

OUTLOT Z

### GENERAL LEGEND

- BOUNDARY LINE
  - SECTION LINE
  - EASEMENT LINE
  - FIELD FENCE
- CORNERS FOUND:
- ▲ SECTION CORNER
  - FOUND CORNER
  - FOUND CORNER (UNLESS NOTED OTHERWISE)
  - FOUND CORNER (UNLESS NOTED OTHERWISE)
- CORNERS SET:
- BOUNDARY CORNER
  - 1/2 REBAR OPC #23252
  - SECTION CORNER
  - 1/2 REBAR OPC #23252
- ABBREVIATIONS:
- ROW - RIGHT-OF-WAY
  - BK, PG - BOOK AND PAGE
  - M - MEASURED DISTANCE/ANGLE
  - PL - PUBLIC UTILITY
  - PLU - PUBLIC UTILITY EASEMENT
  - OPC - YELLOW PLASTIC CAP
  - PC - YELLOW PLASTIC CAP
  - POB - POINT OF BEGINNING
  - POC - POINT OF COMMENCEMENT



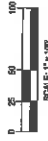
# THE PRESERVE ON GRAND PLAT 2 FINAL PLAT WEST DES MOINES, IOWA



building strong communities.

1480 NW 131st, Steed  
Cedar Rapids, IA 52405  
Tel: 515-244-2370

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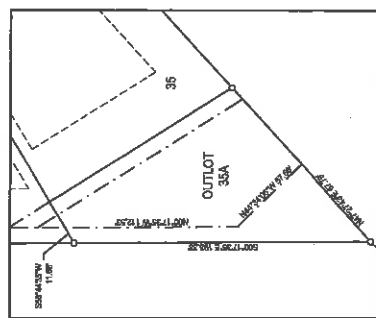
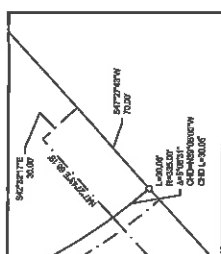
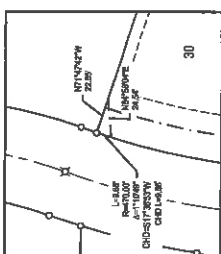
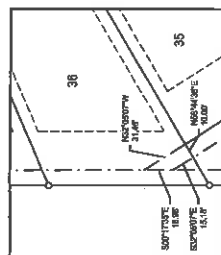
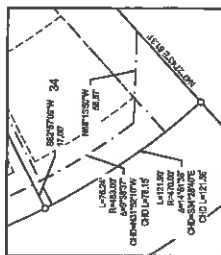
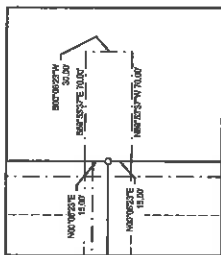
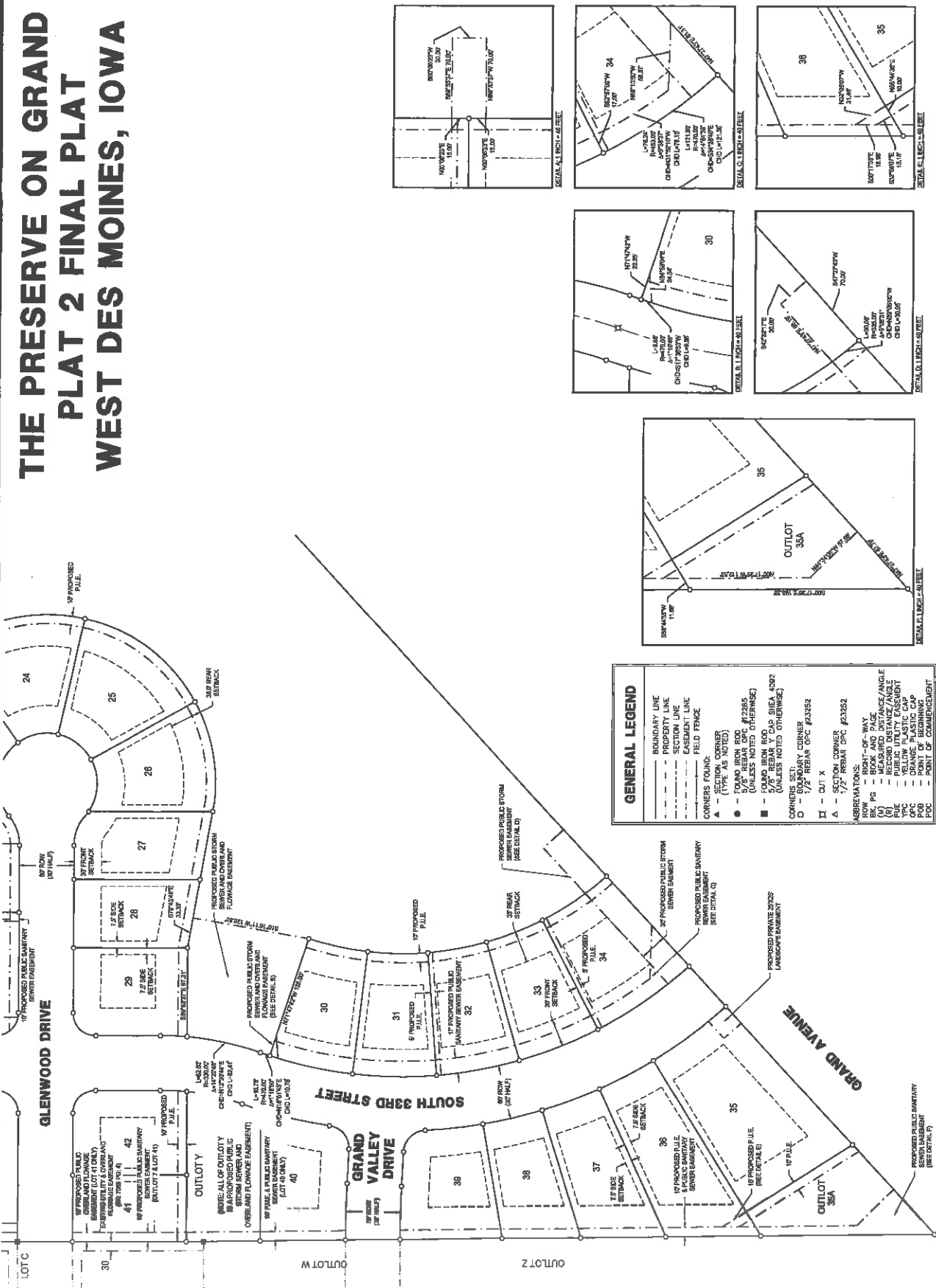
THE PRESERVE ON GRAND  
PLAT 2 FINAL PLAT

West Des Moines, Iowa  
2510004  
SEPTEMBER 2017

DESIGNED BY  
C. SMITH  
J. DEWEY

CREATED BY  
J. BECKER  
FIELD DRAWING

DATE PLOTTED  
FP-02 5 / 5



GENERAL LEGEND	
---	BOUNDARY LINE
- - - -	PROPERTY LINE
- . - . - .	EASTMENT LINE
- - - -	FIELD FENCE
CORNERS FOUND:	
▲	SECTION CORNER (TYPE AS NOTED)
●	5/8\"
■	FOUND IRON ROD AS SHOWN ON SHEET #12815 (UNLESS NOTED OTHERWISE)
□	SECTION CORNER (UNLESS NOTED OTHERWISE)
CORNERS SET:	
D	BOUNDARY CORNER #23252
□	1/2\"
□	CUT X
▲	SECTION CORNER #23252
□	1/2\"
ABBREVIATIONS:	
BY	BY WAY
BK	BOOK AND PAGE
M	MEASURED DISTANCE/ANGLE
PL	PLAT TO WHICH THIS PROJECT IS REFERRED
YPC	YELLOW PLASTIC CAP
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT

# EXHIBIT III

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

## RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING AND RELEASING THE FINAL PLAT THE PRESERVE ON GRAND PLAT 2 (FP-003653-2017) FOR THE PURPOSE OF SUBDIVIDING PROPERTY INTO 48 SINGLE FAMILY RESIDENTIAL LOTS, ONE PUBLIC STREET LOT AND THREE OUTLOTS**

**WHEREAS**, pursuant to the provisions of Title 10, Subdivision Regulations and Title 9, Zoning Chapter 1 et seq, of the West Des Moines Municipal Code, Diligent Grand Avenue 67 LLC, has requested approval for a Final Plat (FP-003653-2017) for that 37.07 acres located north of Grand Avenue at South 33<sup>rd</sup> Street to subdivide the following legally described property into 48 single family residential lots, one public street lot and three outlots:

### Legal Description

BEING A PART OF OUTLOT D OF EIGHT-WAYS FARM, FINAL PLAT RECORDED IN POLK COUNTY RECORDS, BOOK 6473 PAGE 455, ALL IN SECTION 21, TOWNSHIP 78 NORTH, RANGE 25TH WEST OF THE 5TH P.M., BEING A PART OF THE CITY OF WEST DES MOINES, COUNTY OF POLK, STATE OF IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CENTER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER N00°14'32"E, 346.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG EAST LINE OF THE NW QUARTER OF SAID SECTION 21, N00°14'32"E, 596.36 FEET; THENCE ALONG THE NORTH LINE OF SAID OUTLOT D, S89°49'06"W, 718.02 FEET; THENCE ALONG SAID NORTH LINE, N00°06'36"W, 14.39 FEET; THENCE ALONG SAID NORTH LINE, ALSO BEING THE SOUTH LINE OF SCENIC MEADOWS PLAT 1, A FINAL PLAT RECORDED IN POLK COUNTY RECORDS BOOK 8886 PAGE 426, S89°50'00"W, 615.87 FEET; THENCE ALONG THE WEST LINE OF SAID OUTLOT D, ALSO BEING THE EAST LINE OF SCENIC POINTE, FINAL PLAT RECORDED IN POLK COUNTY RECORDS BOOK 6142 PAGE 384, S00°09'02"W, 9.32 FEET; THENCE ALONG THE WEST LINE OF SAID OUTLOT D, ALSO BEING THE EAST LINE OF SCENIC VALLEY PLATS 1, 2, & 3, FINAL PLATS RECORDED IN POLK COUNTY RECORDS, BOOKS AND PAGES LISTED ON THE PLAT, S00°06'23"W, 1011.34 FEET; THENCE ALONG THE WEST LINE OF SAID OUTLOT D, ALSO BEING THE EAST LINE OF GRAND VALLEY PLAT 1, FINAL PLAT RECORDED IN POLK COUNTY RECORDS BOOK 15846 PAGE 610, S00°17'35"E, 805.61 FEET; THENCE ALONG THE SOUTH LINE OF SAID OUTLOT D, ALSO BEING THE NORTHERLY RIGHT OF WAY GRAND AVE, N47°27'43"E, 1803.90 FEET TO THE POINT OF BEGINNING. DESCRIBED AREA CONTAINS 37.07 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**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**, the West Des Moines Plan and Zoning Commission reviewed the Preliminary Plat for The Preserve on Grand and recommended approval on May 22, 2017;

**WHEREAS**, the Final Plat that was submitted for review was determined to be generally consistent with the Preliminary Plat for The Preserve on Grand that was reviewed and approved by the City Council on May 30, 2017;

**WHEREAS**, on January 8, 2018, this City Council held a duly-noticed meeting to consider the application for The Preserve on Grand Plat 2 Final Plat;

**WHEREAS**, the City Council accepts Sanitary Sewer Easements, Storm Water and Overland Flowage Easements, Parkland Dedication Agreement, Storm Sewer Easements, a Storm Water Facility Maintenance Agreement and Covenant, a Deed for Street Lot A, and Surety in Lieu of Construction of Public Sidewalk, Public Sanitary Sewer, Public Storm Sewer, and Public Street Paving;

**WHEREAS**, The Preserve on Grand Plat 2 is zoned Grand Lakes Planned Unit Development and meets all requirements of the City's Zoning Code.

**WHEREAS**, the following addresses are assigned to the lots within The Preserve on Grand Plat 2:

Lot 1 = 3329 Valley View Drive	Lot 20 = 1490 South 33 <sup>rd</sup> Street	Lot 38 = 1581 South 33 <sup>rd</sup> Street
Lot 2 = 3315 Valley View Drive	Lot 20 = 3285 Glenwood Drive	Lot 39 = 1567 South 33 <sup>rd</sup> Street
Lot 3 = 3309 Valley View Drive	Lot 21 = 3123 Glenwood Drive	Lot 39 = 3304 Grand Valley Drive
Lot 4 = 3285 Valley View Drive	Lot 22 = 3037 Glenwood Drive	Lot 40 = 1535 South 33 <sup>rd</sup> Street
Lot 5 = 3161 Valley View Drive	Lot 23 = 2965 Glenwood Drive	Lot 40 = 3301 Grand Valley Drive
Lot 6 = 3083 Valley View Drive	Lot 24 = 2930 Glenwood Drive	Lot 41 = 3324 Glenwood Drive
Lot 7 = 2959 Valley View Drive	Lot 25 = 2966 Glenwood Drive	Lot 42 = 3316 Glenwood Drive
Lot 8 = 2845 Valley View Drive	Lot 26 = 2982 Glenwood Drive	Lot 42 = 1523 South 33 <sup>rd</sup> Street
Lot 9 = 2837 Valley View Drive	Lot 27 = 3068 Glenwood Drive	Lot 43 = 1495 South 33 <sup>rd</sup> Street
Lot 10 = 2824 Valley View Drive	Lot 28 = 3154 Glenwood Drive	Lot 43 = 3321 Glenwood Drive
Lot 11 = 2860 Valley View Drive	Lot 29 = 3290 Glenwood Drive	Lot 44 = 1469 South 33 <sup>rd</sup> Street
Lot 12 = 2948 Valley View Drive	Lot 29 = 1518 South 33 <sup>rd</sup> Street	Lot 45 = 1423 South 33 <sup>rd</sup> Street
Lot 13 = 3072 Valley View Drive	Lot 30 = 1540 South 33 <sup>rd</sup> Street	Lot 46 = 1387 South 33 <sup>rd</sup> Street
Lot 14 = 3134 Valley View Drive	Lot 31 = 1546 South 33 <sup>rd</sup> Street	Lot 47 = 1353 South 33 <sup>rd</sup> Street
Lot 15 = 3276 Valley View Drive	Lot 32 = 1572 South 33 <sup>rd</sup> Street	Lot 48 = 1315 South 33 <sup>rd</sup> Street
Lot 15 = 1310 South 33 <sup>rd</sup> Street	Lot 33 = 1618 South 33 <sup>rd</sup> Street	Lot 48 = 3380 Valley View Drive
Lot 16 = 1346 South 33 <sup>rd</sup> Street	Lot 34 = 1650 South 33 <sup>rd</sup> Street	
Lot 17 = 1382 South 33 <sup>rd</sup> Street	Lot 35 = 1673 South 33 <sup>rd</sup> Street	
Lot 18 = 1418 South 33 <sup>rd</sup> Street	Lot 36 = 1649 South 33 <sup>rd</sup> Street	
Lot 19 = 1464 South 33 <sup>rd</sup> Street	Lot 37 = 1625 South 33 <sup>rd</sup> Street	

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

**SECTION 1.** The findings of consistency with the Comprehensive Plan as stated in the staff report, or as amended orally at the City Council meeting, are adopted.

**SECTION 2.** Final Plat, The Preserve on Grand Plat 2, is approved, subject to compliance with all the conditions in the staff report, including conditions added at the Hearing, if any, and attached hereto as Exhibit A. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**SECTION 3.** This resolution releases The Preserve on Grand Plat 2 Final Plat for recordation. The City Council of West Des Moines directs the City Clerk to release said plat for recordation in accordance with said City Council approval of the final plat on January 8, 2018, and Roll Call No. \_\_\_\_\_.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 8<sup>th</sup> day of January 2018.

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

**ATTEST:**

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

**CERTIFICATE**

I, Ryan T. Jacobson, City Clerk for said City, hereby certify that at a meeting of the City Council of said City of West Des Moines, held on January 8, 2018, among other proceedings, Roll Call No. \_\_\_\_\_ approved said plat on January 8, 2018, and released said Final Plat for recordation.

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

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

**Date: January 8, 2018**

**ITEM:** Continental Plaza Plat 2, 7300 Westown Parkway – Plat property into 2 commercial lots, 2 street lots and 1 outlot for detention– Penta Partners LLC. – FP-003493-2017

**RESOLUTION:** Acceptance of Surety in Lieu of Public Improvements, Approval and Acceptance of Easements and Agreements, and Approval and Release of Final Plat

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Penta Partners LLC, represented by Erin Ollendike of Civil Design Advantage, is requesting approval of a Final Plat for approximately 12.5 acres located at 7300 Westown Parkway. The applicant proposes to subdivide the property into 2 commercial lots, 2 street lots, and 1 outlot for detention.

**CITY COUNCIL SUBCOMMITTEE:** This project was presented to the Development and Planning City Council Subcommittee on May 30, 2017. The Subcommittee expressed support of the development.

**OUTSTANDING ISSUES:** There are no outstanding issues. Staff notes the following:

- As part of this approval, the Council is approving and accepting the following:
  - Deeds for public street Lots A and B
  - Storm Water Management Facility Maintenance Easement and Agreement
  - Easements for sanitary sewers, ingress/egress and future access drive agreement
  - Agreement for the installation of street lights on Lake Drive, Jordan Creek Parkway and Westown Parkway
  - Agreement and Waivers for the construction for a future right turn lanes on Jordan Creek Parkway and Westown Parkway
  - Surety in lieu of the construction of Sanitary Sewer public improvements

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

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve Continental Plaza Plat 2 Final Plat, subject to the applicant meeting all City Code requirements and the following conditions of approval:

1. Applicant acknowledging that the Continental Plaza Plat 2 Final plat must be recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat.
2. Prior to the recordation of the plat, the applicant shall submit surety in an amount acceptable to the Engineering Division for public improvements consisting of the installation of Sanitary Sewers.
3. Prior to recordation of the final plat, the applicant providing executed copies of the ingress/egress agreement and the future access drive agreement.
4. Prior to recordation of the final plat, the applicant submitting final drawings addressing all remaining staff comments.
5. The applicant acknowledging that all public improvements must be completed and accepted by the City prior to issuance of any occupancy permits, including temporary occupancy permits for any future building within the plat.

Lead Staff Member: J. Bradley Munford

S:\\_Development Projects\Continental Plaza\Continental Plaza Plat 2\Preliminary Plat\FP-003493-2017\_SR\_Continental Plaza Plat 2\_01-08-2018\_CC.docx



**Staff Reviews:**

Department Director	LS
Appropriations/Finance	
Legal	
Agenda Acceptance	RJS (W)

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

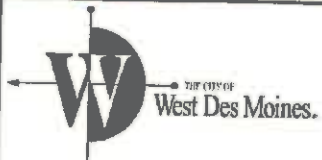
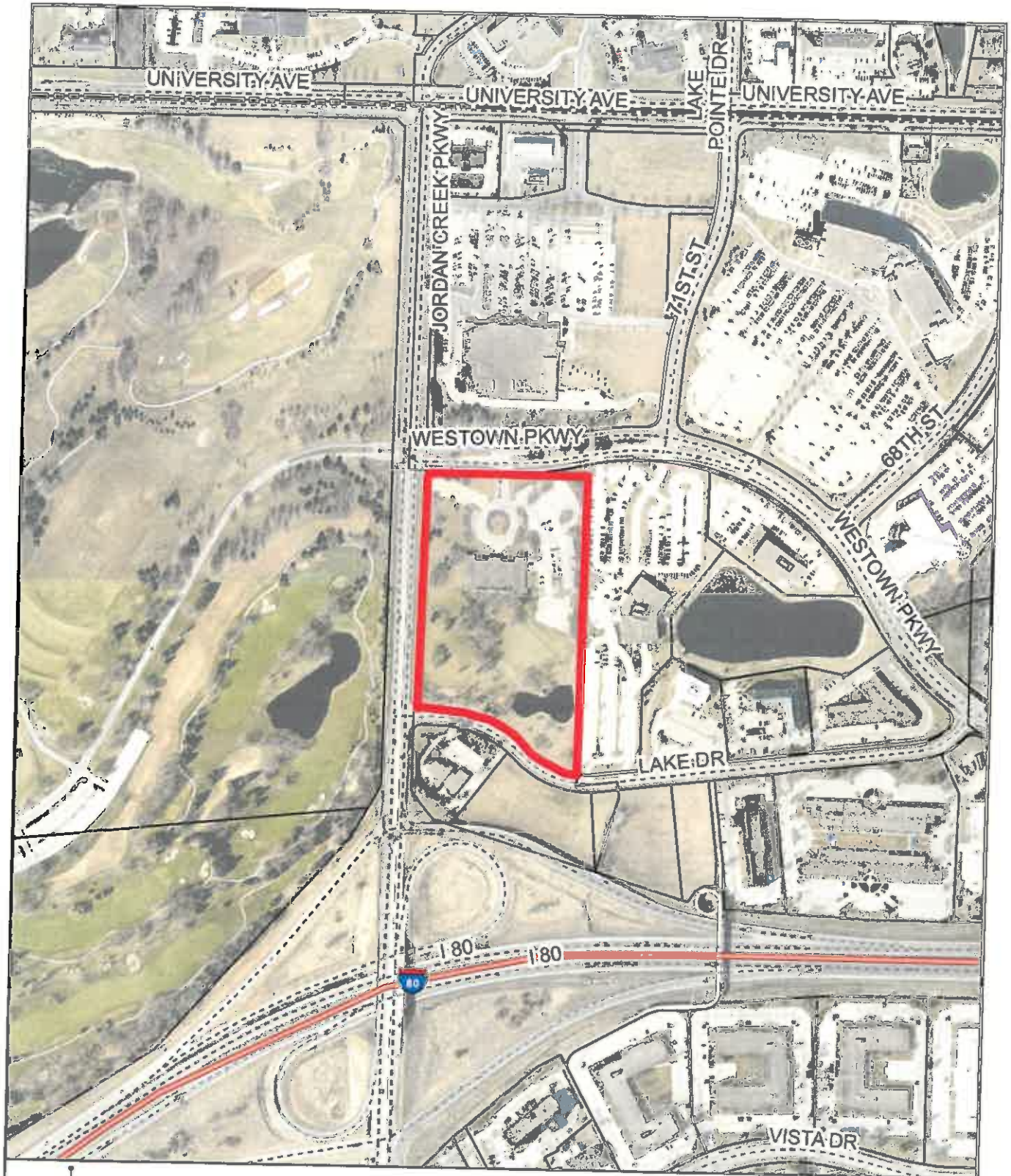
Published In	not required
Date(s) Published	N/A
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	5/30/2017		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Location Map
- Exhibit II - Final Plat
- Exhibit III - Resolution: Acceptance of Surety, Approval and Acceptance of Easements and Agreements, Approval and Release of the Final Plat
  - Exhibit A - Conditions of Approval
  - Exhibit B - Easements and Agreements



### Continental Plaza Plat 2



# CONTINENTAL PLAZA PLAT 2

## FINAL PLAT

EXHIBIT II

**INDEX LEGEND**  
 LOCATION: LOT 1, CONTINENTAL PLAZA PLAT 1  
 WEST DES MOINES  
 REQUESTOR: PENTA PARTNERS LLC  
 PROPRIETOR: PENTA PARTNERS LLC  
 5700 UNIVERSITY AVENUE, SUITE 220  
 WEST DES MOINES, IOWA 50388  
 SURVEYOR: LOUIS M. MELEHAN  
 SURVEYOR COMPANY: CIVIL DESIGN ADVANTAGE  
 RETURN TO: CIVIL DESIGN ADVANTAGE  
 3405 SE CROSSROADS DRIVE, SUITE 0  
 GRIMES, IOWA 50111  
 PH: 515-369-4400

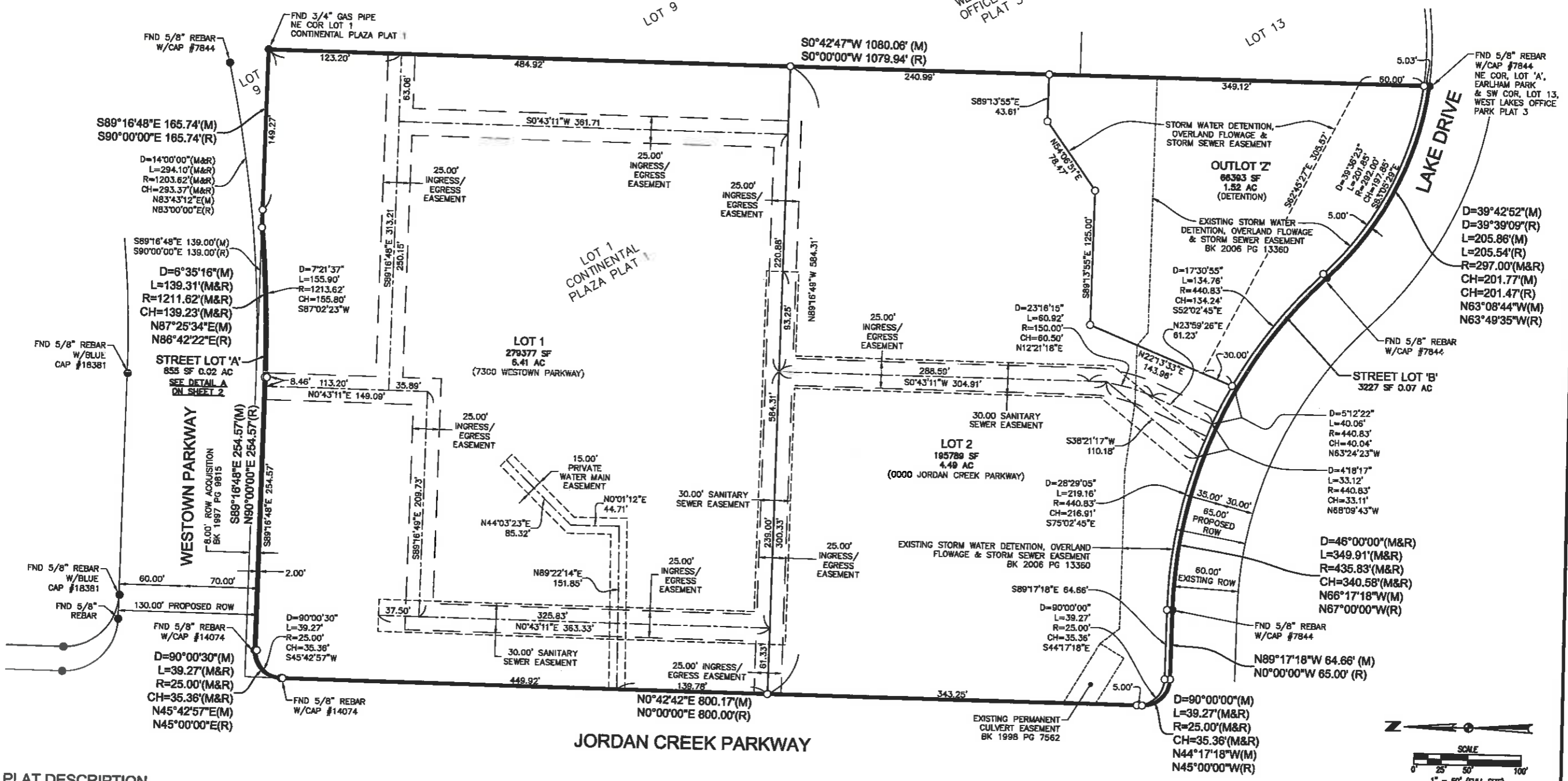
DATE	REVISIONS
11/07/17	REMOVED OUTLOT Y
11/07/17	ADDED PRIVATE WATER MAIN EASEMENT
10/20/17	1ST SUBMITTAL
09/18/17	

3405 S.E. CROSSROADS DRIVE, SUITE G  
 GRIMES, IOWA 50111  
 PHONE: (515) 369-4400 FAX: (515) 369-4410  
 TECH: ENGINEER:



CONTINENTAL PLAZA PLAT 2  
 FINAL PLAT  
 WEST DES MOINES, IOWA

1  
 2  
 1701.031



**PLAT DESCRIPTION**

SPECIAL WARRANTY DEED - BOOK 2017 PAGE 3746

LOT 1, CONTINENTAL PLAZA PLAT 1, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, EXCEPT A PARCEL OF LAND IN LOT 1, CONTINENTAL PLAZA PLAT 1, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE EASTERN MOST CORNER OF LOT 2, CONTINENTAL PLAZA PLAT 1; THENCE NORTHWESTERLY ALONG THE NORTH LINE OF SAID LOT 2 ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 292.89 FEET, AN ARC LENGTH OF 288.99 FEET, AND A CHORD BEARING OF NORTH 83°41'24" WEST, TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 435.83 FEET, AN ARC LENGTH OF 285.35 FEET, AND A CHORD BEARING OF SOUTH 71°14'34" EAST, TO A POINT; THENCE SOUTH 52°37'12" WEST, 41.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.088 ACRES MORE OR LESS; AND EXCEPT A PARCEL OF LAND IN LOT 1, CONTINENTAL PLAZA PLAT 1, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, THENCE NORTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 1 ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 243.36 FEET, AN ARC LENGTH OF 285.13 FEET, AND A CHORD BEARING OF NORTH 84°08'58" WEST, TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG SAID SOUTH LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 292.89 FEET, AN ARC LENGTH OF 34.74 FEET, A CHORD BEARING OF NORTH 33°58'55" WEST, TO THE NORTHERN MOST CORNER OF LOT 3, CONTINENTAL PLAZA PLAT 1; THENCE NORTH 52°37'12" EAST, 41.10 FEET TO A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 435.83 FEET, AN ARC LENGTH OF 84.56 FEET, AND A CHORD BEARING OF SOUTH 48°14'45" EAST, TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 297.00 FEET, AN ARC LENGTH OF 204.54 FEET, AND A CHORD BEARING OF SOUTH 83°49'35" EAST, TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°00'00" EAST, 345 AND IN BOOK 1998, PAGE 8078, IN THE OFFICE OF THE DALLAS COUNTY RECORDER, THE DESCRIPTION ABOVE IS ALSO DESCRIBED AS LOT 1, CONTINENTAL PLAZA PLAT 1, AN OFFICIAL PLAT, EXCEPT FOR THAT PORTION REPLATTED INTO LOT A, EARLHAM PARK, AN OFFICIAL PLAT, AND EXCEPT THAT PART TAKEN FOR RIGHT OF WAY FOR JORDAN CREEK PARKWAY, AND WESTOWN PARKWAY, ALL IN WEST DES MOINES, DALLAS COUNTY, IOWA, SAID TRACT OF LAND CONTAINS 12.51 ACRES MORE OR LESS.

**LEGEND**

FOUND	SET
SECTION CORNER AS NOTED	▲ ▲
1/2" REBAR, YELLOW CAP #18880 (UNLESS OTHERWISE NOTED)	● ○
MEASURED BEARING & DISTANCE	M
PLATTED BEARING & DISTANCE	P
RECORDED BEARING & DISTANCE	R
DEEDED BEARING & DISTANCE	D
PUBLIC UTILITY EASEMENT	P.U.E.
CURVE ARC LENGTH	AL
LOT ADDRESS	(1234)
CENTERLINE	---
SECTION LINE	---
EASEMENT LINE	---
PLAT BOUNDARY	---

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

**PROFESSIONAL LAND SURVEYOR**  
 LOUIS M. MELEHAN, P.L.S.  
 16880  
 10/20/17

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

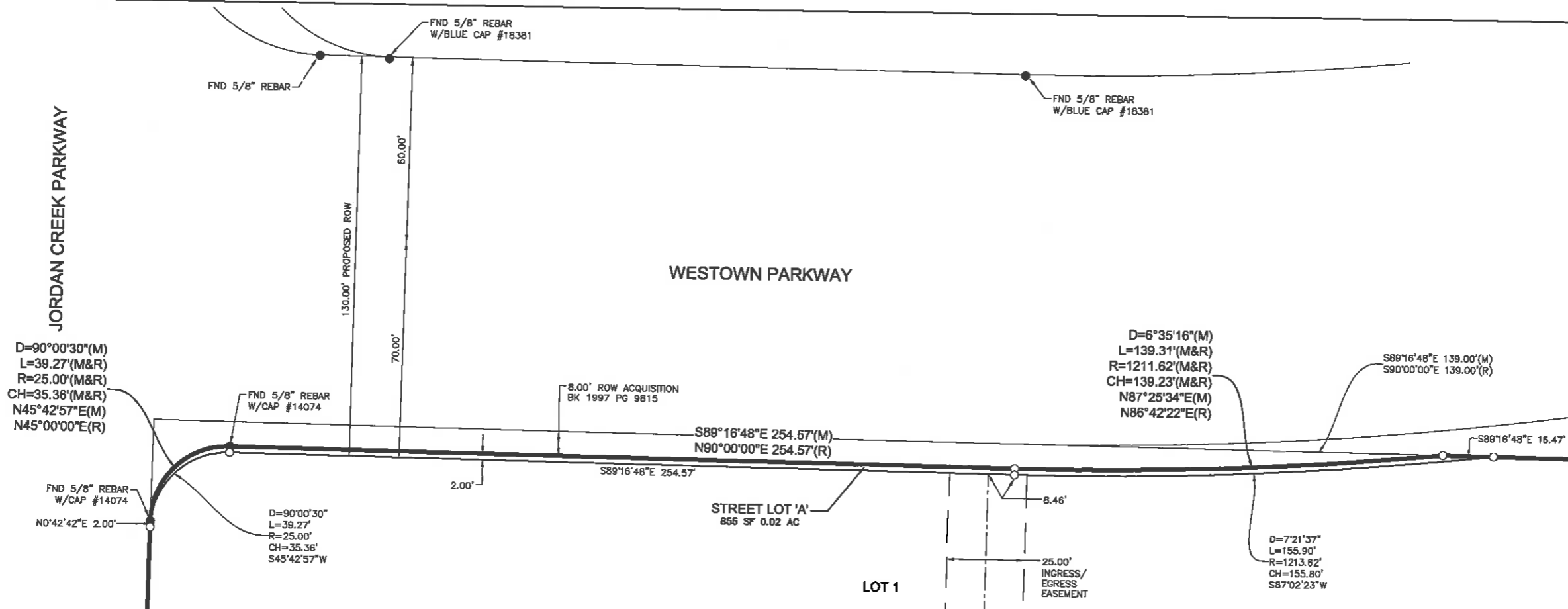
DATE: \_\_\_\_\_  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017  
 PAGES OR SHEETS COVERED BY THIS SEAL: \_\_\_\_\_  
 SHEETS 1 & 2

FILE: H:\2017\17031\DWG\17031-FINAL-PLAT.DWG  
 DATE PLOTTED: 11/20/17 11:58 PM

# CONTINENTAL PLAZA PLAT 2

## FINAL PLAT

DETAIL A



**OWNER/DEVELOPER**  
 PENTA PARTNERS LLC  
 5700 UNIVERSITY AVENUE, SUITE 220  
 WEST DES MOINES, IOWA 50266

**ENGINEER/SURVEYOR**  
 CIVIL DESIGN ADVANTAGE, LLC  
 3405 S.E. CROSSROADS DRIVE, SUITE G  
 GRIMES, IOWA 50111  
 PH: 515-369-4400

**ZONING**  
 PROFESSIONAL COMMERCE PARK (PCP)

**LAND USE**  
 OFFICE (OF)

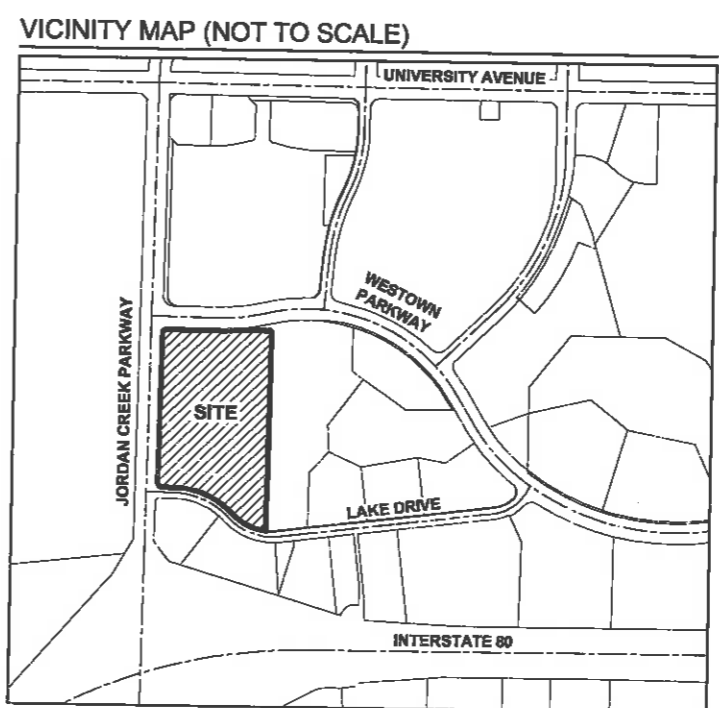
**DATE OF SURVEY**  
 MARCH 28, 2017

**PLAT AREA BY SURVEY**  
 12.53 ACRES (545,641 SQUARE FEET).

**NOTES**  
 1. ANY SET MONUMENTATION SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.

**REFERENCED SURVEYS**  
 THE FOLLOWING LIST OF SURVEYS WERE USED IN THE PREPARATION OF THIS SURVEY:

- CONTINENTAL PLAZA PLAT 1, BOOK 8, PAGE 682
- WEST LAKES OFFICE PARK PLAT 3, BOOK 749, PAGE 353-385
- EARLHAM PARK, BOOK 772, PAGE 898
- ACQUISITION PLAT, BOOK 1897, PAGE 9815 (DEED BOOK 849, PAGE 345)
- ACQUISITION PLAT, BOOK 1898, PAGE 8079
- RETRACEMENT SURVEY, BOOK 2006, PAGE 4328



REVISIONS	DATE
REMOVED OUTLOT 'Y'	11/30/17
ADDED PRIVATE WATER MAIN EASEMENT	11/07/17
5TH SUBMITTAL	10/20/17
1ST SUBMITTAL	05/16/17

3405 S.E. CROSSROADS DRIVE, SUITE G  
 GRIMES, IOWA 50111  
 PHONE: (515) 369-4400 FAX: (515) 369-4410  
 ENGINEER: \_\_\_\_\_ TECH: \_\_\_\_\_



**CONTINENTAL PLAZA PLAT 2**  
**FINAL PLAT**  
 WEST DES MOINES, IOWA

FILE: H:\2017\1701031.DWG DATE: 11/30/17 DATE PLOTTED: 11/30/2017 1:58 PM

Prepared by: J. B. Munford, 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, ACCEPTING SURETY IN LIEU OF INSTALLATION OF PUBLIC IMPROVEMENTS, APPROVING AND ACCEPTING EASEMENTS AND AGREEMENT, AND APPROVING AND RELEASING CONTINENTAL PLAZA PLAT 2 FINAL PLAT (FP-003493-2017) FOR THE PURPOSE OF SUBDIVIDING PROPERTY INTO 2 COMMERCIAL LOTS, 1 OUTLOT FOR DETENTION, AND 2 PUBLIC STREET LOTS**

**WHEREAS**, pursuant to the provisions of Title 10, Subdivision Regulations and Title 9, Zoning Chapter 1 et seq, of the West Des Moines Municipal Code, Penta Partners LLC, has requested approval for a Final Plat (FP-003306-2016) for approximately 12.5 acres located at 7300 Westown Parkway. The applicant proposes to subdivide the property legally described below into 2 commercial lots, 1 outlot for detention, and 2 public street lots to be dedicated to the City:

**Legal Description**

LOT 1, CONTINENTAL PLAZA PLAT 1, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, EXCEPT A PARCEL OF LAND IN LOT 1, CONTINENTAL PLAZA PLAT 1 THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERN MOST CORNER OF LOT 2, CONTINENTAL PLAZA PLAT 1: THENCE NORTHWESTERLY ALONG THE NORTH LINE OF SAID LOT 2 ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 292.69 FEET, AN ARC LENGTH OF 266.99 FEET, AND A CHORD BEARING OF NORTH 63°41'24" WEST, TO A POINT; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 435.63 FEET, AN ARC LENGTH OF 265.35 FEET, AND A CHORD BEARING OF SOUTH 71°14'34" EAST, TO A POINT; THENCE SOUTH 52°37'12" WEST, 41.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.088 ACRES MORE OR LESS; AND EXCEPT A PARCEL OF LAND IN LOT 1, CONTINENTAL PLAZA PLAT 1 THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, THENCE NORTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 243.36 FEET, AN ARC LENGTH OF 285.13 FEET, AND CHORD BEARING OF NORTH 64°08'58" WEST, TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG SAID SOUTH LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 292.89 FEET, AN ARC LENGTH OF 34.74 FEET, A CHORD BEARING OF NORTH 33°58'55" WEST, TO THE NORTHERN MOST CORNER OF LOT 3, CONTINENTAL PLAZA PLAT 1; THENCE NORTH 52°37'12" EAST, 41.10 FEET TO A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 435.83 FEET, AN ARC LENGTH OF 64.56 FEET, AND A CHORD BEARING OF SOUTH 48°14'45" EAST, TO A POINT OF REVERSE CURVATURE; THENCE

SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 297.00 FEET, AN ARC LENGTH OF 204.54 FEET, AND A CHORD BEARING OF SOUTH 63°49'35" EAST, TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°00'00" EAST, 39.26 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.363 ACRES MORE OF LESS, AND EXCEPT LAND DEEDED TO THE CITY OF WEST DES MOINES, AS RECORDED IN BOOK 849, PAGE 345 AND IN BOOK 1998, PAGE 8079, IN THE OFFICE OF THE DALLAS COUNTY RECORDER, THE DESCRIPTION ABOVE IS ALSO DESCRIBED AS LOT 1, CONTINENTAL PLAZA PLAT 1, AN OFFICIAL PLAT, EXCEPT FOR THAT PORTION REPLATTED INTO LOT A, EARLHAM PARK, AN OFFICIAL PLAT, AND EXCEPT THAT PART TAKEN FOR RIGHT OF WAY FOR JORDAN CREEK PARKWAY, AND WESTOWN PARKWAY, ALL IN WEST DES MOINES, DALLAS COUNTY, IOWA, SAID TRACT OF LAND CONTAINS 12.51 ACRES MORE OF LESS.

**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**, the West Des Moines Plan and Zoning Commission reviewed the Preliminary Plat for Continental Plaza Plat 2 and recommended approval on July 31, 2017;

**WHEREAS**, the Final Plat that was submitted for review was determined to be generally consistent with the Preliminary Plat for Continental Plaza Plat 2 that was reviewed and approved by the City Council on December 11, 2017;

**WHEREAS**, on January 8, 2018, this City Council held a duly-noticed meeting to consider the application for Continental Plaza Plat 2 Final Plat (FP-003306-2016);

**WHEREAS**, the City Council accepts surety in lieu of Sanitary Sewer public improvements;

**WHEREAS**, the applicant has provided a deed to the City of West Des Moines for public street lots A and B to be dedicated to the City as public rights-of-way;

**WHEREAS**, the City Council accepts sanitary sewer easements, ingress/egress easements, future access drive agreement, street light agreement, agreement and waiver for the future construction of right turn lanes on Jordan Creek Parkway and Westown Parkway and the Storm Water Management Facility Maintenance Covenant, Agreement;

**WHEREAS**, the City Council assigns the following addresses:

Continental Plaza Plat 2 Lot 1	7300 Westown Parkway
Continental Plaza Plat 2 Lot 2	1625 Jordan Creek Pkwy

**WHEREAS**, Continental Plaza Plat 2 is zoned Professional Commerce Park (PCP) and meets all requirements of the City's Zoning Code.

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

**SECTION 1.** The findings of consistency with the Comprehensive Plan as stated in the staff report, or as amended orally at the City Council hearing, are adopted.

**SECTION 2.** Final Plat, Continental Plaza Plat 2 (FP-003493-2017) is approved, subject to compliance with all the conditions in the staff report, dated January 8, 2018, including conditions added at the meeting, if any, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**SECTION 3.** This resolution does release Continental Plaza Plat 2 Final Plat (FP-003493-2017) for

recording upon fulfillment of related conditions of approval. The City Council of West Des Moines, Iowa directs the City Clerk to release said plat for recording in accordance with said City Council approval of the final plat on January 8, 2018 and Roll Call No. \_\_\_\_\_.

**CERTIFICATE**

I, Ryan T. Jacobson, City Clerk for said City, hereby certify that at a meeting of the City Council of said City of West Des Moines, held on January 8, 2018, among other proceedings, Roll Call No. \_\_\_\_\_ approved said plat on January 8, 2018, and released said Final Plat for recording.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this 8th day of January, 2018

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

**ATTEST:**

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

**Exhibit A  
Conditions of Approval**

1. Applicant acknowledging that the Continental Plaza Plat 2 Final plat must be recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat.
2. Prior to the recordation of the plat, the applicant shall submit surety in an amount acceptable to the Engineering Division for public improvements consisting of the installation of Sanitary Sewers.
3. Prior to recordation of the final plat, the applicant providing executed copies of the ingress/egress agreement and the future access drive agreement.
4. Prior to recordation of the final plat, the applicant submitting final drawings addressing all remaining staff comments.
5. The applicant acknowledging that all public improvements must be completed and accepted by the City prior to issuance of any occupancy permits, including temporary occupancy permits for any future building within the plat.



James M. Gocke AT0002854

Preparer Information: James M. Gocke, 210 N.E. Delaware Avenue, Suite 200, Ankeny, Iowa 50021; (515) 964-8777  
After Filing Return To: James M. Gocke, 210 N.E. Delaware Avenue, Suite 200, Ankeny, Iowa 50021

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**SANITARY SEWER EASEMENT**

**KNOW ALL PERSONS BY THESE PRESENTS** that the undersigned property owner (hereinafter called "Grantor"), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby convey unto the CITY OF WEST DES MOINES, IOWA, a municipal corporation (hereinafter called "City"), a perpetual easement and right-of-way under, over, on, through, across and within the following described real estate:

A PART OF LOTS 1 and 2, CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS A 30.00 FOOT WIDE EASEMENT BEING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF OUTLOT 'Z', SAID CONTINENTAL PLAZA PLAT 2; THENCE NORTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 2 AND A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 440.83 FEET, WHOSE ARC LENGTH IS 73.18 FEET AND WHOSE CHORD BEARS NORTH 65°33'32" WEST, 73.09 FEET TO THE POINT OF BEGINNING; THENCE NORTH 38°21'17" EAST, 110.18 FEET; THENCE NORTH 0°43'11" EAST, 304.91 FEET TO THE NORTH LINE OF SAID LOT 2 AND REFERENCE POINT 'A'; THENCE SOUTH 89°16'49" EAST ALONG SAID NORTH LINE, 93.25 FEET TO A POINT OF TERMINUS; BEGINNING AT REFERENCE POINT 'A'; THENCE NORTH 89°16'49" WEST ALONG SAID NORTH LINE, 239.00 FEET; THENCE NORTH 0°43'11" EAST, 363.33 FEET TO THE POINT OF TERMINUS AND CONTAINING 0.75 ACRES (32,873 SQUARE FEET).

(hereinafter called "Easement Area"), for the purpose of the City constructing, reconstructing, repairing, replacing, enlarging, inspecting and maintaining a sanitary sewer, together with all necessary structures and appurtenances thereto, under, over, on, through, across and within said

Easement Area. Sanitary Sewers are for the purpose of serving areas as from time to time may be determined by the City.

This Easement shall be subject to the following terms and conditions:

1. **ERECTION AND PLACEMENT OF STRUCTURES, OBSTRUCTIONS, PLANTINGS OR MATERIALS PROHIBITED.** Grantor and its grantees, assigns and transferees shall not erect any fence or other structure under, over, on, through, across or within the Easement Area without obtaining the prior written consent of the City, nor shall Grantor cause or permit any obstruction, planting or material to be placed under, over, on, through across or within the Easement Area without obtaining the prior written consent of the City.
2. **CHANGE OF GRADE PROHIBITED.** Grantor and its grantees, assigns and transferees shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City. The City shall have the right to restore any changes in grade, elevation or contour without prior written consent of the Grantor, its grantees, assigns or transferees.
3. **RIGHT OF ACCESS.** The City shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area from property adjacent thereto as herein described, including but not limited to, the right to remove any unauthorized fences, structures, obstruction, planting or material placed or erected under, over, on, through, across or within the Easement Area.
4. **MAINTENANCE.** The City shall not be responsible for any maintenance of the land located within the Easement Area whatsoever and that responsibility shall remain with the Grantor, its grantees, assigns or transferees. The City may, however, perform such maintenance should it determine in its sole discretion such maintenance is needed.
5. **PROPERTY TO BE RESTORED.** The City shall restore the Easement Area after exercising its rights hereunder, provided, however, that the City's duty of restoration shall be limited to grading and replacing grass, sod or any other ground cover (but not including any structures, trees or shrubs). The City shall not be responsible for any construction, reconstruction, replacement, repair or maintenance of any improvements located within the Easement Area.
6. **LIABILITY.** Except as may be caused by the negligent, reckless, or intentional acts or omissions of the City, its employees, agents or its representatives, the City shall not be liable for injury or property damage occurring in or to the Easement Area, the property abutting said Easement Area, nor for property damage to any improvements or obstructions thereon resulting from the City's exercise of this Easement. Grantor agrees to indemnify and hold City, its employees, agents and representatives harmless against any loss, damage, injury or any claim or lawsuit

for loss, damage or injury arising out of or resulting from the negligent, reckless, or intentional acts or omissions of Grantor or its employees, agents or representatives.

7. **EASEMENT BENEFIT.** This Easement shall be for the benefit of the City, its successors and assigns, and its permittees and licensees.
8. **EASEMENT RUNS WITH LAND.** This Easement shall be deemed perpetual and to run with the land and shall be binding on Grantor and on Grantor's heirs, successors and assigns.
9. **CONSENT AND SUBORDINATION OF MORTGAGE HOLDER.** Donald F. Lamberti, Trustee of the DFL Revocable Trust Agreement under Agreement dated April 16, 2008, is the holder of a real estate mortgage dated February 23, 2017, and filed of record on March 2, 2017, in Book 2017, at Page 3748 in the records of the Recorder of Dallas County, Iowa. By signing this Agreement, Donald F. Lamberti, Trustee of the DFL Revocable Trust Agreement under Agreement dated April 16, 2008 consents to the terms of this easement agreement and hereby subordinates its interest in the Easement Area to the interest of the City and its successors and assigns.
10. **APPROVAL BY CITY COUNCIL.** This Easement shall not be binding until it has received the final approval and acceptance by the City Council by Resolution which approval and acceptance shall be noted on this Easement by the City Clerk.

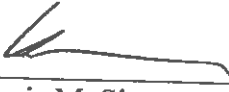
Grantor does HEREBY COVENANT with the City that (i) Grantor holds said real estate described in this Easement by title in fee simple; (ii) that Grantor has good and lawful authority to convey the same; and (iii) said Grantor covenants to WARRANT AND DEFEND the said premises against the claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Easement.

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

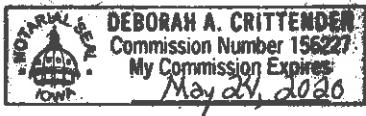
Signed this 17<sup>th</sup> day of November, 2017.

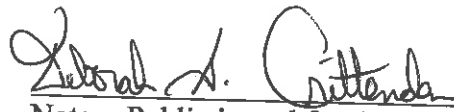
Penta Partners, LLC

By:   
Travis M. Sisson, Manager

STATE OF IOWA    )  
                          ) ss:  
COUNTY OF POLK )

This instrument was acknowledged before me on this 17<sup>th</sup> day of November, 2017, by Travis M. Sisson, as Manager of Penta Partners, LLC.



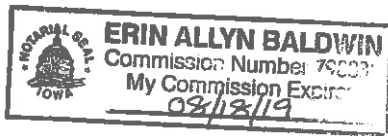
  
Notary Public in and for the State of Iowa

DFL Revocable Trust Agreement, Under  
Agreement dated April 16, 2008

By: Donald F. Lamberti  
Donald F. Lamberti, Trustee

STATE OF IOWA )  
                          ) ss:  
COUNTY OF POLK )

This instrument was acknowledged before me on this 7 day of October,  
2017, by Donald F. Lamberti, as Trustee of the DFL Revocable Trust Agreement, Under  
Agreement dated April 16, 2008.



Erin Allyn Baldwin  
Notary Public in and for the State of Iowa

STATE OF IOWA                    )  
  )SS  
COUNTY OF POLK                )

I, Ryan T. Jacobson, City Clerk of the City of West Des Moines, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of West Des Moines by Resolution No. \_\_\_\_\_, passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and this certificate is made pursuant to authority contained in said Resolution.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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

Prepared by: J. B. Munford 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  
Project Name: Continental Plaza Plat 2  
Project File #: SP-003238-2016

**CONTINENTAL PLAZA PLAT 2 STORM WATER MANAGEMENT FACILITY  
MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT  
FOR SINGLE OWNERSHIP PARCEL(S)**

**THIS STORM WATER MANAGEMENT FACILITY MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT** is entered into between Penta Partners, LLC (hereinafter referred to as "Grantor") and the **City of West Des Moines, Iowa** (hereinafter referred to as "City"), in consideration for the approval by the City of West Des Moines, Iowa of the site plan for the Continental Plaza Plat 2 (whenever the term "Grantor" is used herein, it shall mean Grantor and Grantor's successors and assigns unless otherwise specifically denoted).

Grantor is obligated by the Municipal Code of the City of West Des Moines to control storm water runoff for the proposed development as a part of the site plan approval for the Continental Plaza Plat 2. In consideration for the City's approval of the Grantor's site plan, the parties enter into this Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement to control and address storm water runoff for the following described property:

ALL LOTS IN CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST  
DES MOINES, DALLAS COUNTY, IOWA

(hereinafter referred to as the "Benefited Property").

**PART I – COVENANTS ON THE BENEFITED PROPERTY**

The following provisions are covenants running with the land to the City of West Des Moines, binding on all successors and assigns of the Benefited Property and shall only be amended or released with the written permission of the City.

1. Grantor hereby agrees that the storm water runoff for the subdivision/site shall be controlled through installation, construction and maintenance of a storm water management facility(ies) as detailed in the City approved Storm Water Management Plan and site plan development documents submitted for the plat upon, over, under, through and across the following described property:

OUTLOT Z, CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST  
DES MOINES, DALLAS COUNTY, IOWA

(hereinafter referred to as the "Easement Area").

2. Grantor covenants and agrees that the design, construction and maintenance of the Storm Water Management Facility shall be in compliance with the Storm Water Management Plan now on file with the City of West Des Moines and

which is available for public inspection. The design, construction and maintenance of the Storm Water Management Facility shall meet the storm water runoff requirements of the Municipal Code of the City of West Des Moines, Iowa.

3. It is hereby agreed and covenanted that the above described Benefited Property receives benefit from the Storm Water Management Facility by controlling runoff from the Benefited Property to meet the requirements of the Post-Construction Storm Water Management Ordinance of the Municipal Code of the City of West Des Moines, Iowa and the Subdivision Design requirements of Section 10-3-1 or succeeding legislation of the Municipal Code of the City of West Des Moines, Iowa.
4. It is hereby agreed that Grantor is solely responsible for constructing, installing and ensuring that the Storm Water Management Facility meets the standard set forth in the Post-Construction Storm Water Ordinance and Section 10-3-1 of the Municipal Code of the City of West Des Moines, Iowa.
5. Grantor hereby designates, appoints and agrees on behalf of Grantor and all successors and assigns that the Grantor is designated as the responsible party for replacement, reconstruction, repair, grading and maintenance of the Storm Water Management Facility.
6. Grantor hereby covenants and agrees that Grantor is hereby designated and authorized to accept notices and service of process as it relates to the inspection, replacement, reconstruction, repair, grading and maintenance of the Storm Water Management Facility or permanent easement or notice of assessment for replacement, reconstruction, repair, grading and maintenance of the Storm Water Management Facility.
7. Grantor shall be responsible for all maintenance, repair and replacement of the Storm Water Management Facility, including obligations set forth in Part II, paragraph 12. Grantor shall comply with all terms of the Easement set forth in Part II herein.
8. Grantor shall inspect the Storm Water Management Facility on an annual basis, including but not limited to all pipes, inlets and outlets for defects, obstructions or changes in the Storm Water Management Facility from the original design of the Facility. The inspection shall be documented with date stamped photographs of the Storm Water Management Facility. Grantor shall document such inspection by completing the Inspection Report Form available from the City of West Des Moines Public Works Department. Any deficiencies or defects noted by the inspection shall be corrected by Grantor. The Inspection photographs and Inspection Report Form shall be made available to the City for review upon request and shall be kept and maintained for a period of 5 years from the date of inspection.
9. Grantor hereby agrees and consents on behalf of itself and all successors and assigns of the Benefited Property to assessment of the costs of maintaining, reconstructing, repairing, grading or dredging the Easement Area and Storm Water Management Facility on all Benefited Property established by the Grantor pursuant to the obligations set forth in paragraph 10, below. Grantor, on behalf of itself and all successors and assigns of the Benefited Property, shall execute a Petition and Waiver in favor of the City to allow the City to recover any costs expended for action taken as set forth in paragraph 10, below, to address the maintenance, reconstruction, repair, grading or dredging of the Storm Water Management Facility or Easement Area.
10. Should Grantor fail to maintain, reconstruct, repair, grade or dredge the Storm Water Management Facility or the Easement Area upon notice from the City, the City may cause such action to be done and assessed to the Benefited Property. The assessments on the Benefited Property shall be immediately due and payable from Grantor to the City pursuant to the terms of the Agreement and Waiver (see **Exhibit A**, attached hereto and made a part hereof).

#### **PART II – Easement for Storm Water Management Facility and Surface Water Flowage**

The following provisions in Part II herein are for a permanent easement over the Easement Area running with the land to the City of West Des Moines and Grantor.

11. Grantor hereby grants to the City a Permanent Surface Water Flowage Easement and Storm Water Management Facility under, over, through and across the Easement Area described above for the purpose of constructing, reconstructing, repairing, grading and maintaining the Storm Water Management Facility and the surface of the Easement Area in a manner that will permit the free and unobstructed flow of surface water over the Easement Area described above.



12. It is the obligation of the Grantor and all subsequent owners of the above described easement area to maintain the Easement Area and the Storm Water Management Facility as set forth below. The Grantor and all subsequent owners of the Easement Area shall perform the maintenance obligations set forth below. The maintenance obligations for the Storm Water Management Facility are as follows:

Storm water detention and retention ponds or basins:

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.
- b. Remove all trash, litter, debris or obstructions in the basin in the Easement Area and any inlets or outlets located within the Easement Area.
- c. Plant, maintain and replant as necessary permitted vegetation.
- d. Inspect for any defects, obstructions, or any changes in the original design.
- e. Inspect and determine the depth of the pond or basin on an annual basis.
- f. Remove any accumulated sediment from the outlet structures and remove any sediment which may accumulate greater than 12 inches in ponds or basins and greater than 6 inches in an underground detention basin.
- g. Till the soil at the bottom of the riparian buffer if it does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
- h. All repairs shall conform to the original design.
- i. Maintaining the storm water and retention pond or basin to assure the effectiveness for storm water runoff for the subdivision/site.

Grass and Bioretention Swales:

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.
- b. Remove all trash, litter, debris or obstructions in the grass or bioretention swale and Easement Area.
- c. No chemicals or substances shall be applied to the Easement Area that shall harm or impair the effectiveness of the swale as a storm water runoff control measure.
- d. Replant vegetation as soon as practical when any vegetation dies.
- e. Inspect and determine the depth of the swale on an annual basis.
- f. Remove any sediment accumulated greater than 6 inches which may accumulate in the swale.
- g. Till the soil at the bottom of the swale if the grass swale does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
- h. All repairs shall conform to the original design.
- i. Maintain the grass and/or bioretention swale to assure the effectiveness for storm water runoff for the subdivision/site.

Riparian Buffer:

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.
  - b. Replant the vegetation in the Easement Area as soon as practical when any vegetation dies.
  - c. Remove all trash, litter, debris or obstructions in the Easement Area.
  - d. Inspect for erosion in the riparian buffer on an annual basis.
  - e. Inspect and determine the depth of the riparian buffer on an annual basis.
  - f. Remove any sediment accumulated greater than 25% of the original design depth.
  - g. Till the soil at the bottom of the riparian buffer if it does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
  - h. All repairs shall conform to the original design.
  - i. Maintain the riparian buffer to assure the effectiveness for storm water runoff for the subdivision/site.
13. No chemicals or any substance shall be applied to the storm water maintenance facility that shall harm or impair the effectiveness of the storm water maintenance facility as a storm water runoff control measure.
14. No structure shall be erected over or within the Easement Area without obtaining the prior written approval of the City Engineer.
15. No structure, material, device, thing or matter which could possibly obstruct or impede the normal flow of surface water over the Easement Area shall be erected or caused to be placed on the Easement Area without obtaining the prior written approval of the City Engineer.

16. No planting of trees and shrubs is allowed within the easement area (other than planting allowed and required pursuant to the original Storm Water Management Control Plan on file with the City of West Des Moines).
17. No change shall be made to the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.
18. The City and their agents, contractors, employees and assigns shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described, including, but not limited to, the right to remove any unauthorized plantings or structures placed or erected on the Easement Area and the right to do maintenance, repair, reconstruction, grading and dredging.
19. Grantor covenants on behalf of the Benefited Property that the Easement Area or any other area appurtenant to or necessary for the operation of the Storm Water Management Facility shall not be sold, transferred, donated or in any other manner conveyed in order to relieve the Grantor from complying with the requirements of this Agreement.
20. This Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement and Petition and Waiver shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

Grantor does hereby covenant with the City that Grantor holds said real estate described in this Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement by Title In Fee Simple; that Grantor has good and lawful authority to convey the same; and said Grantor covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement.

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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

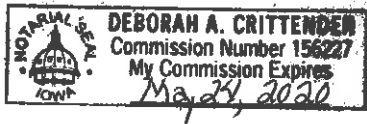
Signed this 7th day of November, 2017.

Grantor: Penta Partners, LLC

By:   
Travis M. Sisson, Manager

STATE OF IOWA )  
COUNTY OF Polk )SS

On this 7th day of November, 2017, before me, the undersigned, a Notary Public in and for said County and State personally appeared Travis M. Sisson, to me personally known, who being by me duly sworn, did say that he is a Manager, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Limited Liability Company, by it and by him voluntarily executed.



  
Notary Public in and for the State of Iowa

CITY OF WEST DES MOINES, IOWA

I, Ryan T. Jacobson, City Clerk of the City of West Des Moines, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of West Des Moines by Resolution and Roll Call No. \_\_\_\_\_, passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and this certificate is made pursuant to authority contained in said Resolution.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

EXHIBIT A

**AGREEMENT AND WAIVER  
POST CONSTRUCTION STORM WATER MANAGEMENT**

**THIS AGREEMENT** made and entered into by and between the City of West Des Moines, Iowa, hereinafter referenced the CITY, and Penta Partners, LLC, hereinafter referenced the 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 its Comprehensive Plan, adopted in December 1993, as amended, and in accordance with Iowa Code Chapter 354, Platting, Division and Subdivision of Land; and

**WHEREAS**, pursuant to U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR"), the City is required to obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4); and

**WHEREAS**, as a condition of the City's MS4 Permit, the City is obliged to develop, implement, and enforce a program to address storm water runoff from new construction and reconstruction projects for which State NPDES General Permit #2 storm water permit coverage is required; and

**WHEREAS**, the Property Owner, as the developer and/or owner of a construction or reconstruction project in the City of West Des Moines, is subject to the program implemented by the City to address storm water runoff from the project; and

**WHEREAS**, in order to comply with the program implemented by the City, the Property Owner has executed an Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement (hereinafter "Agreement") with the City to address the rights and obligations of the parties regarding control of post-construction storm water runoff from the project; and

**WHEREAS**, a provision of the Agreement requires the Property Owner to execute this Agreement and Waiver in favor of the City to allow the City to recover any costs expended for action taken by the City, its consultants, contractors and assigns to address the maintenance, reconstruction, repair, grading or dredging of the Storm Water Management Facility or Easement Area if the Property Owner or the Property Owner's successors and assigns fail to do so; and

**WHEREAS**, this Agreement and Waiver is made in conjunction with the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement located on:

ALL LOTS IN CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST  
DES MOINES, DALLAS COUNTY, IOWA

(hereinafter referred to as the "Benefited Property").

OUTLOT Z, CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES  
MOINES, DALLAS COUNTY, IOWA

(hereinafter referred to as the "Easement Area").

**NOW, THEREFORE, BE IT AGREED AMONG THE PARTIES AS FOLLOWS:**

1. In the event the Property Owner or its successors and assigns fail to comply with the requirements of the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement regarding any action necessary for the maintenance, reconstruction, repair, grading or dredging of the Storm Water Management Facility or Easement Area, the City shall have the right to cause the above-described actions completed in accordance with such plans and specifications as it shall deem appropriate.
2. For the purpose of this Agreement, the City may elect to enter into a contract for the completion of such actions as a part of any contract(s) and assess the cost of such actions to the Property Owner or its successors and assigns pursuant to the formula established in the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement.
3. In consideration for the completion of such actions 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 completion of said actions 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 complete such actions 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 the Code of Iowa; and
  - D. Any right to defer or postpone the payment for any such action.
4. It is further agreed that:
  - A. When said actions have been constructed or completed 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 and/or completion of said actions.
  - B. Said assessments shall be due immediately and will be paid to the City of West Des Moines and shall constitute 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.
5. The amount and proportion of the cost of the actions completed by the City 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 costs are determined and approved by the City Council, they shall constitute the assessments against the properties.
6. The Property Owners retain the right to request of the City a review of the mathematical calculations made to ensure their accuracy.

- 7. Property Owners hereby authorize the City Council to pass any Resolution requisite or necessary to order and secure said actions, to provide for the construction of the same and to make the assessments herein provided for, without further notice to said Property Owners or any of them. Any such Resolution may contain recitals that said actions 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 action.
- 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 such liens as are held by lienholders hereinafter listed and designated as signers of this Agreement and Waiver. Each lienholder designated below, by execution of this Agreement and Waiver, consent to the subordination of its lien to the lien of the assessment levied pursuant hereto.
- 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 below-referenced property, and shall be binding upon all successors and assigns. Furthermore, each Property Owner shall give a copy of this Agreement and Waiver to 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:** LOTS 1, 2 and OUTLOT Y IN CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA

**PROPERTY OWNER:**

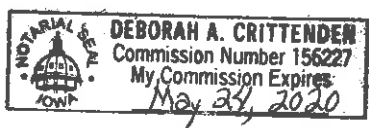
Penta Partners, LLC

By   
 Travis M. Sisson, Manager

Date November 7, 2017

STATE OF IOWA )  
 )  
 COUNTY OF POLK ) ss  
 )

On this 17<sup>th</sup> day of November, 2017, before me, the undersigned, a Notary Public in and for said County and State personally appeared Travis M. Sisson, to me personally known, who being by me duly sworn, did say that he is a Manager, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Limited Liability Company, by it and by him voluntarily executed.



  
 Notary Public - State of Iowa

**LIENHOLDER'S NAME:**

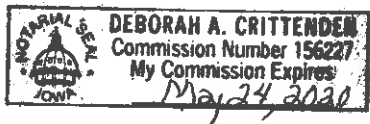
DFL Revocable Trust Agreement under Agreement dated April 16, 2008

By Donald F. Lamberti  
Donald F. Lamberti, Trustee

Date October 18, 2017

STATE OF IOWA )  
 ) ss  
COUNTY OF POLK )

On this 18<sup>th</sup> day of October, 2017, before me, the undersigned, a Notary Public in and for said County and State personally appeared Donald F. Lamberti, to me personally known, who being by me duly sworn, did say that he is the Trustee, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Trust, by it and by him voluntarily executed.



Deborah A. Crittenden  
Notary Public - State of Iowa

Prepared by: R.J. Scieszinski, Legal Dept., P. O. Box 65320, West Des Moines, IA 50265-0320 (515) 222-3614  
Return to: City Clerk, City of W. Des Moines, P. O. Box 65320, W. Des Moines, IA 50265-0320

### AGREEMENT AND WAIVER

THIS AGREEMENT made and entered into by and between the City of West Des Moines, Iowa, hereinafter referenced as the CITY, and Penta Partners, 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;

**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:

A pro-rata share of the future right turn lane improvements at Westtown Parkway and Jordan Creek Parkway and any other right turn lane into the development.



**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 such liens as are held by lienholders hereinafter listed and designated as signers of this Agreement and Waiver. Each lienholder designated below, by execution of this Agreement and Waiver, consent to the subordination of its lien to the lien of the special assessment levied pursuant hereto.
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. Furthermore, each Property Owner shall give a copy of this Agreement and Waiver to 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.

Lot 1, Continental Plaza Plat 1, an Official Plat, City of West Des Moines, Dallas County, Iowa EXCEPT A parcel of land in Lot 1, Continental Plaza Plat 1, that is more particularly described as follows:

Beginning at the eastern most corner of Lot 2, Continental Plaza Plat 1; thence northwesterly along the north line of said Lot 2 along a curve to the left having a radius of 292.89 feet, an arc length of 268.99 feet, and a chord bearing of N63°41'24"W, to a point; thence southeasterly along a curve to the right having a radius of 435.83 feet, an arc length of 285.35 feet, and a chord bearing of S71°14'34"E, to a point; thence S52°37'12"W, 41.10 feet to the point of beginning and containing 0.088 acres more or less; and except a parcel of land in Lot 1, Continental Plaza Plat 1, that is more particularly described as follows: beginning at the southeast corner of said Lot 1, thence northwesterly along the south line of said lot along a curve to the right having a radius of 243.36 feet, an arc length of 285.13 feet, and a chord bearing of N64°08'58"W, to a point of reverse curvature; thence northwesterly along said south line along a curve to the left having a radius of 292.89 feet, an arc length of 34.74 feet, and a chord bearing of N33°58'55"W, to the northern most corner of Lot 3, Continental Plaza Plat 1; thence N52°37'12"E, 41.10 feet to a point on a curve; thence southeasterly along a curve to the right having a radius of 435.83 feet, an arc length of 64.56 feet, and a chord bearing of S48°14'45"E, to a point of reverse curvature; thence southeasterly along a curve to the left having a radius of 297.00 feet, an arc length of 204.54 feet, and a chord bearing of S63°49'35"E, to a point on the east line of said Lot 1; thence S00°00'00"E, 39.26 feet along said east line to the point of beginning and containing 0.363 acres more or less; and except Land deeded to the City of West Des Moines, as recorded in Book 849, Page 345 and in Book 1998, Page 8079, in the Office of the Dallas County Recorder, the description above is also described as Lot 1 Continental Plaza, an Official Plat, except for that portion replatted into Lot A Earlham Park, an Official Plat, and except that part taken for Right of Way for Jordan Creek Parkway, and Westtown Parkway, all in West Des Moines, Dallas County, Iowa. Said tract of land contains 12.51 acres more or less.

**PROPERTY OWNER:**

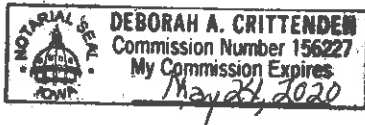
Penta Partners, LLC


By   
Travis M. Sisson, Manager

Date November 7, 2017

STATE OF IOWA )  
 ) ss  
COUNTY OF POLK )

On this 7th day of November, 2017, before me, the undersigned, a Notary Public in and for said County and State personally appeared Travis M. Sisson, to me personally known, who being by me duly sworn, did say that he is a Manager, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Limited Liability Company, by it and by him voluntarily executed.



  
Notary Public - State of Iowa

**LIENHOLDER'S NAME:**

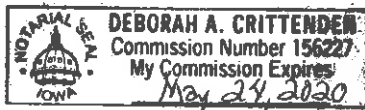
DFL Revocable Trust Agreement under Agreement dated April 16, 2008

By   
Donald F. Lamberti, Trustee

Date October 18, 2017

STATE OF IOWA )  
 ) ss  
COUNTY OF POLK )

On this 18th day of October, 2017, before me, the undersigned, a Notary Public in and for said County and State personally appeared Donald F. Lamberti, to me personally known, who being by me duly sworn, did say that he is the Trustee, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Trust, by it and by him voluntarily executed.



  
Notary Public - State of Iowa

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

Presented and approved by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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

## CITY OF WEST DES MOINES CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Amend City Code to Adjust Stormwater Fees and Charges  
Ordinance – First Reading

**DATE:** January 8, 2018

**FINANCIAL IMPACT:** Additional revenue will be generated each fiscal year (estimates are calculated on the attached worksheets). This revenue will be used primarily to fund a rapidly-increasing capital program for current and future stormwater system projects, as well as the operating and maintenance expenses associated with the system.

**BACKGROUND:** Staff has worked closely with its financial advisor, Public Financial Management (PFM), to develop a multi-year stormwater enterprise system cash flow projection. The projection considers many factors, including planned and proposed capital projects, expected usage, and operating costs. The City has not imposed stormwater fee increases since its inception over 10 years ago, and the current rates are among the lowest in the metro.

This fund has a small cash reserve and there are several major projects either in progress or which need to begin soon. The projects, estimated at over \$40 million, includes several bridge repairs located in Dallas County as well as new culverts, channels, and a pump station and many other storm improvements and repairs planned in the older sections of the City (primarily in the Val-Gate area surrounding around 1st St and Grand Avenue).

PFM, staff, and the City's Finance Committee are recommending an increase of \$0.60 to the monthly per housing unit fee effective July 1, 2018 through July 1, 2021, and an increase of \$0.25 July 1, 2022 through July 1, 2024.

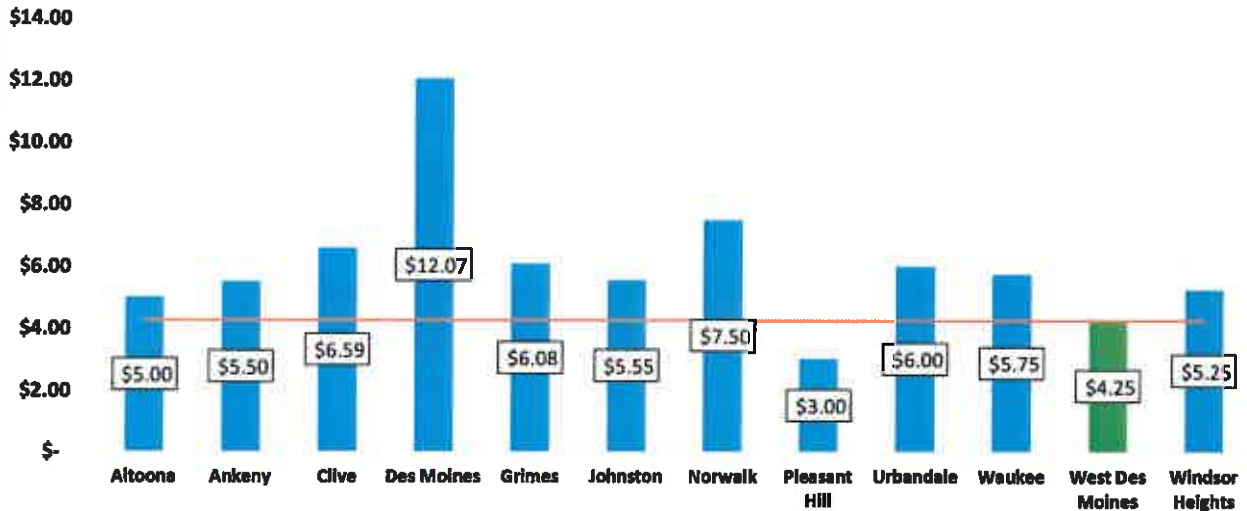
The current and proposed Equivalent Residential Unit (ERU) rates are as follows:

Current Rate	\$4.25 / ERU
Effective July 1, 2018	\$4.85 / ERU
Effective July 1, 2019	\$5.45 / ERU
Effective July 1, 2020	\$6.05 / ERU
Effective July 1, 2021	\$6.65 / ERU
Effective July 1, 2022	\$6.90 / ERU
Effective July 1, 2023	\$7.15 / ERU
Effective July 1, 2024	\$7.40 / ERU

PFM indicated that the marginal fund balance the City is facing in the Stormwater fund is not uncommon among metro cities due to increasing pressure to provide stormwater solutions. As a solution to the immediate discrepancy, staff and PFM are recommending an internal low interest 15-year loan borrowing money from the Sewer fund to the Stormwater fund. PFM indicated that the solution provided of internal borrowing is not uncommon for cities and clearly permissible as long as all terms are formalized. This will be presented to Council for approval with a separate item on this agenda.

Staff also has researched residential sewer fees of other cities in the Des Moines metro area, and those results are shown as follows:

**Metro Stormwater Rates (per ERU)  
Residential - as of October 2017**



It is assumed that other cities are facing similar challenges as West Des Moines and will likely also require similar rate adjustments, so it's very likely West Des Moines will remain in a similarly competitive position in the future, even with these proposed increases.

**OUTSTANDING ISSUES:** None

**RECOMMENDATION:** Approve the First Reading of the proposed ordinance to adopt a multi-year modification of Stormwater Fees.

**Lead Staff Member:** Tim Stiles, Finance Director *[Signature]*

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>[Signature]</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	October 18, 2017		
Recommendation	Yes	No	Split

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

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, BY AMENDING TITLE 4, CHAPTER 8B PERTAINING TO STORMWATER MANAGEMENT CHARGES.**

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

**SECTION 1.** Title 4, Chapter 8, Article B, Section 3 – ENUMERATED is hereby amended to read as follows:

**4-8B-3 ENUMERATED:** Except as hereinafter noted, each customer whose property lies within the corporate limits of the city of West Des Moines shall pay to the city of West Des Moines, through its collection agent, the West Des Moines Water Works, the following storm water management fees based on equivalent residential unit (ERU) associated with the customer's property:

**A. Undeveloped:** A flat fee at the rate of \$0.00 per month.

**B. Residential:** A fee based on the following schedule:

Effective July 1, 2018	\$4.85 / ERU
Effective July 1, 2019	\$5.45 / ERU
Effective July 1, 2020	\$6.05 / ERU
Effective July 1, 2021	\$6.65 / ERU
Effective July 1, 2022	\$6.90 / ERU
Effective July 1, 2023	\$7.15 / ERU
Effective July 1, 2024	\$7.40 / ERU

**C. Commercial:** A fee based on the following schedule:

Effective July 1, 2018	\$4.85 / ERU
Effective July 1, 2019	\$5.45 / ERU
Effective July 1, 2020	\$6.05 / ERU
Effective July 1, 2021	\$6.65 / ERU
Effective July 1, 2022	\$6.90 / ERU
Effective July 1, 2023	\$7.15 / ERU
Effective July 1, 2024	\$7.40 / ERU

**PASSED AND APPROVED**, this 8<sup>th</sup> day of January, 2018.

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

ATTEST:

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

Published in the Des Moines Register on \_\_\_\_\_

City of West Des Moines, Iowa  
Stormwater Enterprise Fund

EXHIBIT 1

Growth Assumptions	
Account & ERU Growth	1.50%
Operating Expenses	5.00%
Interest Rate	1.50%

Stormwater Rate Increases	
1-Jul-14	\$0.00
1-Jul-15	\$0.00
1-Jul-16	\$0.00
1-Jul-17	\$0.00
1-Jul-18	\$0.60
1-Jul-19	\$0.60
1-Jul-20	\$0.60
1-Jul-21	\$0.60
1-Jul-22	\$0.25
1-Jul-23	\$0.25
1-Jul-24	\$0.25

	Audited Financial Statements					Budget	Projected					Projected
	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18		FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	
Residential Charge per ERU 1	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$5.45	\$6.05	\$6.65	\$6.90	\$7.15	\$7.40
Ind./Comm. Charge per ERU 2	\$4.25	\$4.25	\$4.25	\$4.25	\$4.25	\$4.85	\$5.45	\$6.05	\$6.65	\$6.90	\$7.15	\$7.40
Average # Accounts 3	19,582	20,077	20,490	20,795	21,107	21,424	21,745	22,071	22,402	22,738	23,079	23,426
Account Growth 4	2.5%	2.5%	2.1%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%
Average Monthly Rate per Account 5	\$9.25	\$9.23	\$9.24	\$9.38	\$9.38	\$10.70	\$12.03	\$13.35	\$14.68	\$15.23	\$15.78	\$16.33
Operating Revenues												
Charges for Services 6	\$2,172,779	\$2,223,169	\$2,272,047	\$2,340,818	\$2,280,000	\$2,732,026	\$3,138,870	\$3,536,700	\$3,945,759	\$4,155,507	\$4,370,660	\$4,591,332
Site Inspection Fees 7	10,800	9,675	13,875	12,500	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
Street Sweeping Agreements 8	12,018	12,540	13,798	17,529	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000
Miscellaneous Revenues 9	5,853	11,931	159,147	211,414	0	0	0	0	0	0	0	0
Total Operating Revenues 10	\$2,201,450	\$2,257,315	\$2,458,867	\$2,582,261	\$2,301,000	\$2,773,026	\$3,159,870	\$3,557,700	\$3,966,759	\$4,176,507	\$4,391,660	\$4,612,332
Operating Expenses												
Personal Services 11	\$639,137	\$530,677	\$977,643	\$642,817	\$730,933	\$767,480	\$805,654	\$846,146	\$888,454	\$932,876	\$979,520	\$1,028,496
Supplies & Maintenance 12	59,071	49,047	90,357	74,099	67,555	70,593	74,479	78,201	82,114	86,219	90,530	95,057
Contractual Services 13	196,218	162,921	300,141	266,823	224,400	235,620	247,401	259,771	272,760	286,398	300,717	315,753
Vehicle & Equipment 14	101,205	84,030	154,805	151,383	115,740	121,527	127,603	133,984	140,683	147,717	155,103	162,858
Depreciation 15	634,422	701,832	741,632	741,632	755,000	755,000	755,000	755,000	755,000	755,000	755,000	755,000
Total Operating Expense 16	\$1,630,060	\$1,528,507	\$2,264,578	\$1,876,754	\$1,893,628	\$1,950,559	\$2,010,337	\$2,073,104	\$2,139,009	\$2,208,210	\$2,280,870	\$2,357,164
Operating Income 17	\$571,390	\$728,808	\$194,289	\$705,507	\$407,372	\$822,466	\$1,149,532	\$1,484,596	\$1,827,749	\$1,968,297	\$2,110,789	\$2,255,168
Add: Depreciation 18	634,422	701,832	741,632	741,632	755,000	755,000	755,000	755,000	755,000	755,000	755,000	755,000
Interest on Reserves 19	7,492	4,838	19,578	8,444	16,000	38,434	39,074	40,802	43,829	48,066	52,799	57,146
Revenue Available for D/S 20	\$1,213,248	\$1,435,478	\$955,499	\$1,455,583	\$1,178,372	\$1,615,901	\$1,943,607	\$2,280,397	\$2,626,579	\$2,771,363	\$2,918,588	\$3,067,315
Subordinated Debt												
Prop. Internal Sewer Loan 2018 21	\$0	\$0	\$0	\$0	\$0	\$486,250	\$462,450	\$466,825	\$466,050	\$465,200	\$464,275	\$463,275
Prop. Internal Sewer Loan 2019 22	0	0	0	0	0	0	588,206	559,415	564,708	563,770	562,742	561,623
Prop. Internal Sewer Loan 2020 23	0	0	0	0	0	0	0	274,496	261,060	263,530	263,093	262,613
Prop. Internal Sewer Loan 2021 24	0	0	0	0	0	0	0	0	274,496	261,060	263,093	263,093
Prop. Internal Sewer Loan 2022 25	0	0	0	0	0	0	0	0	0	274,496	261,060	263,530
Prop. Internal Sewer Loan 2023 26	0	0	0	0	0	0	0	0	0	0	274,496	263,530
Prop. Internal Sewer Loan 2024 27	0	0	0	0	0	0	0	0	0	0	0	286,260
Total Subordinated Debt 28	\$0	\$0	\$0	\$0	\$0	\$486,250	\$1,050,656	\$1,300,736	\$1,566,314	\$1,828,057	\$2,100,960	\$2,380,485
Total Debt Service 29	\$0	\$0	\$0	\$0	\$0	\$486,250	\$1,050,656	\$1,300,736	\$1,566,314	\$1,828,057	\$2,100,960	\$2,380,485
Debt Service Coverage												
Net Revenues / Parity Debt 30	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Net Revenues / All Debt 31	n/a	n/a	n/a	n/a	n/a	3.32	1.85	1.75	1.68	1.52	1.39	1.29



City of West Des Moines, Iowa  
Stormwater Enterprise Fund

EXHIBIT 1

Growth Assumptions	
Account & ERU Growth	1.50%
Operating Expenses	5.00%
Interest Rate	1.50%

Stormwater Rate Increases					
1-Jul-14	\$0.00	1-Jul-18	\$0.60	1-Jul-22	\$0.25
1-Jul-15	\$0.00	1-Jul-19	\$0.60	1-Jul-23	\$0.25
1-Jul-16	\$0.00	1-Jul-20	\$0.60	1-Jul-24	\$0.25
1-Jul-17	\$0.00	1-Jul-21	\$0.60		

	Audited Financial Statements				Estimated	Budget	Projected						
	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17			FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
Cashflow After Debt	32	\$1,213,248	\$1,435,478	\$955,499	\$1,455,583	\$1,178,372	\$1,129,651	\$892,951	\$979,661	\$1,060,264	\$943,306	\$817,628	\$686,829
Capital Expenditures	33	(\$348,582)	(\$473,620)	(\$3,470,798)	(\$3,910,826)	(\$12,718,267)	(\$11,700,000)	(\$4,277,800)	(\$4,277,800)	(\$4,277,800)	(\$4,277,800)	(\$4,277,800)	(\$430,000)
Debt Proceeds	34	0	0	0	0	6,200,000	7,500,000	3,500,000	3,500,000	3,500,000	3,650,000	3,750,000	0
Transfers (To) / From Restricted	35	0	(246,176)	(85,476)	(191,953)	0	0	0	0	0	0	0	0
Other Transfers In / (Out)	36	(113,232)	0	(136,302)	0	3,293,840	3,113,000	0	0	0	0	0	0
Misc Sources / (Uses)	37	(219,647)	225,061	2,348,606	(127,770)	0	0	0	0	0	0	0	0
Annual Surplus / (Deficit)	38	\$531,787	\$940,743	(\$388,470)	(\$2,774,967)	(\$2,046,059)	\$42,651	\$115,151	\$201,861	\$282,464	\$315,506	\$289,828	\$256,829
Beginning Cash Balance	39	\$5,775,656	\$6,307,443	\$7,248,186	\$6,859,716	\$4,084,749	\$2,038,694	\$2,081,345	\$2,196,496	\$2,398,356	\$2,680,821	\$2,996,327	\$3,286,155
Annual Surplus / (Deficit)	40	\$31,787	240,743	(388,470)	(2,774,967)	(2,046,059)	42,651	115,151	201,861	282,464	315,506	289,828	256,829
Ending Cash Balance	41	\$6,307,443	\$7,248,186	\$6,859,716	\$4,084,749	\$2,038,694	\$2,081,345	\$2,196,496	\$2,398,356	\$2,680,821	\$2,996,327	\$3,286,155	\$3,542,984
Operating Cash as % of O&M	42	634%	877%	450%	360%	179%	174%	175%	182%	194%	206%	215%	221%
Restricted/Designated Cash													
Stormwater Reserve	43	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grand East Fee District	44	0	83,414	34,850	119,205	119,205	119,205	119,205	119,205	119,205	119,205	119,205	119,205
Sugar Creek Fee District	45	0	162,762	296,802	404,400	404,400	404,400	404,400	404,400	404,400	404,400	404,400	404,400
Sinking Fund	46	0	0	0	0	0	0	0	0	0	0	0	0
Debt Service Reserve Fund	47	0	0	0	0	0	0	0	0	0	0	0	0
Total Restricted/Designated Cash	48	\$0	\$246,176	\$331,652	\$523,605	\$523,605	\$523,605	\$523,605	\$523,605	\$523,605	\$523,605	\$523,605	\$523,605
Total Cash Balance	49	\$6,307,443	\$7,494,362	\$7,191,367	\$4,608,354	\$2,562,299	\$2,604,949	\$2,720,100	\$2,921,961	\$3,204,426	\$3,519,932	\$3,809,760	\$4,066,589

City of West Des Moines, Iowa  
Stormwater Enterprise Fund

EXHIBIT 1

Growth Assumptions	
Account & ERU Growth	1.50%
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Interest Rate	1.50%

Stormwater Rate Increases					
1-Jul-14	Projected	\$0.00	1-Jul-18	Projected	\$0.60
1-Jul-15	Projected	\$0.00	1-Jul-19	Projected	\$0.60
1-Jul-16	Projected	\$0.00	1-Jul-20	Projected	\$0.60
1-Jul-17	Projected	\$0.00	1-Jul-21	Projected	\$0.60
			1-Jul-22	Projected	\$0.25
			1-Jul-23	Projected	\$0.25
			1-Jul-24	Projected	\$0.25

Audited Financial Statements		Estimated		Budget		Projected		Projected		Projected		Projected	
FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25		

Capital Improvement Plan - Stormwater Funded

9th Street Storm Sewer Rehab													
Badger Creek Watershed Study													
Blue Creek Storm Sewer Improvements	100,000												
Drainage Structure & Pipe Repair Operations	66,000				406,000								
Fairmeadows Creek 27th & Vine Culvert	80,000				80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000
Fairmeadows Creek Drainage Study	250,000				85,000								
Fairmeadows Creek EP True Pkwy Culvert	85,000				535,000								
Grand Valley Stormwater Pumps	72,000				460,000								
Jordan Creek Meadowview Park Drainage Improvements	75,000				30,000								
Jordan Creek Pedestrian Underpasses Review	2,500,000												
NE Basin Grand Ave Phase 1					1,700,000								
NE Basin Grand Ave Phase 2					92,000								
NE Basin Office Parks Road North					503,000								
NE Basin to 4th & Ashworth													
Other Future Projects Placeholder													
Unfunded Future Projects													
Other Rollover Projects from FY 2016-17 CIP	1,013,344												
Raccoon River Bank Stabilization													
Raccoon River Drive Bridge	910,000												
SE Basin 6th Street to Locust					39,000								
SE Basin 7th Street to Walnut					80,000								
Stagescoach Drive Bridge Over Sugar Creek	1,347,323												
Storm Sewer Intake Replacement	250,000				250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
Sugar Creek Booneville Road Bridge Replacement	137,000				782,000								
Sugar Creek Conveyance Phase 2	100,000				1,870,000								
Walnut Creek Grand Ave Flood Gate Repairs	1,690,920												
Walnut Creek Outfall					25,000								
Walnut Creek Watershed Management Projects	100,000				100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Water Channel Management													
Western Hills Creek Drainage Study					250,000								
Westtown Drainage Study	422,840												
<b>Total</b>	<b>\$9,524,427</b>				<b>\$8,587,000</b>	<b>\$4,277,800</b>	<b>\$4,277,800</b>	<b>\$4,277,800</b>	<b>\$4,277,800</b>	<b>\$4,277,800</b>	<b>\$4,277,800</b>	<b>\$4,277,800</b>	<b>\$430,000</b>

City of West Des Moines, Iowa  
Stormwater Enterprise Fund

EXHIBIT 1

Growth Assumptions	
Account & ERU Growth	1.50%
Operating Expenses	5.00%
Interest Rate	1.50%

Stormwater Rate Increases					
1-Jul-14	\$0.00	1-Jul-18	\$0.60	1-Jul-22	\$0.25
1-Jul-15	\$0.00	1-Jul-19	\$0.60	1-Jul-23	\$0.25
1-Jul-16	\$0.00	1-Jul-20	\$0.60	1-Jul-24	\$0.25
1-Jul-17	\$0.00	1-Jul-21	\$0.60		

Audited Financial Statements	Estimated		Budget		Projected		Projected		Projected		
	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24

Capital Improvement Plan - TIF Funded

Johnson Creek Conveyance Phase 1A	135,000				803,000							
Johnson Creek Conveyance Phase 1B	315,000				2,310,000							
Sugar Creek Conveyance Improvements	705,840											
Sugar Creek Conveyance Phase 1B	1,280,000											
Sugar Creek Tributary Stagecoach Dr Culverts	958,000											
<b>Total</b>	<b>\$3,393,840</b>				<b>\$3,113,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2020-24 Capital Expenditures</b>												
Fairmeadows Creek 27th & Vine Culvert												
Iowa Interstate Railroad Bridge												
Johnson Creek Conveyance Phase 2												
Jordan Creek Meadowview Park Drainage Improvements												
NE Basin Grand Ave Pumps & Electrical												
NE Basin Office Parks Road North												
Raccoon River Park Soccer Complex Culvert												
SE Basin 6th Street to Locust												
SE Basin 7th Street to Walnut												
SE Basin Vine to 9th Street												
Sugar Creek Conveyance Phase 3												
Walnut Creek Watershed Management Projects												
<b>Total Over 3 Years</b>												

Note: Assumed original FY 2020-2022 CIP plan is actually spent through FY 2024.

## CITY OF WEST DES MOINES CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Amend City Code to Adjust Sanitary Sewer Fees and Charges  
Ordinance – First Reading

**DATE:** January 8, 2018

**FINANCIAL IMPACT:** Additional revenue will be generated each fiscal year (estimates are calculated on the attached worksheets). This revenue will be used primarily for payment of the City's share of the debt incurred by the Des Moines Metro Wastewater Reclamation Authority (WRA), of which the City is a member, as part of their capital program needed to update and maintain their facilities, as well as to offset the costs to operate and maintain the City's own sewer system.

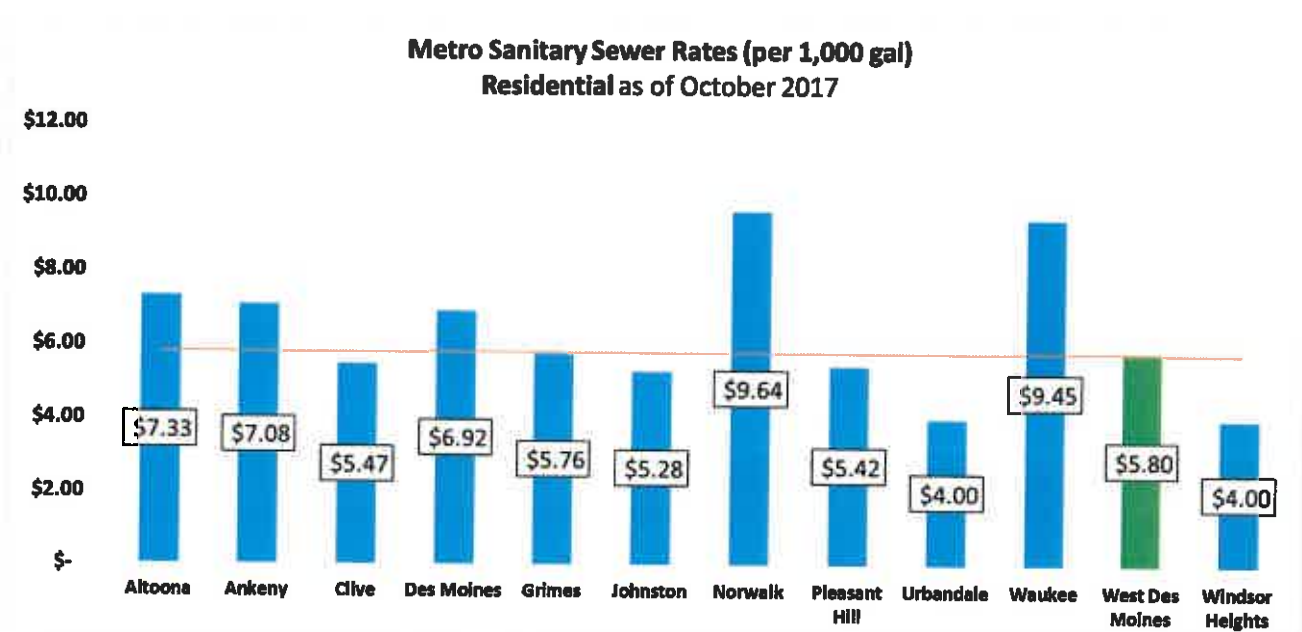
**BACKGROUND:** Staff has worked closely with its financial advisor, Public Financial Management (PFM), to develop a multi-year sanitary sewer charge cash flow projection. The projection considers many factors, including planned and proposed capital projects, expected usage, and operating costs. The sewer fund balance has benefitted by administering regularly scheduled, nominal rate increases, and currently sits with a manageable equity position.

A rate adjustment effective July 1, 2018, was previously approved into the Code through Council action taken in 2013. Staff's recommendation after completing this analysis (projections attached) is to impose future rates which reflect an approximately 2.5% annual increase in fees the next three fiscal years beyond FY 2018-19.

The current and proposed rates are as follows:

Current Rate	\$5.80 / 1,000 gallons
Effective July 1, 2018 (previously approved)	\$5.90 / 1,000 gallons
Effective July 1, 2019	\$6.05 / 1,000 gallons
Effective July 1, 2020	\$6.20 / 1,000 gallons
Effective July 1, 2021	\$6.35 / 1,000 gallons

Staff also has researched residential sewer fees of other cities in the Des Moines metro area, and those results are shown as follows:



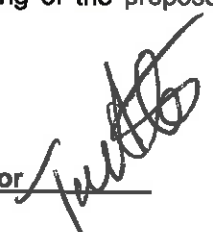
It is assumed that other cities are facing similar challenges as West Des Moines, in terms of needing to fund their obligations to the WRA, and will likely also require similar rate adjustments, so it's very likely West Des Moines will remain in a similarly competitive position in the future, even with these proposed increases.

Finally, it is noted in the cash flow projections that, as part of the overall funding program for the enterprise funds of the City, staff and PFM are recommending that the Sewer fund also loan funds to the Stormwater Enterprise fund, and that is also reflected in the projection – approval of the terms of this loan is a separate item appearing on the Council agenda.

**OUTSTANDING ISSUES:** None

**RECOMMENDATION:** Approve the First Reading of the proposed ordinance to adopt a multi-year modification of Sanitary Sewer Fees.

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



**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	October 18, 2017		
Recommendation	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Split

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

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, BY AMENDING TITLE 7 PUBLIC WAYS, CHAPTER 8C PERTAINING TO SANITARY SEWER SERVICE CHARGES.**

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

**SECTION 1.** Title 7, Chapter 8, Article C, Section 3 – BASIC RATE is hereby amended to read as follows:

7-8C-3      **BASIC RATE:** Each contributor whose property lies within the corporate limits of the City shall pay to the City, through its collection agent, West Des Moines Water Works, at the same time as payment for water service, a sanitary sewer service charge computed on water consumption, which charge shall be made at the following rate:

\$5.90 / 1,000 gallons    effective July 1, 2018  
\$6.05 / 1,000 gallons    effective July 1, 2019  
\$6.20 / 1,000 gallons    effective July 1, 2020  
\$6.35 / 1,000 gallons    effective July 1, 2021

with the above noted charges being made on all bills mailed by West Des Moines Water Works on and after the effective date noted herein.

**SECTION 2. SAVINGS CLAUSE.** If any section, provisions, 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 provisions, section, subsection, sentence, clause, phrase, or part thereof not adjudged or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This Ordinance Shall be in full force and effect after its passage, approval, publication as provided by law on July 1, 2018.

**PASSED AND APPROVED,** this 8<sup>th</sup> day of January, 2018.

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

ATTEST:

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

Published in the Des Moines Register on \_\_\_\_\_

Growth Assumptions		Sewer Rate Increases			
Water Usage	0.00%	1-Jul-14	3.55%	1-Jul-18	2.33%
# of Accounts	1.00%	1-Jul-15	2.52%	1-Jul-19	2.50%
Operating Expenses	5.00%	1-Jul-16	2.46%	1-Jul-20	2.50%
Interest Rate	1.50%	1-Jul-17	2.39%	1-Jul-21	2.50%
WRA Flow Allocation Growth - Debt	0.00%				
WRA Flow Allocation Growth - O&M	0.00%				
WRA Flow Allocation Growth - Capital Imp. / R&R	0.00%				

	Audited Financial Statements					Estimated	Budget	Projected	Projected	Projected	Projected
	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18						
Usage Charge per 1,000 Gallons	\$5.30	\$5.50	\$5.60	\$5.70	\$5.80		\$5.90	\$6.05	\$6.20	\$6.35	
Sewer Availability Charge	\$3.00	\$3.10	\$3.20	\$3.30	\$3.40		\$3.50	\$3.59	\$3.68	\$3.77	
Number of Accounts	18,165	18,623	19,032	19,476	19,671		19,868	20,067	20,267	20,470	
Total Water Usage (000's)	1,701,338	1,656,111	1,674,964	1,754,347	1,754,347		1,754,347	1,754,347	1,754,347	1,754,347	
Water Usage Growth	0.44%	(2.66%)	1.14%	4.74%	0.00%		0.00%	0.00%	0.00%	0.00%	
Average Rate per 1,000 Gallons	\$5.19	\$5.33	\$5.36	\$5.51	\$5.65		\$5.78	\$5.92	\$6.07	\$6.22	
<b>Operating Revenues</b>											
Charges for Services	\$8,835,081	\$8,819,032	\$8,981,991	\$9,673,882	\$9,260,000		\$10,136,371	\$10,389,780	\$10,649,525	\$10,915,763	
SAC Charges	680,498	717,936	885,358	799,622	819,500		834,451	863,866	894,317	925,842	
Delinquent Sewer Collections	7,005	994	1,481	2,922	1,000		1,000	1,000	1,000	1,000	
Sewer Capital Charges	537,992	477,324	555,699	390,330	250,000		250,000	250,000	250,000	250,000	
Sewer Cap. Charge - Pheasant Ridge	26,487	20,828	0	0	0		0	0	0	0	
Sewer Tap Fees	27,764	21,440	19,134	18,064	15,000		15,000	15,000	15,000	15,000	
Special Fee District Charges	138,950	1,434,082	0	192,054	0		0	0	0	0	
Miscellaneous Revenues	0	0	0	0	0		0	0	0	0	
Total Operating Revenues	\$10,253,778	\$11,491,637	\$10,443,664	\$11,076,874	\$10,345,500		\$11,236,823	\$11,519,646	\$11,809,842	\$12,107,605	
<b>Operating Expenses</b>											
Personal Services	\$723,385	\$719,732	\$690,735	\$657,611	\$796,735		\$836,572	\$878,400	\$922,320	\$968,436	
Supplies & Maintenance	172,378	143,300	136,571	181,448	285,710		299,996	314,995	330,745	347,282	
Contractual Services	86,712	73,775	79,943	95,097	110,680		116,214	122,025	128,126	134,532	
Utilities	12,025	11,076	11,669	11,293	13,805		14,495	15,220	15,981	16,780	
Vehicle Replacement	116,385	128,373	136,331	113,232	137,863		144,756	151,994	159,594	167,573	
Billing/Collection	(49,893)	(51,241)	(71,387)	(49,170)	(55,200)		(57,960)	(60,858)	(63,901)	(67,096)	
Total WDSM Operating Expense	\$1,060,992	\$1,025,016	\$983,861	\$1,009,511	\$1,289,593		\$1,354,073	\$1,421,776	\$1,492,865	\$1,567,508	
Administration	49,893	51,241	71,387	49,170	55,200		57,960	60,858	63,901	67,096	
Clive 28E Agreement	78,407	85,733	73,952	89,440	100,000		100,000	100,000	100,000	100,000	
WRA O&M	2,579,834	2,573,642	2,708,028	2,791,447	2,823,963		2,869,177	2,886,052	2,898,391	2,996,066	
WRA O&M Revenue Offsets	(496,702)	(505,612)	(537,054)	(577,395)	(573,086)		(988,359)	(1,360,399)	(1,403,400)	(1,448,550)	
WRA O&M Prior Year Adj.	(402,609)	(380,880)	(278,087)	(269,379)	(215,066)		(126,900)	(123,750)	(118,140)	(114,610)	
Depreciation	1,633,376	1,663,262	1,708,814	1,708,814	1,750,000		1,750,000	1,750,000	1,750,000	1,750,000	
Total Operating Expense	\$4,503,191	\$4,512,401	\$4,730,901	\$4,801,609	\$5,230,604		\$5,015,951	\$4,734,537	\$4,783,618	\$4,917,511	

Growth Assumptions	
Water Usage	0.00%
# of Accounts	1.00%
Operating Expenses	5.00%
Interest Rate	1.50%
WRA Flow Allocation Growth - Debt	0.00%
WRA Flow Allocation Growth - O&M	0.00%
WRA Flow Allocation Growth - Capital Imp. / R&R	0.00%

Sewer Rate Increases	
1-Jul-14	3.55%
1-Jul-15	2.52%
1-Jul-16	2.46%
1-Jul-17	2.39%
1-Jul-18	2.33%
1-Jul-19	2.50%
1-Jul-20	2.50%
1-Jul-21	2.50%

	Audited Financial Statements					Budget	Projected			Projected
	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18		FY 2018-19	FY 2019-20	FY 2020-21	
<b>Operating Income</b>	\$5,750,587	\$6,979,235	\$5,712,763	\$6,275,265	\$5,114,896	\$6,220,872	\$6,785,109	\$7,026,224	\$7,190,094	
Add: Depreciation	1,633,376	1,663,262	1,708,814	1,708,814	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	
Interest on Reserves	<u>102,692</u>	<u>85,273</u>	<u>217,237</u>	<u>584,756</u>	<u>203,000</u>	<u>452,299</u>	<u>369,782</u>	<u>244,894</u>	<u>226,880</u>	
<b>Revenue Available for D/S</b>	\$7,486,655	\$8,727,771	\$7,638,814	\$8,568,835	\$7,067,896	\$8,423,171	\$8,904,891	\$9,021,119	\$9,166,974	
<b>Parity Revenue Debt</b>										
Series 1994 SRF Loan	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Series 1995 SRF Loan	0	0	0	0	0	0	0	0	0	
Series 1996A SRF Loan	0	0	0	0	0	0	0	0	0	
Series 1996B SRF Loan	0	0	0	0	0	0	0	0	0	
<b>Total Parity Revenue Debt</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
<b>City's Portion of WRA Debt</b>										
Total Existing WRA Debt	\$3,523,141	\$3,871,142	\$4,164,587	\$4,082,896	\$4,029,351	\$4,135,295	\$4,204,408	\$4,263,557	\$4,261,099	
Total Pending WRA Debt	0	0	0	12,974	54,545	303,856	445,833	546,182	546,255	
Total Future WRA Debt	0	0	0	0	0	36,982	94,746	336,288	517,091	
WRA Prior Year Debt Adjustments	(305,383)	(313,571)	(203,650)	(126,525)	(65,566)	(65,566)	(65,566)	(65,566)	(65,566)	
Existing WRA Debt Interest Earnings	<u>(3,067)</u>	<u>(111,142)</u>	<u>(75,032)</u>	<u>(10,417)</u>	<u>(14,451)</u>	<u>(6,061)</u>	<u>(6,061)</u>	<u>(6,061)</u>	<u>(6,061)</u>	
<b>Total City's Portion of WRA Debt</b>	\$3,214,691	\$3,446,429	\$3,885,905	\$3,958,929	\$4,003,878	\$4,404,507	\$4,673,360	\$5,074,400	\$5,252,818	
<b>Total Parity Sewer Debt</b>	\$3,214,691	\$3,446,429	\$3,885,905	\$3,958,929	\$4,003,878	\$4,404,507	\$4,673,360	\$5,074,400	\$5,252,818	
<b>Debt Service Coverage</b>										
Net Revenues / Revenue Debt	2.33	2.53	1.97	2.16	1.77	1.91	1.91	1.78	1.75	
Net Revenues / All Debt	2.33	2.53	1.97	2.16	1.77	1.91	1.91	1.78	1.75	
<b>Cashflow After Debt</b>	\$4,271,964	\$5,281,342	\$3,752,909	\$4,609,906	\$3,064,018	\$4,018,664	\$4,231,531	\$3,946,719	\$3,914,156	



Growth Assumptions		Sewer Rate Increases			
Water Usage	0.00%	1-Jul-14	3.55%	1-Jul-18	2.33%
# of Accounts	1.00%	1-Jul-15	2.52%	1-Jul-19	2.50%
Operating Expenses	5.00%	1-Jul-16	2.46%	1-Jul-20	2.50%
Interest Rate	1.50%	1-Jul-17	2.39%	1-Jul-21	2.50%
WRA Flow Allocation Growth - Debt	0.00%				
WRA Flow Allocation Growth - O&M	0.00%				
WRA Flow Allocation Growth - Capital Imp. / R&R	0.00%				

	Audited Financial Statements					Estimated	Budget	Projected	Projected	Projected	Projected
	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18						
<b>Cashflow After Debt</b>	49	\$4,271,964	\$5,281,342	\$3,752,909	\$4,609,906	\$3,064,018	\$4,018,664	\$4,231,531	\$3,946,719	\$3,914,156	
Capital Expenditures	50	(\$1,124,478)	(\$3,186,220)	(\$4,962,817)	(\$3,922,661)	(\$8,528,065)	(\$2,213,000)	(\$9,849,000)	(\$2,710,000)	(\$2,710,000)	
WRA Capital Imp. / R&R	51	(384,265)	(422,028)	(466,640)	(550,921)	(484,840)	(460,746)	(446,979)	(446,979)	(446,979)	
WRA Equipment / Ins. Replacement	52	(24,030)	(24,014)	(10,325)	(16,667)	(2,974)	2,026	(1,154)	(11,461)	(11,461)	
WRA Surcharge	53	140,928	287,224	155,789	166,734	178,541	191,141	204,714	219,208	234,799	
WRA Working Capital Reserve	54	(6,587)	(17,585)	(4,912)	(12,431)	(29,090)	(14,177)	(13,753)	(13,753)	(13,753)	
Debt Proceeds	55	0	0	0	0	0	0	0	0	0	
Loan to Stormwater	56	0	0	0	0	(6,200,000)	(7,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	
Stormwater Loan Repayment	57	0	0	0	0	0	474,950	1,048,786	1,315,281	1,581,216	
Transfers (To) / From Restricted	58	656,918	2,012,348	3,507,090	(7,475,682)	0	0	0	0	0	
Other Transfers In / (Out)	59	0	0	2,895,318	0	2,898,000	0	0	0	0	
Misc. Sources / (Uses)	60	101,505	110,129	(862,047)	0	0	0	0	0	0	
<b>Annual Surplus / (Deficit)</b>	61	\$3,631,955	\$4,041,196	\$4,004,364	(\$7,201,722)	(\$9,104,410)	(\$5,501,141)	(\$8,325,855)	(\$1,200,985)	(\$952,022)	
Beginning Cash Balance	62	\$28,353,326	\$31,987,281	\$36,028,477	\$40,032,841	\$32,831,119	\$23,726,709	\$18,225,568	\$9,899,712	\$8,698,727	
Annual Surplus / (Deficit)	63	\$3,631,955	\$4,041,196	\$4,004,364	(\$7,201,722)	(\$9,104,410)	(\$5,501,141)	(\$8,325,855)	(\$1,200,985)	(\$952,022)	
<b>Ending Cash Balance</b>	64	\$31,987,281	\$36,028,477	\$40,032,841	\$32,831,119	\$23,726,709	\$18,225,568	\$9,899,712	\$8,698,727	\$7,746,705	
Operating Cash as % of O&M	65	1,115%	1,265%	1,325%	1,062%	682%	558%	332%	287%	245%	
<b>Restricted/Designated Cash</b>											
Sewer Reserve	66	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	
Sinking Fund	67	(107,083)	(3,553,513)	(7,283,628)	0	0	0	0	0	0	
Debt Service Reserve Fund	68	0	0	0	0	0	0	0	0	0	
CIP Sewer	69	0	0	0	0	0	0	0	0	0	
Special Fee District Charges	70	3,577,420	5,011,502	5,234,527	5,426,581	5,426,581	5,426,581	5,426,581	5,426,581	5,426,581	
<b>Total Restricted/Designated Cash</b>	71	\$4,470,337	\$2,457,989	(\$1,049,101)	\$6,426,581	\$6,426,581	\$6,426,581	\$6,426,581	\$6,426,581	\$6,426,581	
<b>Total Cash Balance</b>	72	\$36,457,618	\$38,486,466	\$38,983,740	\$39,257,700	\$30,153,290	\$24,652,149	\$16,326,293	\$15,125,308	\$14,173,286	
<b>Net WRA Expenses</b>	73	\$5,169,168	\$5,309,982	\$6,104,880	\$6,316,887	\$6,378,052	\$6,440,180	\$6,332,436	\$6,704,237	\$6,923,118	

Growth Assumptions	
Water Usage	0.00%
# of Accounts	1.00%
Operating Expenses	5.00%
Interest Rate	1.50%
WRA Flow Allocation Growth - Debt	0.00%
WRA Flow Allocation Growth - O&M	0.00%
WRA Flow Allocation Growth - Capital Imp. / R&R	0.00%

Sewer Rate Increases	
1-Jul-14	3.55%
1-Jul-15	2.52%
1-Jul-16	2.46%
1-Jul-17	2.39%
1-Jul-18	2.33%
1-Jul-19	2.50%
1-Jul-20	2.50%
1-Jul-21	2.50%

Audited Financial Statements	Estimated			Projected			Projected
	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	
<b>Capital Improvement Plan</b>							
Fox Creek Trunk Sewer Extension					407,850		
Grand Avenue Siphon Conversion					85,000		
Grand Avenue West 6F Sewer					488,390		
Grand Avenue West - Segment 3						477,000	
Grand Avenue West - Segment 4						642,000	
Heavy Equipment Vactor					260,000		
Middle Creek Trunk Ext. (Osmium)					2,898,000		
Other Rollover Projects from FY 2016-17 CIP					1,526,645		
Other Future Projects Placeholder							
Raccoon River Basin - Segment 5 Sewer					471,630		2,000,000
Raccoon River Basin - Segment 6 Sewer							2,000,000
Sewer Cleaning & TV Program					175,000		175,000
Sewer Facility Plan					10,000		10,000
Sewer Rehabilitation					450,000		525,000
South Service Area Segment 3					407,550		400,000
South Service Area Segment 4-5							
South Area Lift Station Improvements (Alluvion)					519,000		
South Area Trunk Sewer Relief (Alluvion)					829,000		
South Jordan Creek Pkwy Parallel Trunk Sewer						34,000	
<b>Total</b>					\$8,528,065	\$2,213,000	\$9,849,000
							\$2,710,000
							\$2,710,000

**FY 2020-22 Capital Expenditures**

Raccoon River Basin - Segment 6 Sewer	\$4,225,000
South Service Area Segment 3	4,170,000
South Service Area Segment 4-5	530,000
South Jordan Creek Pkwy Parallel Trunk Sewer	214,000
<b>Total Over 3 Years</b>	<b>\$9,139,000</b>

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

**ITEM:** Inter-fund Loan between the Sewer Enterprise Fund  
and the Stormwater Enterprise Fund

**DATE:** January 8, 2018

**FINANCIAL IMPACT:** There is no overall effect to the funds of the City, however, the Sewer Fund will earn interest at 1.5% during the course of the loan (at the expense of the Stormwater Fund), and the Sewer Fund will not have the flexibility to use this loaned fund balance to meet its obligations during the term of the loan.

**BACKGROUND:** The Staff has worked closely with its financial advisor, Public Financial Management (PFM), to develop multi-year stormwater and sewer enterprise system cash flow projections. These projection considered many factors, including planned and proposed capital projects, expected usage, and operating costs. When doing the projections it quickly became apparent that the City's Sewer Enterprise fund has a very adequate fund balance, while the Stormwater Enterprise fund has limited equity. At the same time, the Sewer Fund has a relatively small and manageable level of capital project needs in future years, whereas the capital project needs of the Stormwater are considerable.

Staff, PFM, and Legal Counsel considered several options to overcome this barrier, and ultimately settled on the concept of an inter-fund loan. The terms of the loan will be \$6.2 million from the Sewer Fund to the Stormwater, to be repaid with interest at 1.5% over a 15 year term. This loan will allow each fund to operate successfully while avoiding the need for outside financing.

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

**RECOMMENDATION:** Approval of Resolution authorizing the inter-fund loan.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	(initials)

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	October 17, 2017		
Recommendation	(Yes)	No	Split

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

**AUTHORIZING APPROVAL OF LOAN FROM THE CITY OF WEST DES MOINES  
SEWER ENTERPRISE FUND TO THE CITY OF WEST DES MOINES  
STORMWATER ENTERPRISE FUND**

**WHEREAS**, the City of West Des Moines operates a sanitary sewer system in which revenues and expenses are maintained in the City Sanitary Sewer Enterprise Fund; and

**WHEREAS**, the City of West Des Moines also operates a stormwater system in which revenues and expenses are maintained in the City Stormwater Enterprise Fund; and

**WHEREAS**, the current available balance and the revenue and debt projections of the Sanitary Sewer Enterprise Fund are adequate to allow loans to be made from the Fund; and

**WHEREAS**, the construction of current and/or future storm water capital improvements and other expenses will necessitate the incursion of debt by the Stormwater Enterprise Fund in order to provide funding for these expenses; and

**WHEREAS**, funding is available from the City Sanitary Sewer Enterprise Fund to provide proceeds to the City Stormwater Enterprise Fund necessary to fund these expenses.

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

1. Authorization is hereby given for a loan to be made in the principal amount of \$6,200,000.00 from the City of West Des Moines Sanitary Sewer Enterprise Fund to the City of West Des Moines Stormwater Enterprise Fund, payable in Fiscal Year 2017-18, subject to a repayment term of fifteen years beginning in Fiscal Year 2018-19, at an annual rate of interest of 1.5%.
2. The City Finance Department and City Legal Department shall prepare all necessary loan documentation consistent with the terms and conditions of this Resolution.

**PASSED AND ADOPTED** this 8th day of January, 2018.

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

ATTEST:

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

City of West Des Moines, Iowa  
Proposed General Obligation Bonds, Series 2018

EXHIBIT 2

SOURCES & USES	
<b>SOURCES</b>	
Par Amount of Bonds	6,200,000.00
Accrued Interest Existing DSRF	
<b>Total Sources</b>	<b>6,200,000.00</b>
<b>USES</b>	
Deposit to Construction Account	6,200,000.00
Deposit to Reserve Account	
Capitalized Interest Account	0.00
Municipal Bond Insurance	
Underwriters' Discount (\$0.00 per bond)	
Costs of Issuance	
Accrued Interest	
Rounding Amount	
<b>Total Uses</b>	<b>6,200,000.00</b>
<b>ASSUMPTIONS</b>	
Dated Date	3/1/2018
Delivery Date	3/1/2018
First Interest Date	12/1/2018
First Principal Date	6/1/2019
Last Principal Date	6/1/2033
<b>YIELD CALCULATIONS</b>	
Arbitrage Yield	1.49973%
TTC	1.49973%
AIC	1.49973%
Average Life	8.53 Years
	18.3
	19.3
	20.3

DEBT SERVICE SCHEDULE						
Date	Principal	Coupon	Interest	Debt Service	Annual Debt Service	
12/1/2018			69,750	69,750		
6/1/2019	370,000	1.500%	46,500	416,500	486,250	
12/1/2019			43,725	43,725		
6/1/2020	375,000	1.500%	43,725	418,725	462,450	
12/1/2020			40,913	40,913		
6/1/2021	385,000	1.500%	40,913	425,913	466,825	
12/1/2021			38,025	38,025		
6/1/2022	390,000	1.500%	38,025	428,025	466,050	
12/1/2022			35,100	35,100		
6/1/2023	395,000	1.500%	35,100	430,100	465,200	
12/1/2023			32,138	32,138		
6/1/2024	400,000	1.500%	32,138	432,138	464,275	
12/1/2024			29,138	29,138		
6/1/2025	405,000	1.500%	29,138	434,138	463,275	
12/1/2025			26,100	26,100		
6/1/2026	410,000	1.500%	26,100	436,100	462,200	
12/1/2026			23,025	23,025		
6/1/2027	420,000	1.500%	23,025	443,025	466,050	
12/1/2027			19,875	19,875		
6/1/2028	425,000	1.500%	19,875	444,875	464,750	
12/1/2028			16,688	16,688		
6/1/2029	430,000	1.500%	16,688	446,688	463,375	
12/1/2029			13,463	13,463		
6/1/2030	440,000	1.500%	13,463	453,463	466,925	
12/1/2030			10,163	10,163		
6/1/2031	445,000	1.500%	10,163	455,163	465,325	
12/1/2031			6,825	6,825		
6/1/2032	450,000	1.500%	6,825	456,825	463,650	
12/1/2032			3,450	3,450		
6/1/2033	460,000	1.500%	3,450	463,450	466,900	
12/1/2033						
6/1/2034						
12/1/2034						
6/1/2035						
12/1/2035						
6/1/2036						
12/1/2036						
6/1/2037						
12/1/2037						
6/1/2038						
	6,200,000		793,500	6,993,500	6,993,500	

Scale: Proposed 1.50% Internal Loan from Sewer Fund