

# CITY OF WEST DES MOINES

## COUNCIL AGENDA

**date:** March 5, 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**
  - a. Swearing in of Fire Lieutenant Neil Weglarz and Firefighters Joshua Brady and Jordan Hedrick
  - b. West Des Moines Robotics Club Presentation
  - c. Michael McCoy, Metro Waste Authority
4. **Consent Agenda**
  - a. Motion - Approval of Minutes of February 20, 2018 and February 23, 2018 Meetings
  - b. Motion - Approval of Bill Lists
  - c. Motion - Approval of Liquor Licenses:
    1. Revenge Is a Dish, LLC d/b/a Blue Moon Dueling Piano Bar and Restaurant, 5485 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - New
    2. Century Theatres, Inc. d/b/a Century 20 Jordan Creek and XD, 101 Jordan Creek Parkway, Unit 2000 - Class BW Permit with Sunday Sales - Renewal
    3. Git N Go Convenience Stores, Inc. d/b/a Git N Go Convenience Store #4, 1325 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
    4. C.C.W., LLC d/b/a Huhot Mongolian Grill, 4100 University Avenue, Suite 101 - Class BW Permit with Sunday Sales - Renewal
    5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - April 11-12, 2018

6. Sri Ganesh, LLC d/b/a Paradise Biryani Pointe, 6630 Mills Civic Parkway, Suite 3102 - Class BW Permit with Native Wine and Sunday Sales - Renewal
7. Quik Trip Corporation d/b/a Quik Trip #517, 1451 22<sup>nd</sup> Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
8. Scotty's Pub 1, LLC d/b/a Scotty's Pub & Grill, 3781 EP True Parkway - Class LC Liquor License Extension of Outdoor Service - March 16-18, 2018
9. BarleyBay, LLC d/b/a Twisted Vine Brewery, 3320 Westown Parkway - Class BB Beer Permit with Sunday Sales and Outdoor Service - Renewal
10. W West Investments, LLC d/b/a Wellman's West, 597 Market Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
11. W West Investments, LLC d/b/a Wellman's West Rooftop, 597 Market Street (Rooftop) - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
12. Cost Plus, Inc. d/b/a World Market, 4100 University Avenue, Suite 210 - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
- d. Motion - Approval of Extended Sound Permit - Scotty's Pub and Grill, 3781 EP True Parkway
- e. Motion - Approval of Contract Agreement - 2018 Street and Pavement Repair Supplemental Retainer Contract
- f. Motion - Approval of Mayor to Sign Application to Iowa Economic Development Authority for Nomination as an Opportunity Zone
- g. Resolution - Approval of 28E Agreements:
  1. Des Moines Metropolitan Wastewater Reclamation Authority - Middle Creek Trunk Sewer Extension
  2. Youth Justice Initiative
- h. Resolution - Order Construction:
  1. Raccoon River Drive Culvert near South Jordan Creek Parkway
  2. Valley Junction Activity Center Fire Escape Stairs
- i. Resolution - Establish Public Hearing - Amendment #1 to Midtown Urban Renewal Area
- j. Resolution - Approval of Lease Agreement for 3476 Adams Street, Cumming - Iowa Landscaping, LLC
- k. Resolution - Approval and Acceptance of Purchase Agreements and Property Interests - Project Osmium Public Infrastructure

**5. Old Business**

- a. Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Update Setback Regulations Pertaining to Accessory Structures in Residential Estate Districts - City Initiated
  1. Ordinance - Approval of Second, Third Readings and Final Adoption

- b. Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (All Night Parking Prohibited) - Elm Street, 4<sup>th</sup> Street to Alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
- c. Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 6 (Four Hour Limited Parking) - Elm Street, 4<sup>th</sup> Street to Alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
- d. Future Funding for Redevelopment Incentive Programs in Historic West Des Moines - City Initiated
  - 1. Motion - Approval of Direction to Staff on How to Proceed

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

- a. Covenant Cove, southeast corner of 98<sup>th</sup> Street and Bishop Drive - Approval of a Comprehensive Plan Land Use Amendment to Amend the Land Use Map from Manufactured Housing to Medium Density Residential and an Amendment to the 98<sup>th</sup> Street Planned Unit Development (PUD) to Change Zoning from Manufactured Housing to Residential Medium Density and Establish Development Regulations - Covenant Cove, LLC (continued from February 20, 2018)
  - 1. Resolution - Approval of Comprehensive Plan Amendment
  - 2. Ordinance - Approval of First Reading
- b. Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 6 (Commercial, Office and Industrial Zoning District), and Add Chapter 20 (Medical Cannabidiol) - Establish Regulations and Allowances Related to Medical Cannabidiol - City Initiated
  - 1. Ordinance - Approval of First Reading, Waiver of Second and Third Readings, and Final Adoption

Note: Due to the importance and time sensitive nature regarding Item 6(b), the City Council may conduct a first reading, waive the second and third readings, and vote on adoption of this ordinance in final form.

- c. Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Zoning District), and Chapter 14 (Accessory Structures) - Update Regulations Pertaining to Small Wind and Solar Energy Generating Systems and Define and Regulate Electric Vehicle Charging Stations - City Initiated
  - 1. Ordinance - Approval of First Reading

- d. Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) - Allow within Industrial Zoning Districts Uses Related to Garbage Collection and Transport, Unattended Fuel Pumps and Public Safety and Order - City Initiated
  - 1. Ordinance - Approval of First Reading
- e. Amendment #1 to the Osmium Urban Renewal Area - City Initiated
  - 1. Resolution - Approval of Urban Renewal Plan Amendment
- f. 2018-19 FY Operating and Capital Budget - City Initiated (continued from February 20, 2018)
  - 1. Motion - Approval of Budget
- g. Issuance of Not to Exceed \$13,000,000 General Obligation Urban Renewal Bonds - City Initiated (continued from February 20, 2018)
  - 1. Resolution - Instituting Proceedings to Take Additional Action
- h. Issuance of Not to Exceed \$6,100,000 Essential Corporate Purpose General Obligation Bonds (ECP) - City Initiated (continued from February 20, 2018)
- i. Issuance of Not to Exceed \$675,000 General Corporate Purpose General Obligation Bonds (GCP-1) - City Initiated (continued from February 20, 2018)
- j. Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-2) - City Initiated (continued from February 20, 2018)
- k. Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-3) - City Initiated (continued from February 20, 2018)
- l. Issuance of Not to Exceed \$500,000 General Corporate Purpose General Obligation Bonds (GCP-4) - City Initiated (continued from February 20, 2018)
  - 1. Resolution - Instituting Proceedings to Take Additional Action and Authorizing the Issuance and Levying a Tax for Items 6(h) through 6(l)
- m. Woodland Hills Park Tennis and Basketball Courts - City Initiated
  - 1. Resolution - Approval of Plans and Specifications
  - 2. Motion - Receive and File Report of Bids
  - 3. Resolution - Award Contract
- n. 2017 Intake Repair Program - City Initiated
  - 1. Resolution - Approval of Plans and Specifications
  - 2. Motion - Receive and File Report of Bids
  - 3. Resolution - Award Contract
- o. Valley View and Holiday Aquatic Centers VFD Replacements - 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. Property Tax Rebate Program - Request for Reconsideration of Application - Ballenger Real Estate, LLC
  - 1. Resolution - Denial of Application
- b. Property Tax Rebate Program - Request for Reconsideration of Application - LTR Pointe, LLC
  - 1. Resolution - Denial of Application
- c. 2018-19 FY Hotel/Motel Tax Allocations - City Initiated
  - 1. Motion - Approval of Subcommittee Recommendation

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

**9. Other Matters**

- a. Legislative Updates
  - 1. Motion - Approval of Subcommittee Recommendations

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.

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West Des Moines City Council Proceedings  
Tuesday, February 20, 2018

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Tuesday, February 20, 2018 at 5:30 PM. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

Mayor Gaer introduced Cub Scout Den 16 from Pack 242.

The members of Cub Scout Den 16 from Pack 242 led the reciting of the Pledge of Allegiance.

City Clerk Ryan Jacobson noted staff is recommending the swearing in of several Fire Department staff and the West Des Moines Robotics Club Presentation be postponed to the March 5<sup>th</sup> Council meeting.

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

Vote 18-075: Hardman, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

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

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

A report was given on the upcoming West Des Moines Quasquicentennial celebration, also known as "WDM125," by Sally Ortgies, Director of Parks and Recreation, and Jim Miller, Executive Director of the Historic Valley Junction Foundation. The celebration will be tied in with many of the existing annual events that occur between May and September later this year.

Council member Sandager arrived at 5:32 p.m. The attendance was re-taken. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble

Council member Trevillyan reported he attended a meeting of the Public Services Subcommittee, where a report was given on the Iowa DOT crash analysis website and discussion was held on a drone purchased for City use. He stated a drone policy has been drafted and will be approved administratively by the City Manager.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed a grant application for the proposed Raccoon River Park boathouse project and reviewed applications for property tax rebate program. The subcommittee also discussed future funding of the Historic West Des Moines redevelopment programs, and there was a split

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recommendation between the committee members.

Mayor Gaer suggested the funding for the Historic West Des Moines redevelopment programs be added to the agenda for an upcoming council meeting.

Council member Mickelson reported the Development and Planning Subcommittee met and discussed potential redevelopment along Ashworth Road, west of Jordan Creek Parkway, and a grant application for a proposed public art project that would produce solar energy. The subcommittee also discussed a potential ordinance to address the production and sale of medical cannabidiol.

Council member Hardman reported she attended a meeting of the Human Rights Commission, where Sanjita Pradhan was elected as the new chair and two new commission members were introduced. She reported she and other City staff and elected officials attended the West Des Moines Community School District's equity forum. She also expressed appreciation to the Public Services Department for their efforts in keeping the streets safe during recent winter weather events.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of February 5, 2018 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  1. Lin Corporation d/b/a China Garden, 2020 Grand Avenue, Suite 1300 - Class BW Permit with Sunday Sales - Renewal
  2. The Dollar Experience, LLC d/b/a The Dollar Experience, 510 Elm Street - Class BC Beer Permit - New
  3. Famous Dave's Ribs, Inc. d/b/a Famous Dave's, 1720 22nd Street - Class LC Liquor License with Sunday Sales - Renewal
  4. Gilroy's, LLC d/b/a Gilroy's Kitchen + Pub + Patio, 1238 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  5. Hy-Vee, Inc. d/b/a Hy-Vee Gas #4, 665 South 51st Street - Class BC Beer Permit with Sunday Sales - Renewal
  6. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - March 7-8, 2018
  7. Kum & Go LC d/b/a Kum & Go #66, 5308 University Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
  8. Samurai Sushi & Hibachi Restaurant, Inc. d/b/a Samurai Sushi & Hibachi Restaurant, 7125 Mills Civic Parkway, Suite 110 - Class LC Liquor License with

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- 9. Sunday Sales - Renewal
- 9. Indianola Hotel, LLC d/b/a West Des Moines IA Sleep Inn & Suites, 885 51st Street - Class LB Liquor License with Carryout Wine and Sunday Sales - Renewal
- 10. Boggs Properties, LLC d/b/a Sully's Irish Pub, 860 1st Street - Class LC Liquor License Extension of Outdoor Service - March 17, 2018
- 11. Punyesh, LLC d/b/a Vine Food & Liquor, 2704 Vine Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
- 12. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Add Carryout Wine Privileges to Existing Class LC Liquor License
- 13. W2005/Fargo Hotels (Pool C) Realty, LP d/b/a West Des Moines Residence Inn, 160 South Jordan Creek Parkway - Special Class C Liquor License - Renewal
- d. Approval of Extended Sound Permits:
  - 1. Sully's Irish Pub, 860 1st Street
  - 2. Wellman's Pub & Rooftop, 597 Market Street
- e. Approval of Reappointment - Sister Cities Commission
- f. Approval of Contract Agreements:
  - 1. Landscape Maintenance
  - 2. Portland Cement Concrete
- g. Approval of Change Order #13 - South 60th Street Improvements, Phase 1
- h. Approval and/or Ratification of Specific Fees and Charges - Development Services and Police Department
- i. Order Construction:
  - 1. Miscellaneous Repairs at Parks Restrooms/Shelters
  - 2. 2018 Concrete Trail Renovation
  - 3. Woodland Hills Park Loop Trail
- k. Approval of Professional Services Agreement - Middle Creek Trunk Sewer Wetland Restoration Monitoring
- l. Acceptance of Public Improvements:
  - 1. Reed Warehouse Sanitary Sewer
  - 2. Hurd Jordan Plat 2 Sanitary Sewer
- n. Approval to Initiate Development Agreements:
  - 1. Clinic Investments, Inc. (Wolfe Eye Clinic)
  - 2. JARCOR, LLC and Benchmark Real Estate
- o. Approval and Acceptance of Warranty Deed for Right-of-Way - The Preserve on Grand Plat 1

Vote 18-076: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(j) Accept Work - 2016 Sidewalk Improvement Program



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Council member Trimble noted the cost of this project was only \$54,000, which is significantly less than previous sidewalk improvement programs. He expressed appreciation to staff for the changes made to the process, which have reduced costs for the City and the residents.

It was moved by Trimble, second by Trevillyan to approve Item 4(j) Accept Work - 2016 Sidewalk Improvement Program.

Vote 18-077: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(m) Approval of West Des Moines Waterworks Reimbursement Policy

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

It was moved by Sandager, second by Hardman to approve Item 4(m) Approval of West Des Moines Waterworks Reimbursement Policy.

Vote 18-078: Hardman, Mickelson, Sandager, Trimble...4 yes  
Trevillyan... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 5(a) Amendment to City Code - Title 1 (Administrative), Chapter 10 (Finances) - Provide Mandatory Non-Discrimination Language in Contracts, 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 18-079: Hardman, 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 18-080: Hardman, 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 18-081: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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On Item 5(b) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) - Declare Substandard or Deteriorating Building Exteriors to Be Nuisances if Not Remedied within Six Months, initiated by the City of West Des Moines

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

Vote 18-082: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-083: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 18-084: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(c) Amendment to City Code - Title 8 (Building Regulations), Chapter 2 (Building Codes) - Declare That City-Issued Building Permits Expire Six Months from the Date of Issue Unless the City Has Approved of an Extension, initiated by the City of West Des Moines

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

Vote 18-085: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-086: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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

Vote 18-087: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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On Item 6(a) Covenant Cove, southeast corner of 98th Street and Bishop Drive - Approval of a Comprehensive Plan Land Use Amendment to Amend the Land Use Map from Manufactured Housing to Medium Density Residential and Approval of Amendment to the 98th Street Planned Unit Development (PUD) to Change Zoning from Manufactured Housing to Residential Medium Density and Establish Development Regulations, initiated by Covenant Cove, LLC.

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to March 5, 2018.

Vote 18-088: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Update Setback Regulations Pertaining to Accessory Structures in Residential Estate Districts, 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 February 7, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

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

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

Vote 18-089: Hardman, 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 18-090: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Items 6(c) through 6(i):

- 6(c) 2018-19 FY Operating and Capital Budget
- 6(d) Issuance of Not to Exceed \$13,000,000 General Obligation Urban Renewal Bonds
- 6(e) Issuance of Not to Exceed \$6,100,000 Essential Corporate Purpose General Obligation Bonds (ECP)

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- 6(f) Issuance of Not to Exceed \$675,000 General Corporate Purpose General Obligation Bonds (GCP-1)
- 6(g) Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-2)
- 6(h) Issuance of Not to Exceed \$700,000 General Corporate Purpose General Obligation Bonds (GCP-3)
- 6(i) Issuance of Not to Exceed \$500,000 General Corporate Purpose General Obligation Bonds (GCP-4)

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing Items 6(c) through 6(i) to March 5, 2018.

Vote 18-091: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Items 6(j) and 6(k):

- 6(j) Law Enforcement Center Lower Level Remodel, Phase 3
- 6(k) Walnut Creek Outfall - Project 1

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing Items 6(j) and 6(k) to February 23, 2018.

Vote 18-092: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (All Night Parking Prohibited) - Elm Street, 4th Street to Alley between 6th Street and 7th Street, initiated by the City of West Des Moines

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

Vote 18-093: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 18-094: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

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On Item 7(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 6 (Four Hour Limited Parking) - Elm Street, 4th Street to Alley between 6th Street and 7th Street, initiated by the City of West Des Moines

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

Vote 18-095: Hardman, 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 18-096: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters

Jamie Letzring, Deputy City Manager, provided a brief legislative update.

Mayor Gaer reported he, along with Ankeny Mayor Gary Lorenz and Des Moines Water Works Board Chair Sue Huppert, met with Senators Whitver and Schneider and Representatives Hagenow and Landon to discuss the status of the ongoing water regionalization discussions.

Linda Schemmel, Development Coordinator, reported the State of Iowa has adopted new regulations on medical cannabidiol. Staff has received inquiries from prospective dispensaries, and now that the regulations have been released, staff has drafted an ordinance to address the production and sale of medical cannabidiol. Staff recently learned that prospective businesses in this industry need to submit proposals to the State by March 8<sup>th</sup> with a zoning certification letter from the City; therefore the City must adopt an ordinance addressing this as soon as possible. She then presented the details of the proposed ordinance as recommended by staff.

The Mayor and Council held discussion on the details of the proposed ordinance. They expressed agreement with the staff recommendations but requested changes to allow the production only in general industrial zoning districts and the sale in any zoning district where pharmacies are currently allowed.

Ms. Schemmel inquired if the Council would be interested in bringing this forward on an accelerated approval schedule, with all three readings and adoption at the March 5<sup>th</sup> council meeting.

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The Council expressed agreement with that accelerated approval schedule.

The meeting was adjourned at 6:27 p.m.

It was moved by Sandager, second by Trevillyan to go into Executive Session per Chapter 20.17 of the Iowa Code, to discuss contract negotiations and potential acquisition of real estate

Vote 18-097: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Entered Executive Session at 6:33 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Hardman, Mickelson, Sandager, Trevillyan and Trimble; City Manager, Assistant City Attorney, City Clerk, Human Resources Director, Police Chief, Deputy Police Chief, and Legal Counsel Jim Hanks.

Human Resources Director, Police Chief, Deputy Police Chief, and Legal Counsel Jim Hanks left the executive session at 6:50 p.m.

Community and Economic Development Director joined the executive session at 6:50 p.m.

It was moved by Mickelson, second by Sandager to adjourn from Executive Session.

Vote 18-098: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes  
Motion carried.

Executive Session was adjourned at 7:19 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor

February 23, 2018

West Des Moines City Council Proceedings  
Friday, February 23, 2018

Under Rule 12 of the Council Procedures, City Clerk Ryan Jacobson opened the special meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Friday, February 23, 2018 at 7:30 A.M. Council members present were: K. Trevillyan and R. Trimble. Council members R. Hardman and J. Mickelson participated via telephone. Mayor Gaer and Mayor Pro tem Sandager were absent. The City Clerk noted, under Rule 13 of the Council Procedures, if both Mayor and Mayor Pro tem are absent, the Council members present will select the presiding officer by vote.

It was moved by Trevillyan, second by Mickelson to designate Council member Trimble as the presiding officer.

Vote 18-099: Hardman, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

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

Vote 18-100: Hardman, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 2(a) Presiding Officer Trimble indicated this was the time and place for a public hearing to consider Walnut Creek Outfall - Project 1, initiated by the City of West Des Moines (continued from February 20, 2018). He asked for the date the notice was published and the City Clerk indicated the notice was published on February 16, 2018 in the Des Moines Register. Presiding Officer Trimble asked if any written comments had been received. The City Clerk stated none had been received.

Presiding Officer Trimble asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Synergy Contracting, LLC.

Vote 18-101: Hardman, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 2(b) Presiding Officer Trimble indicated this was the time and place for a public hearing to consider Law Enforcement Center Lower Level Remodel, Phase 3, initiated by the City of West Des Moines (continued from February 20, 2018). He asked for the date the notice was

February 23, 2018

published and the City Clerk indicated the notice was published on February 16, 2018 in the Des Moines Register. Presiding Officer Trimble asked if any written comments had been received. The City Clerk stated none had been received.

Presiding Officer Trimble asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Bergstrom Construction.

Vote 18-102: Hardman, Mickelson, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 3. Receive and File - The Special City Council Meeting Notice was received and filed.

The meeting was adjourned at 7:33 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Russ Trimble, Presiding Officer



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	03/05/18		\$ 2,014,629.58
			Total \$ Amount
EFT Claims	03/05/18		\$ 483,993.13
			Total \$ Amount
Control Pay	03/05/18		\$ 106,842.45
			Total \$ Amount
End of Month & Off-Cycle	02/06/18 to 03/18/18		\$ 115,282.41

Approved by the West Des Moines City Council  
this 5<sup>th</sup> day of March, 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: 03/05/2018

Type	Date	Number Source	Payee Name	Transaction Amount
<b>Bank Account:</b> WB VENDOR DISB - WB Vendor Disbursement				
Check	03/05/2018	307246 Accounts Payable	ABOVE & BEYOND OUTDOOR LLC	1,050.00
Check	03/05/2018	307247 Accounts Payable	ADP SCREENING & SELECTION SVCS	342.06
Check	03/05/2018	307248 Accounts Payable	AHLERS & COONEY	9,490.00
Check	03/05/2018	307249 Accounts Payable	ALLIANCE CONSTRUCTION GROUP LLC	24,458.57
Check	03/05/2018	307250 Accounts Payable	AMERICAN SECURITY CORP	1,501.71
Check	03/05/2018	307251 Accounts Payable	BASICLEIGH COMMUNICATIONS LLC	1,957.50
Check	03/05/2018	307252 Accounts Payable	BELLER DISTRIBUTING, LLC	3,150.00
Check	03/05/2018	307253 Accounts Payable	BIDDLE CONSULTING GROUP INC	4,005.00
Check	03/05/2018	307254 Accounts Payable	BIG CHAIR LLC	145.00
Check	03/05/2018	307255 Accounts Payable	BOLTON & MENK INC	23,721.50
Check	03/05/2018	307256 Accounts Payable	BOUND TREE MEDICAL LLC	1,594.18
Check	03/05/2018	307257 Accounts Payable	BUELOW , LISA	69.00
Check	03/05/2018	307258 Accounts Payable	CAMPBELL , MEREDITH	184.00
Check	03/05/2018	307259 Accounts Payable	CARPENTER UNIFORM CO	4,374.24
Check	03/05/2018	307260 Accounts Payable	CINTAS CORP FIRST AID & SAFETY	246.33
Check	03/05/2018	307261 Accounts Payable	CITY OF DES MOINES	139.85
Check	03/05/2018	307262 Accounts Payable	CIVIL DESIGN ADVANTAGE LLC	9,635.50
Check	03/05/2018	307263 Accounts Payable	CLARK , JAYLA	243.75
Check	03/05/2018	307264 Accounts Payable	CLIENTFIRST CONSULTING GROUP	5,456.56
Check	03/05/2018	307265 Accounts Payable	CONCRETE TECHNOLOGIES INC	179,317.20
Check	03/05/2018	307266 Accounts Payable	CONSTRUCTION & AGGREGATE PRODUCTS INC	27.32
Check	03/05/2018	307267 Accounts Payable	CONTRACTOR SALES & SERVICE	617.10
Check	03/05/2018	307268 Accounts Payable	CORY , TARRY	156.00
Check	03/05/2018	307269 Accounts Payable	CREATIVE GENIUSES	324.00
Check	03/05/2018	307270 Accounts Payable	DAVIS BROWN LAW FIRM	114.22
Check	03/05/2018	307271 Accounts Payable	DEPARTMENT OF ADMIN SERVICES	650.00
Check	03/05/2018	307272 Accounts Payable	DICKEY , PHIL	3,200.00
Check	03/05/2018	307273 Accounts Payable	DMACC	6,200.00
Check	03/05/2018	307274 Accounts Payable	DOUGLAS , LENA	161.00
Check	03/05/2018	307275 Accounts Payable	DURAN , LUZ ALDERETE	5.00
Check	03/05/2018	307276 Accounts Payable	EARL MAY SEED AND NURSERY	199.80
Check	03/05/2018	307277 Accounts Payable	EMBARKIT INC	5,568.75
Check	03/05/2018	307278 Accounts Payable	EMSLRC	112.00

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 03/05/2018

Type	Date	Number Source	Payee Name	Transaction Amount
Check	03/05/2018	307279	Accounts Payable FASTENAL COMPANY	382.33
Check	03/05/2018	307280	Accounts Payable GRAINGER INC	356.78
Check	03/05/2018	307281	Accounts Payable GRAYHAWK HOMES OF IOWA	37,245.80
Check	03/05/2018	307282	Accounts Payable GRIMES ASPHALT & PAVING	152.60
Check	03/05/2018	307283	Accounts Payable HALVORSON TRANE	124.31
Check	03/05/2018	307284	Accounts Payable HARRIS , GARRETT	156.00
Check	03/05/2018	307285	Accounts Payable HAWKEYE TRUCK EQUIPMENT	200.00
Check	03/05/2018	307286	Accounts Payable HIGHLINE CORPORATION	600.00
Check	03/05/2018	307287	Accounts Payable HOME DEPOT CREDIT SERVICES	398.00
Check	03/05/2018	307288	Accounts Payable HP INC	1,704.86
Check	03/05/2018	307289	Accounts Payable HY VEE INC	86.89
Check	03/05/2018	307290	Accounts Payable INVISION ARCHITECTURE LTD	15,153.11
Check	03/05/2018	307291	Accounts Payable IOWA INTERSTATE RAILROAD LTD	406.23
Check	03/05/2018	307292	Accounts Payable IOWA MUNICIPAL FINANCE OFFICER	90.00
Check	03/05/2018	307293	Accounts Payable IOWA SPORTS FOUNDATION	660.00
Check	03/05/2018	307294	Accounts Payable IOWACE	135.00
Check	03/05/2018	307295	Accounts Payable J PETTIECORD INC	45,220.00
Check	03/05/2018	307296	Accounts Payable JACOBSEN AUTO BODY	1,599.20
Check	03/05/2018	307297	Accounts Payable JASPER CONSTRUCTION SERVICES	133,005.33
Check	03/05/2018	307298	Accounts Payable JDA CONSTRUCTION	3,358.25
Check	03/05/2018	307299	Accounts Payable JOHN HEMRY LLC	4,100.00
Check	03/05/2018	307300	Accounts Payable KABEL BUSINESS SERVICES	100.00
Check	03/05/2018	307301	Accounts Payable KALDENBERG'S PBS LANDSCAPING	123.39
Check	03/05/2018	307302	Accounts Payable KEYSTONE TRUCKING	1,316.26
Check	03/05/2018	307303	Accounts Payable KLAHN , RICHARD	161.00
Check	03/05/2018	307304	Accounts Payable KLOCKE'S EMERGENCY VEHICLES	95.53
Check	03/05/2018	307305	Accounts Payable KRIEGER , MONICA	92.00
Check	03/05/2018	307306	Accounts Payable KRIS ENGINEERING INC	1,970.20
Check	03/05/2018	307307	Accounts Payable KRISTEN A GRETEMAN	40.00
Check	03/05/2018	307308	Accounts Payable LACINA , WENDY	529.00
Check	03/05/2018	307309	Accounts Payable LOWE'S HOME CENTER INC	1,337.07
Check	03/05/2018	307310	Accounts Payable LT LEON ASSOCIATES, INC	4,900.00
Check	03/05/2018	307311	Accounts Payable M&M COMMERCIAL CLEANING	2,539.94
Check	03/05/2018	307312	Accounts Payable MAIL SERVICES LC	1,197.76
Check	03/05/2018	307313	Accounts Payable MIDAMERICAN ENERGY	4,921.19

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 03/05/2018

Type	Date	Number Source	Payee Name	Transaction Amount
Check	03/05/2018	307314 Accounts Payable	MIDAMERICAN- DM-WDM TL	57.00
Check	03/05/2018	307315 Accounts Payable	MIDAMERICAN-CLIVE-WDM TL	618.00
Check	03/05/2018	307316 Accounts Payable	MIDWEST DJ'S LLC	1,699.00
Check	03/05/2018	307317 Accounts Payable	MIDWEST SAFETY COUNSELORS,INC	513.00
Check	03/05/2018	307318 Accounts Payable	MODUS ENGINEERING LTD	2,355.00
Check	03/05/2018	307319 Accounts Payable	MOEN , JASON	156.00
Check	03/05/2018	307320 Accounts Payable	NORTH WARREN TOWN AND COUNTY NEWS	122.34
Check	03/05/2018	307321 Accounts Payable	NORTHERN TOOL & EQUIPMENT	65.94
Check	03/05/2018	307322 Accounts Payable	O'HALLORAN INTERNATIONAL INC	1,168.98
Check	03/05/2018	307323 Accounts Payable	O'HERN , KINSEY	69.00
Check	03/05/2018	307324 Accounts Payable	OLSSON ASSOCIATES	575.00
Check	03/05/2018	307325 Accounts Payable	ON POINT SECURITY GROUP LLC	193.80
Check	03/05/2018	307326 Accounts Payable	OPN ARCHITECTS	11,622.02
Check	03/05/2018	307327 Accounts Payable	PALMER GROUP	672.00
Check	03/05/2018	307328 Accounts Payable	PATTON , CHRIS	156.00
Check	03/05/2018	307329 Accounts Payable	PER MAR SECURITY	114.00
Check	03/05/2018	307330 Accounts Payable	PIPELINE ANALYTICS	8,738.00
Check	03/05/2018	307331 Accounts Payable	RAHE , ALAN	104.00
Check	03/05/2018	307332 Accounts Payable	RAMAKER & ASSOCIATES, INC	1,600.00
Check	03/05/2018	307333 Accounts Payable	RDG PLANNING & DESIGN	11,273.89
Check	03/05/2018	307334 Accounts Payable	RED DOT LLC	19,485.85
Check	03/05/2018	307335 Accounts Payable	RENAISSANCE GROUP LLC	12,000.00
Check	03/05/2018	307336 Accounts Payable	RESOURCE CONSULTING ENGINEERS	9,390.00
Check	03/05/2018	307337 Accounts Payable	ROY'S TOWING AND RECOVERY	300.00
Check	03/05/2018	307338 Accounts Payable	SANDRY FIRE SUPPLY LLC	1,775.36
Check	03/05/2018	307339 Accounts Payable	SCHEELS ALL SPORTS-ACC REC	70.00
Check	03/05/2018	307340 Accounts Payable	SEH INC	519.96
Check	03/05/2018	307341 Accounts Payable	SIMPLEX GRINNELL	3,897.79
Check	03/05/2018	307342 Accounts Payable	SIXTA , ANDREW	138.00
Check	03/05/2018	307343 Accounts Payable	SM HENTGES & SONS INC	900,181.71
Check	03/05/2018	307344 Accounts Payable	SMITH'S SEWER SERVICE INC	280.00
Check	03/05/2018	307345 Accounts Payable	SNAP-ON TOOLS- MARK STUCHEL	5.00
Check	03/05/2018	307346 Accounts Payable	SPRINT	157.44
Check	03/05/2018	307347 Accounts Payable	SPS VAR, LLC	1,185.00

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 03/05/2018

Type	Date	Number Source	Payee Name	Transaction Amount
Check	03/05/2018	307348 Accounts Payable	STEW HANSEN'S DODGE CITY, INC	25,247.00
Check	03/05/2018	307349 Accounts Payable	STROKE DETECTION PLUS	2,000.00
Check	03/05/2018	307350 Accounts Payable	THE GRAVEDIGGER LLC	2,200.00
Check	03/05/2018	307351 Accounts Payable	THOMAS , CHRIS	78.00
Check	03/05/2018	307352 Accounts Payable	TORRES , FELIX	338.00
Check	03/05/2018	307353 Accounts Payable	TRAGESSEY , KARA	458.99
Check	03/05/2018	307354 Accounts Payable	TRITECH SOFTWARE SYSTEMS	232,719.09
Check	03/05/2018	307355 Accounts Payable	TRUE VALUE & V&S VARIETY STORE	112.59
Check	03/05/2018	307356 Accounts Payable	UNITED PARCEL SERVICE	1.13
Check	03/05/2018	307357 Accounts Payable	VEENSTRA & KIMM INC	532.00
Check	03/05/2018	307358 Accounts Payable	VERIZON WIRELESS	6,616.62
Check	03/05/2018	307359 Accounts Payable	VISION SERVICE PLAN	494.40
Check	03/05/2018	307360 Accounts Payable	WAUKEE COMMUNITY SCHOOLS	2,571.25
Check	03/05/2018	307361 Accounts Payable	WAYNE DENNIS SUPPLY CO	79.09
Check	03/05/2018	307362 Accounts Payable	WEST DES MOINES COMM SCHOOLS - FACILITIES	5,500.00
Check	03/05/2018	307363 Accounts Payable	YANCY , COMFORT MASSALEY	40.00
Check	03/05/2018	307364 Accounts Payable	ZOSS , BEN	78.00
Check	03/05/2018	307365 Accounts Payable	DMACC	30.00
Check	03/05/2018	307366 Accounts Payable	IOWA FIRE CHIEFS ASSN	150.00
Check	03/05/2018	307367 Accounts Payable	IOWA STATE UNIVERSITY-FIRE SVC	25.00
Check	03/05/2018	307368 Accounts Payable	CONWAY , SUSAN I	15,823.52
Check	03/05/2018	307369 Accounts Payable	ERNEST R FISCHER JR TRUST	109,472.80
Check	03/05/2018	307370 Accounts Payable	KENDALL , CHARLOTTE ANNETTE	15,823.52
Check	03/05/2018	307371 Accounts Payable	SCHNESE , SHARON M	15,823.52
Check	03/05/2018	307372 Accounts Payable	WARREN COUNTY TREASURER	160.00
Check	03/05/2018	307373 Accounts Payable	WARREN COUNTY TREASURER	109.00
Check	03/05/2018	307374 Accounts Payable	WEBB , CHARLES E	15,823.52
Check	03/05/2018	307375 Accounts Payable	WEBB , GREGORY	15,823.52
Check	03/05/2018	307376 Accounts Payable	EMERGENCY SERVICES MARKETING	305.00
Check	03/05/2018	307377 Accounts Payable	IOWA CHAPTER OF APCO	565.00
Check	03/05/2018	307378 Accounts Payable	IOWA CHAPTER OF NENA	285.00
Check	03/05/2018	307379 Accounts Payable	PETTY CASH	900.00
Check	03/05/2018	307380 Accounts Payable	SECRETARY OF STATE	30.00
Check	03/05/2018	307381 Accounts Payable	SPRINT	279.73

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 03/05/2018

Type	Date	Number Source	Payee Name	Transaction Amount
EFT	03/05/2018	1580 Accounts Payable	A TECH INC	258.00
EFT	03/05/2018	1581 Accounts Payable	ARNOLD MOTOR SUPPLY LLP	627.68
EFT	03/05/2018	1582 Accounts Payable	BAUER BUILT	975.50
EFT	03/05/2018	1583 Accounts Payable	BAYLESS , RON	69.00
EFT	03/05/2018	1584 Accounts Payable	BENJAMIN , SUZANNE	2,295.00
EFT	03/05/2018	1585 Accounts Payable	BREWICK , MARK	58.32
EFT	03/05/2018	1586 Accounts Payable	BROWNELLS INC	534.47
EFT	03/05/2018	1587 Accounts Payable	CDW GOVERNMENT INC	427.26
EFT	03/05/2018	1588 Accounts Payable	DES MOINES ASPHALT & PAVING	112,828.59
EFT	03/05/2018	1589 Accounts Payable	DESIGN ALLIANCE INC	27,547.32
EFT	03/05/2018	1590 Accounts Payable	DILLARD , CARLOS	234.00
EFT	03/05/2018	1591 Accounts Payable	ENTENMANN ROVIN CO	312.00
EFT	03/05/2018	1592 Accounts Payable	EVS CONSULTING	1,600.00
EFT	03/05/2018	1593 Accounts Payable	EXCEL MECHANICAL INC	1,322.48
EFT	03/05/2018	1594 Accounts Payable	FACTORY MOTOR PARTS CO.	371.06
EFT	03/05/2018	1595 Accounts Payable	HENNING , CLAUDIA	6,685.00
EFT	03/05/2018	1596 Accounts Payable	HOWARD R GREEN CO	1,013.50
EFT	03/05/2018	1597 Accounts Payable	KECK INC	22,366.68
EFT	03/05/2018	1598 Accounts Payable	KELTEK INC	721.06
EFT	03/05/2018	1599 Accounts Payable	KIRKHAM MICHAEL & ASSOC	37,487.36
EFT	03/05/2018	1600 Accounts Payable	LAIDLAW JR , WILLIAM	694.88
EFT	03/05/2018	1601 Accounts Payable	MARREN , KAREN	1,389.00
EFT	03/05/2018	1602 Accounts Payable	MCANINCH CORP & AFFILIATES	251,614.49
EFT	03/05/2018	1603 Accounts Payable	MCCUBBIN , COURTNEY	340.00
EFT	03/05/2018	1604 Accounts Payable	MID IOWA PETROLEUM SVCS INC	381.96
EFT	03/05/2018	1605 Accounts Payable	MIDWEST WHEEL	847.92
EFT	03/05/2018	1606 Accounts Payable	MOBOTREX INC	2,697.21
EFT	03/05/2018	1607 Accounts Payable	MUNICIPAL EMERGENCY SERVICES	625.42
EFT	03/05/2018	1608 Accounts Payable	ONENECK IT SOLUTIONS LLC	259.11
EFT	03/05/2018	1609 Accounts Payable	OPP , JEREMY	1,511.94
EFT	03/05/2018	1610 Accounts Payable	PARKER , SATONIUS	234.00
EFT	03/05/2018	1611 Accounts Payable	ROUNDS , MATES	104.00
EFT	03/05/2018	1612 Accounts Payable	SHIELDS , CHARLES	147.00
EFT	03/05/2018	1613 Accounts Payable	SHIVE-HATTERY INC	2,928.90
EFT	03/05/2018	1614 Accounts Payable	THE UPS STORE	152.80

City of West Des Moines  
**City Council Report**  
 Bank Account: WB VENDOR DISB - WB Vendor Disbursement  
 Batch Date: 03/05/2018

Type	Date	Number Source	Payee Name	Transaction Amount
EFT	03/05/2018	1615 Accounts Payable	YEAGER , LEMAR	2,311.00
EFT	03/05/2018	1616 Accounts Payable	PAUBA DODGE , JANE	19.22
WB VENDOR DISB WB Vendor Disbursement Totals:			Transactions: 173	\$2,498,622.71
	Checks:	136	\$2,014,629.58	
	EFTs:	37	\$483,993.13	

City of West Des Moines  
**City Council Report**  
 Bank Account: WB CONTROLPAY - WB ControlPay  
 Batch Date: 03/05/2018

Type	Date	Number Source	Payee Name	Transaction Amount
<b>Bank Account: WB CONTROLPAY - WB ControlPay</b>				
EFT	03/05/2018	2259 Accounts Payable	ABC ELECTRICAL CONTRACTORS	15,233.49
EFT	03/05/2018	2260 Accounts Payable	AIRGAS NORTH CENTRAL	290.44
EFT	03/05/2018	2261 Accounts Payable	ARAMARK UNIFORM SERVICES	1,325.42
EFT	03/05/2018	2262 Accounts Payable	CALL ONE INC	923.80
EFT	03/05/2018	2263 Accounts Payable	CAPITAL SANITARY SUPPLY CO INC	1,251.22
EFT	03/05/2018	2264 Accounts Payable	CENTURYLINK	5,829.95
EFT	03/05/2018	2265 Accounts Payable	DES MOINES REGISTER MEDIA	1,995.89
EFT	03/05/2018	2266 Accounts Payable	ELECTRONIC ENGINEERING	18.00
EFT	03/05/2018	2267 Accounts Payable	EMERGENCY APPARATUS MAINT	15,804.35
EFT	03/05/2018	2268 Accounts Payable	FREEDOM TIRE	1,088.16
EFT	03/05/2018	2269 Accounts Payable	G&L CLOTHING	932.37
EFT	03/05/2018	2270 Accounts Payable	GALETON GLOVES	405.08
EFT	03/05/2018	2271 Accounts Payable	GALLS LLC	602.99
EFT	03/05/2018	2272 Accounts Payable	HOTSY CLEANING SYSTEMS INC	70.00
EFT	03/05/2018	2273 Accounts Payable	IMAGETEK INC	1,050.00
EFT	03/05/2018	2274 Accounts Payable	INLAND TRUCK PARTS	1,637.40
EFT	03/05/2018	2275 Accounts Payable	JOHNSTONE SUPPLY	50.38
EFT	03/05/2018	2276 Accounts Payable	MID-IOWA SOLID WASTE EQUIPMENT	19,913.00
EFT	03/05/2018	2277 Accounts Payable	NINTH BRAIN SUITE LLC	543.00
EFT	03/05/2018	2278 Accounts Payable	NORTHLAND PRODUCTS	294.20
EFT	03/05/2018	2279 Accounts Payable	O'REILLY AUTOMOTIVE INC	44.10
EFT	03/05/2018	2280 Accounts Payable	PAY-LESS OFFICE PRODUCTS INC	86.27
EFT	03/05/2018	2281 Accounts Payable	PRAXAIR	1,105.93
EFT	03/05/2018	2282 Accounts Payable	RELIABLE PROPERTY SERVICES	12,608.14
EFT	03/05/2018	2283 Accounts Payable	ROCKMOUNT RESEARCH ALLOYS	390.91
EFT	03/05/2018	2284 Accounts Payable	SNYDER & ASSOCIATES	10,111.30
EFT	03/05/2018	2285 Accounts Payable	SPECIALTY GRAPHICS INC	596.00
EFT	03/05/2018	2286 Accounts Payable	STIVERS FORD (CONTROL PAY)	3,185.97
EFT	03/05/2018	2287 Accounts Payable	STRAUSS SAFE AND LOCK CO	161.08
EFT	03/05/2018	2288 Accounts Payable	TEAM SERVICES	2,877.82
EFT	03/05/2018	2289 Accounts Payable	VAISALA INC	990.00
EFT	03/05/2018	2290 Accounts Payable	WORLDPOINT ECC INC	1,078.01
EFT	03/05/2018	2291 Accounts Payable	ZOLL MEDICAL	4,347.78



City of West Des Moines  
**City Council Report**  
Bank Account: WB CONTROLPAY - WB ControlPay  
Batch Date: 03/05/2018

Type	Date	Number	Source	Payee Name	Transaction Amount
WB CONTROLPAY WB ControlPay Totals:				Transactions: 33	\$106,842.45
	EFTs:	33		\$106,842.45	

# Payment Register

From Payment Date: 1/23/2018 - To Payment Date: 03/04/2018

Number	Date	Payee Name	Transaction Amount
17	03/01/2018	WEST BANK	\$11,416.71
88	02/16/2018	KABEL BUSINESS SERVICES	\$6,327.10
89	02/23/2018	KABEL BUSINESS SERVICES	\$6,146.68
1575	02/16/2018	IOWA DEPARTMENT OF NATURAL RESOURCES	\$260.00
1576	02/19/2018	DELTA DENTAL OF IOWA	\$7,222.35
1577	02/26/2018	DELTA DENTAL OF IOWA	\$11,171.47
1579	02/27/2018	WELLMARK BLUE CROSS	\$84,154.81
			\$115,282.41

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

**ITEM:** Approval of Liquor Licenses

**DATE:** March 5, 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. Revenge Is a Dish, LLC d/b/a Blue Moon Dueling Piano Bar and Restaurant, 5485 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - New
2. Century Theatres, Inc. d/b/a Century 20 Jordan Creek and XD, 101 Jordan Creek Parkway, Unit 2000 - Class BW Permit with Sunday Sales - Renewal
3. Git N Go Convenience Stores, Inc. d/b/a Git N Go Convenience Store #4, 1325 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
4. C.C.W., LLC d/b/a Huhot Mongolian Grill, 4100 University Avenue, Suite 101 - Class BW Permit with Sunday Sales - Renewal
5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - April 11-12, 2018
6. Sri Ganesh, LLC d/b/a Paradise Biryani Pointe, 6630 Mills Civic Parkway, Suite 3102 - Class BW Permit with Native Wine and Sunday Sales - Renewal
7. Quik Trip Corporation d/b/a Quik Trip #517, 1451 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
8. Scotty's Pub 1, LLC d/b/a Scotty's Pub & Grill, 3781 EP True Parkway - Class LC Liquor License Extension of Outdoor Service - March 16-18, 2018
9. BarleyBay, LLC d/b/a Twisted Vine Brewery, 3320 Westown Parkway - Class BB Beer Permit with Sunday Sales and Outdoor Service - Renewal
10. W West Investments, LLC d/b/a Wellman's West, 597 Market Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
11. W West Investments, LLC d/b/a Wellman's West Rooftop, 597 Market Street (Rooftop) - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
12. Cost Plus, Inc. d/b/a World Market, 4100 University Avenue, Suite 210 - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal

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

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

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

*RTJ*

**STAFF REVIEWS**

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

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

**ITEM:** Approval of Extended Sound Permit  
Scotty's Pub & Grill - St. Patrick's Day Celebration

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** None

**BACKGROUND:**

On June 28, 2010, the City Council approved several amendments to the Noise Control Ordinance including the provision that City Council approval is required for any sound permit issued for an event going past 10:00 P.M.

Scotty's Pub & Grill has submitted a sound permit application to provide music by a DJ in an enclosed area of the parking lot in front of their restaurant located at 3781 EP True Parkway. The request is for 6:00 a.m. to midnight on three days: Friday, March 16, Saturday, March 17, and Sunday, March 18; however the applicant has indicated they do not intend to have music playing for the entire duration of those times.

This sound permit request was forwarded to the West Des Moines Police Department for their review and they have no objections to this request. As the event is being proposed to end at 12:00 midnight, City staff is forwarding this to the City Council for review and approval.

Scotty's Pub & Grill opened in 2017 and this is their first sound permit request.

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

**RECOMMENDATION:** Motion - Approval of Extended Sound Permit Request made by Scotty's Pub & Grill

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

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	
Date Reviewed	

**SOUND PERMIT FEES**  
 • 1-48 hrs event = \$22.00  
 • 2-7 days event = \$44.00  
 • Multiple events in one calendar year = \$82.50

**The City Council MUST approve any sound permit request that extends past ten o'clock (10:00) P.M.**

**Permit. Applications received less than two (2) weeks before the event MAY NOT be processed by the City in time for the event**

**CITY OF WEST DES MOINES  
 SOUND PERMIT  
 For the Amplification of a Live Performance**

\*Denotes required field

Today's Date 2/28/18 Fee Received: \_\_\_\_\_ Permit No. \_\_\_\_\_

\*Applicant's Name: Scotty's Pub & Grub \*Phone No. 777 1050

\*Applicant's Complete Address (include city/state/zip): 3781 Ep Ave Pky

\*Applicant's E-mail Address: info@scottyspubandgrub.com

Have you, the applicant, ever been cited for a violation of the West Des Moines Noise Ordinance? Y/N (N)

If yes, explain: \_\_\_\_\_

\*Property owner name: Rich Eyecher

\*Property owner address: PO BOX 1747, DSM, 50305

I, the undersigned, hereby acknowledge and certify that I am the record fee title holder of the property for which this sound permit is requested, and I hereby consent to this application for a sound permit, for the amplification of a live performance, as described on this application.

[Signature] 2-28-18  
 \*Property Owner Signature Date

Address of proposed activity: 3781 Ep Ave Pky, WDM  
 (If located in a City park, please include the name of the park)

\*Describe proposed activity, including EVENT AND MUSIC START AND ENDING TIME(S) AND DATE(S) and number of people attending: 6:00 am - 12:00 midnight

march 16-18 D.J. SPEAKERS AWAY FROM ANY HOMES. VERY FAR

\*How will the parking for this event be handled? see sketch

\*Please refer to Page 2, Paragraph J of this application form regarding wattage requirements for the proposed sound equipment as a sound permit may not be deemed necessary. \*

**Attach an 8 1/2" x 11 1/2" sketch plan of the proposed layout of the sound amplification equipment, including the orientation to and approximate distances from the adjoining properties.**

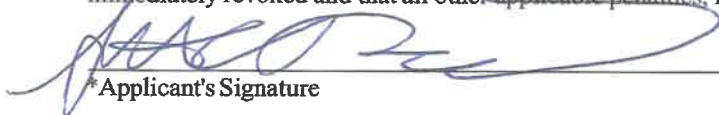
\*Have the adjoining property owners/residents been notified of the event for which this permit is requested? Y/N If so, please list addresses notified (attach additional sheets if necessary):

NOTIFIED ALL ATTACHED / 2 STRIP MALLS

\*Describe what measures will be taken, if any, to minimize the effects of this performance on surrounding property owners. \_\_\_\_\_

Provide any additional information that pertains to this application for a Sound Permit.

**APPLICANT'S CERTIFICATION** - I hereby certify under penalty of perjury that the statements furnished including the drawing, present all information required for this application, and that the facts, statements and information presented are true and correct, and based upon my personal knowledge. I hereby acknowledge my obligation to comply with the West Des Moines Municipal Code as it pertains to this activity and to obtain any and all necessary City, County, State and Federal permits, approvals and/or clearances, if applicable. Further, I hereby certify that I have read, understand and have received a copy of the conditions for the operation of the Sound Permit, and hereby agree to comply with such conditions. I also understand that should I fail to comply with the agreed upon conditions, my permit may be immediately revoked and that all other applicable penalties, including criminal prosecution may be pursued.



\* Applicant's Signature

2-28-18

Date

**FOR STAFF USE ONLY**

**APPROVAL OF SOUND PERMIT**

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

Date:

City Council Approval Date:

This sound permit is approved subject to the following exhibits and conditions.

Exhibits:

Conditions:

Expiration Date:

**DENIAL OF SOUND PERMIT**

Denied by: \_\_\_\_\_

Date:

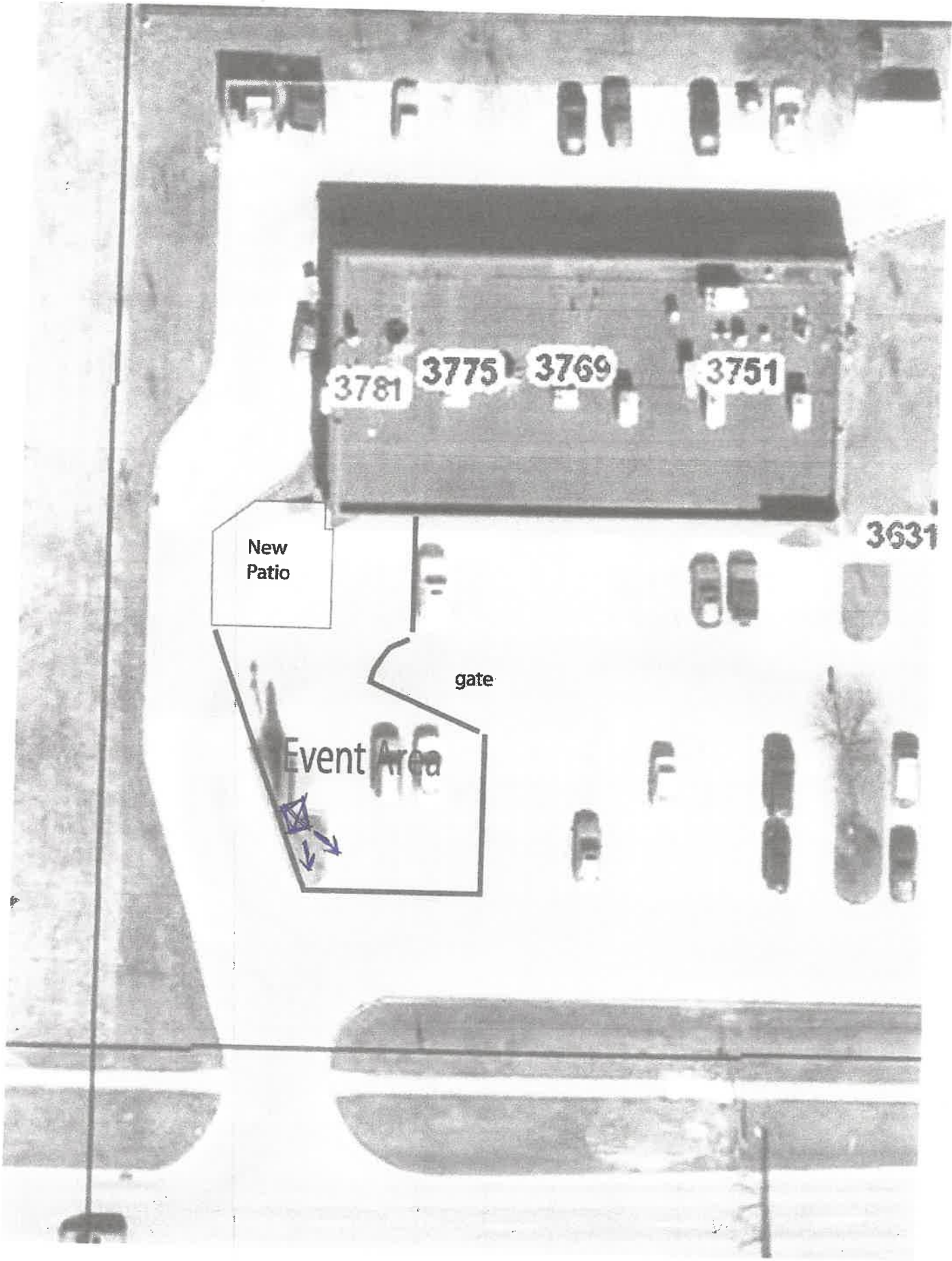
This sound permit is denied based upon the following findings.

Findings:

Copies of this permit have been distributed to the following departments:

- Development Services Department
- City Clerk's Office

- Police Department
- Parks and Recreation Department



3781

3775

3769

3751

3631

New  
Patio

gate

Event Area



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

**DATE: March 5, 2018**

**ITEM:**

Motion – Approval of Renewal Contract Agreement  
2018 Street and Pavement Repair Supplemental Retainer Contract  
Construction Project No. 0510-005-2018

**FINANCIAL IMPACT:**

The 2016 Street and Pavement Repair Supplemental Retainer Contract designated Q3 Contracting, Inc. as the primary contractor and The Concrete Contracting Company, Inc. as the secondary contractor, with the option to renew by written mutual consent of both the City and the contractor upon expiration of the initial term. The contract terms stipulate that the Engineer News Record (ENR) Construction Cost Index may be used if the contract is renewed. The ENR as of April 2017 was 3.9%. There is \$220,000.00 budgeted for this contract for 2018-19. Payments will be made from budgeted account no. 500.000.000.5250.490.

**BACKGROUND:**

The 2016 Street and Pavement Repair Supplemental Retainer Contract was let to obtain unit prices for a contractor to perform various types of street and pavement repair services on an on-call basis. Due to growth in the City's street network, the intent of this contract is to supplement and assist City staff operations with urgent unexpected street and pavement repairs on City ROW, easements, and property. This contract agreement provides time and material rates for requested street and pavement repairs. This resolution will extend the contract agreement for one more year from March 1, 2018, to February 28, 2019, per the terms of the original agreement.

Because the City Council subcommittee meeting scheduled for February 26, 2018, was cancelled, this agenda item was only distributed to the subcommittee members via email on February 26, 2018.

**RECOMMENDATION:**

- That the City Council approve of renewal of the construction contract to Q3 Contracting, Inc as the Primary Contractor and The Concrete Contracting Company as the Secondary Contractor. Renewal is consistent with the terms of the original agreement.

**Lead Staff Member: Kevin Hensley, Public Services Superintendent**

**STAFF REVIEWS**

Department Director	Bret Hodne, Public Services Director <i>ABL</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	<i>KH</i>

*KH*

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Public Services		
Date Reviewed			
Recommendation	Yes	No	Split



Description	Unit
-------------	------

The Concrete Company, Inc. PO Box 556 Grimes, IA	
2017 Unit Price	2018 Unit Price with 3.9% ENR Increase*

Description	Unit	2017 Unit Price	2018 Unit Price with 3.9% ENR Increase*
1	Pavement/Median Removal/Disposal	\$30.93	\$32.14
2	Sidewalk/Trail/Driveway Removal/Disposal	\$20.62	\$21.42
3	Curb Removal/Disposal	\$30.93	\$32.14
4	Class 10 Excavation	\$25.78	\$26.79
5	Class A Granular Backfill	\$25.78	\$26.79
6	Controlled Low Strength Material or Flowable Fill	\$164.96	\$171.39
7	Manhole Adjustment, Minor	\$2,062.00	\$2,142.42
8	Adjust Valve Box to Grade, Minor	\$515.50	\$535.60
9	7" Min. Reinforced PCC Full Depth Patch (<= 50 SY)	\$82.48	\$85.70
10	7" Min. Reinforced PCC Full Depth Patch (> 50 SY)	\$113.41	\$117.83
11	9" Min. Reinforced PCC Full Depth Patch (<= 50 SY)	\$97.95	\$101.77
12	9" Min. Reinforced PCC Full Depth Patch (> 50 SY)	\$128.88	\$133.91
13	11" Min. Reinforced PCC Full Depth Patch (<= 50 SY)	\$113.41	\$117.83
14	11" Min. Reinforced PCC Full Depth Patch (> 50 SY)	\$144.34	\$149.97
15	Composite HMA/PCC Patch (< 8" PCC & 2" HMA)	\$1,288.75	\$1,339.01
16	Composite HMA/PCC Patch (=> 8" PCC & 3" HMA)	\$1,149.57	\$1,194.40
17	9" PCC Median Patch (Non-Integral)	\$515.50	\$535.60
18	4" Sidewalk Replacement	\$90.73	\$94.27
19	6" Sidewalk Replacement	\$113.41	\$117.83
20	6" Pedestrian Ramp Replacement	\$128.88	\$133.91
21	6" Driveway Replacement	\$128.88	\$133.91
22	6" Reinforced Driveway & Trail Replacement	\$128.88	\$133.91
23	PCC Curb and Gutter Replacement (18" to 36" Wide)	\$67.02	\$69.63
24	32% Calcium Chloride Solution PCC Accelerator	\$20.62	\$21.42
25	Remove/Relay Brick Pavers	\$92.79	\$96.41
26	Traffic Detection Loops Replacement	\$1,546.50	\$1,606.81
27	Sodding	\$103.10	\$107.12
28	Pre-Manufactured Detectable Warning Panels (2'x 4')	\$463.95	\$482.04
29	Replace Intake Top Beams and Castings Only (M-A & M-C)	\$4,124.00	\$4,284.84
30	Replace Intake Top Beams and Castings Only (M-D & M-E)	\$4,845.70	\$5,034.68

\*Engineer News Record (ENR) Construction Cost Index as of April 2017 was 3.9%.

## CITY OF WEST DES MOINES CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Authorize Mayor's signature on Nomination Application      **DATE:** March 5, 2018  
To Iowa Economic Development Authority to be considered for an Opportunity Zone

**FINANCIAL IMPACT:** There is no financial impact with the nomination application. The City is not making a financial commitment with this application

**BACKGROUND:** The recent Tax Cut and Jobs Act of 2017 established Opportunity Zones. According to Iowa Economic Development Authority (IEDA), "This tax incentive is designed to encourage long-term, private investments in low-income census tracts by providing a federal tax incentive for taxpayers who reinvest unrealized capital gains into Opportunity Funds which are then invested into opportunity zones."

In order to participate in this program, a city must have a designated Opportunity Zone. The City has one identified zone and it is census track 11001 (see exhibit II for a map) which is bordered by Railroad on the south, 1<sup>st</sup> Street on the east, Vine Street on the north, and 19<sup>th</sup> Street on the west. This census track was selected for meeting the criteria established by the U.S. Treasury. It is the only census track in the City identified.

There are 239 eligible census tracts in the state of Iowa. Of those, 60 will be chosen for designation as an Opportunity Zone.

The nomination application is due to IEDA by March 19<sup>th</sup> and the Office of the Governor will submit the Iowa nominations to the U.S. Department of the Treasury for review by April 21, 2018.

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

**RECOMMENDATION:** Staff recommends City Council authorize the Mayor to sign the City's nomination application to IEDA to be considered for an Opportunity Zone.

**ATTACHMENTS:**

- Exhibit I - Nomination Application to the IEDA for Opportunity Zone
- Exhibit II - Map of West Des Moines eligible census track – 11001
- Exhibit III - Information on Opportunity Zones

**Lead Staff Member:** Christine Gordon, Housing Planner

**STAFF REVIEWS**

Department Director	Clyde E. Evans	<i>CGB</i>
Appropriations/Finance	Tim Stiles	
Legal	JRW	
Agenda Acceptance	AK	

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

Published In	NA
Dates(s) Published	NA

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	F&A		
Date Reviewed	February 28, 2018		
Recommendation	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Split



# ECONOMIC OPPORTUNITY ZONE APPLICATION TO NOMINATE LOW-INCOME COMMUNITY CENSUS TRACTS

## Overview

The Tax Cut and Jobs Act of 2017 established a new economic development program called Opportunity Zones designed to encourage long-term private investments in low-income communities.

The program provides a federal tax incentive for taxpayers who reinvest unrealized capital gains into Opportunity Funds, which are specialized vehicles dedicated to investing in low-income areas called Opportunity Zones. The zones themselves are to be comprised of Low-Income Community Census Tracts (LIC) and designated by governors in every state and territory. Once designated, the tracts will be in place for 10 years. The U.S. Treasury will administer the program.

Twenty-five percent of a state's Low-Income Community census (LIC) tracts are eligible to be nominated to the U.S. Treasury for Opportunity Zone designation. Governors have until April 21 (extension deadline) to nominate their Opportunity Zone choices. In Iowa, 60 LIC tracts out of the eligible 239 LIC tracts will be nominated.

A map and a list of LIC tracts by state can be found here: [www.cdfifund.gov/Pages/Opportunity-Zones.aspx](http://www.cdfifund.gov/Pages/Opportunity-Zones.aspx)

**You must verify your eligibility before completing the application.**

## Due Date

Completed applications are due by: **5:00 PM ON MARCH 19, 2018 – late applications will not be accepted**

Submissions must be sent to: [opportunityzones@iowaeda.com](mailto:opportunityzones@iowaeda.com)

## Instructions

**Please verify you are an eligible census tract.**

Submissions cannot exceed five pages.

<b>Community Name:</b>	
<b>Mayor Name:</b>	
<b>Mayor Signature:</b>	<b>Date:</b>
<b>City Hall Address: City, State, Zip Code:</b>	
<b>Primary Contact:</b>	<b>Title of Primary Contact:</b>
<b>Primary Contact E-mail Address:</b>	<b>Primary Contact Telephone Number:</b>
<b>Eligible Low-income Census Tracts (REQUIRED – rank them if more than one):</b>	
1.	
2.	
3.	
4.	
<b>What is the vision for your community and how will having an Opportunity Zone assist in realizing that vision?</b>	
<b>Describe any economic hardships your community has faced over the last five years.</b>	
<b>If awarded one of the Economic Opportunity Zones, what would your community do to attract investment? Please explain how this will spur entrepreneurial activity and economic growth.</b>	

<b>Describe key leaders that would work to attract investment into the Economic Opportunity Zone.</b>	
<b>Describe past successes in bringing economic investment to your community.</b>	
<b>What other resources would you combine within the Economic Opportunity Zone to attract an investor?</b>	
<b>What is your average unemployment rate over the last five years?</b> <i>Use attached five-year 2012-2016 unemployment rate spreadsheet</i>	<b>For the 2017-2018 school year, what is the percentage of eligible students receiving free or reduced-priced lunches by district?</b>  <a href="http://www.educateiowa.gov/documents/district-level/2018/02/2017-18-iowa-public-school-k-12-students-eligible-free-and-reduced">www.educateiowa.gov/documents/district-level/2018/02/2017-18-iowa-public-school-k-12-students-eligible-free-and-reduced</a>
<b>How many business closures have occurred in your community over the last five years?</b>	<b>How many jobs have been lost because of those business closures in the last five years?</b>



- Eligible for Opportunity Zone allocation based on low income community criteria
- Eligible for Opportunity Zone allocation based on contiguity with low income community tracts
- Not eligible for Opportunity Zone allocation based on low income community criteria
- Insufficient data

# OPPORTUNITY ZONES: A NEW INCENTIVE FOR INVESTING IN LOW-INCOME COMMUNITIES

The Opportunity Zones program offers three tax incentives for investing in low-income communities through a qualified Opportunity Fund <sup>1</sup>:



## Temporary Deferral

A temporary deferral of inclusion in taxable income for capital gains reinvested into an Opportunity Fund. The deferred gain must be recognized on the earlier of the date on which the opportunity zone investment is disposed of or December 31, 2026.



## Step-Up In Basis

A step-up in basis for capital gains reinvested in an Opportunity Fund. The basis is increased by 10% if the investment in the Opportunity Fund is held by the taxpayer for at least 5 years and by an additional 5% if held for at least 7 years, thereby excluding up to 15% of the original gain from taxation.



## Permanent Exclusion

A permanent exclusion from taxable income of capital gains from the sale or exchange of an investment in an Opportunity Fund if the investment is held for at least 10 years. This exclusion only applies to gains accrued after an investment in an Opportunity Fund.



Figure 1. Incentives Offered by the Opportunity Zones Program

How does a capital gain of \$100 reinvested in 2018 perform over time?



\* Note: Assumes long-term federal capital gains tax rate of 23.8%, no state income tax, and annual appreciation of 7% for both the O-Fund and alternative investment.

The Opportunity Zones program is designed to incentivize patient capital investments in low-income communities nationwide. All of the underlying incentives relate to the tax treatment of capital gains, and all are tied to the longevity of an investor’s stake in a qualified Opportunity Fund, providing the most upside to those who hold their investment for 10 years or more.

The figure above and table below illustrate how an investor’s available after-tax funds compare under different scenarios, assuming various holding periods, annual investment appreciation of 7%, and a long-term capital gains tax rate of 23.8% (federal capital gains tax of 20% and net investment income tax of 3.8%). For example, after 10 years an investor will see an additional \$44 for every \$100 of capital gains reinvested into an Opportunity Fund in 2018 compared to an equivalent investment in a more traditional stock portfolio generating the same annual appreciation. Table 1 and the examples that follow provide additional information on the tax liabilities and differences in the after-tax annual rates of return.

Table 1 How Investing in an Opportunity Fund Compares to a Traditional Stock Portfolio

Scenario: A Capital Gain of \$100 is Reinvested in 2018

Holding Period	Appreciation Rate	Investment in a Stock Portfolio		Investment in an Opportunity Fund		Difference in After-Tax Annual Rate of Return
		Total Tax Liability	After-Tax Funds Available	Total Tax Liability	After-Tax Funds Available	
5 Years	7%	\$31	\$100	\$31	\$109	1.9%
7 Years	7%	\$35	\$111	\$35	\$126	1.8%
10 years	7%	\$41	\$132	\$20	\$176	3.0%





### Example 1: Investor holds the O-Fund stake for 10 years

Susie has \$100 of unrealized capital gains in her stock portfolio. She decides in 2018 to reinvest those gains into an O-Fund that invests in distressed areas of her home state, and she holds that investment for 10 years. Susie is able to defer the tax she owes on her original \$100 of capital gains until 2026. Further, the basis is increased by 15% (effectively reducing her \$100 of taxable capital gains to \$85). Thus, she will owe \$20 (23.8% of \$85) of tax on her original capital gains when the bill finally comes due. In addition, since she holds her O-Fund investment for at least 10 years, she owes no capital gains tax on its appreciation. Assuming that her O-Fund investment grows 7% annually, the after-tax value of her original \$100 investment in 2028 is \$176. Susie has enjoyed a 5.8% effective annual return, compared to the 2.8% an equivalent non-O-Fund investment would have delivered.

*Total tax bill in 2028: \$20*

*After-tax value of investment in 2028: \$176*

*Effective after-tax annual return on \$100 capital gain in 2018: 5.8%*

### Example 2: Investor holds the O-Fund stake for 7 years

As in Example 1, in 2018 Susie rolls over \$100 of capital gains into an O-Fund. She holds the investment for 7 years, selling in 2025. As in Example 1, she temporarily defers the tax she owes on her original capital gains and steps-up her basis by 15%, so that in 2025 she will owe \$20 (23.8% of \$85) of tax on her original capital gains. Unlike Example 1, however, Susie will owe capital gains tax on the appreciation of her O-Fund investment, since she holds the investment for less than 10 years. Assuming that her O-Fund investment grows 7% annually, in 2025 Susie will owe \$15 (23.8% of \$61) of tax on the O-Fund investment's capital gain. Susie did not take full advantage of the Opportunity Zone program but nevertheless received a 3.3% effective annual return compared to the 1.5% an equivalent non-O-Fund investment would have delivered.

*Total tax bill in 2025: \$35*

*After-tax value of investment in 2025: \$126*

*Effective after-tax annual return on \$100 capital gain in 2018: 3.3%*

### Example 3: Investor holds the O-Fund stake for 5 years

As in Example 1, in 2018 Susie rolls over \$100 of capital gains into an O-Fund. She holds the investment for 5 years, selling in 2023. As in Example 1, she can temporarily defer the tax she owes on her original capital gains, but her step-up in basis is only 10%, so that in 2023 she will owe \$21 (23.8% of \$90) of tax on her original capital gains. As in Example 2, Susie enjoys no exemption from capital gains tax on the appreciation of her O-Fund investment, since she holds the investment for less than 10 years. Assuming that her O-Fund investment grows 7% annually, in 2023 Susie will owe \$10 (23.8% of \$40) of tax on the O-Fund investment's capital gain. Susie did not take full advantage of the Opportunity Zone program but nevertheless received a 1.8% effective annual return on her initial capital gains compared to the -0.1% effective annual return an equivalent non-O-Fund investment would have delivered.

*Total tax bill in 2023: \$31*

*After-tax value of investment in 2023: \$109*

*Effective after-tax annual return on \$100 capital gain in 2018: 1.8%*



For more information visit [eig.org/opportunityzones](http://eig.org/opportunityzones)  
or email [john@eig.org](mailto:john@eig.org)

1. A qualified Opportunity Fund is a privately managed investment vehicle organized as a corporation or a partnership for the purpose of investing in qualified opportunity zone property (the vehicle must hold at least 90 percent of its assets in such property). Governors (or the Mayor in the case of the District of Columbia) may designate 25 percent of their state's low-income census tracts as qualified opportunity zones, subject to certification by the U.S. Secretary of the Treasury. Low-income census tracts are defined in Internal Revenue Code Section 45D(e). If the number of low-income census tracts in a state is less than 100, then a Governor may designate a total of 25 tracts. Qualified opportunity zone property includes any qualified opportunity zone business stock, any qualified opportunity zone partnership interest, and any qualified opportunity zone business property. Only taxpayers who roll over capital gains of non-zone assets before December 31, 2026, will be able to take advantage of the special treatment under the provision.



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

**DATE: March 5, 2018**

**ITEM:**

Resolution – Approval of Chapter 28E Agreement  
Des Moines Metropolitan Wastewater Reclamation Authority (WRA)  
Middle Creek Trunk Sewer Extension

**FINANCIAL IMPACT:**

The City will transfer all maintenance responsibility and costs to the WRA once the project is complete.

**BACKGROUND:**

At the February 5, 2018 City Council meeting, the Middle Creek Trunk Sewer Extension Project was awarded. The purpose of the project initially is to serve the Microsoft Osmium project.

The purpose of this agreement is to delegate responsibilities as it relates to the design, construction, right of way acquisition and maintenance of the new trunk sewer. The agreement states West Des Moines is solely responsible for the funding and payment of all costs associated with the design, acquisition of property interests, and construction of the Middle Creek Trunk Sewer Extension. Once complete, the City will transfer ownership to the WRA and the WRA would be responsible for maintenance of the sewer moving forward.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Approving Chapter 28E Agreement.

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

**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>RA</i>

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)			
Published In		Committee	Public Services		
Dates(s) Published		Date Reviewed	February 12, 2018		
		Recommendation	Yes	No	Split

**RESOLUTION APPROVING CHAPTER 28E AGREEMENT  
BY AND BETWEEN  
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY FOR  
FINANCING, DESIGN AND CONSTRUCTION OF THE WEST DES MOINES MIDDLE  
CREEK TRUNK SEWER EXTENSION**

**WHEREAS**, the Cities of Altoona, Ankeny, Bondurant, Clive, Cumming, Des Moines, Johnston, Norwalk, Pleasant Hill, Polk City, Waukee and West Des Moines, and Polk County, Warren County, the Urbandale Sanitary Sewer District, the Urbandale-Windsor Heights Sanitary District and the Greenfield Plaza/Hills of Coventry Sanitary District are all participating members of the WRA pursuant to the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (the WRA Agreement);

and,

**WHEREAS**, the WRA Agreement provides in Article VII, Section 4(e) that if a Participating Community proposes to design or construct any sanitary sewer improvement, extension, pump station, force main, equalization basin, or other similar improvement (for purposes of this subsection, collectively "Extension") and proposes that such Extension be included as a part of the WRA System, said Participating Community or Communities must follow the provisions of Article VII, Section 4(e) of the WRA Agreement;

and,

**WHEREAS**, West Des Moines desires to construct an extension to the existing WRA Middle Creek Trunk Sewer and this Agreement is undertaken for the purpose of setting forth the terms by which the WRA will accept and take ownership of this sewer extension;

therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that the Chapter 28E Agreement by and between the City of West Des Moines and Des Moines Metropolitan Wastewater Reclamation Authority, is hereby approved.

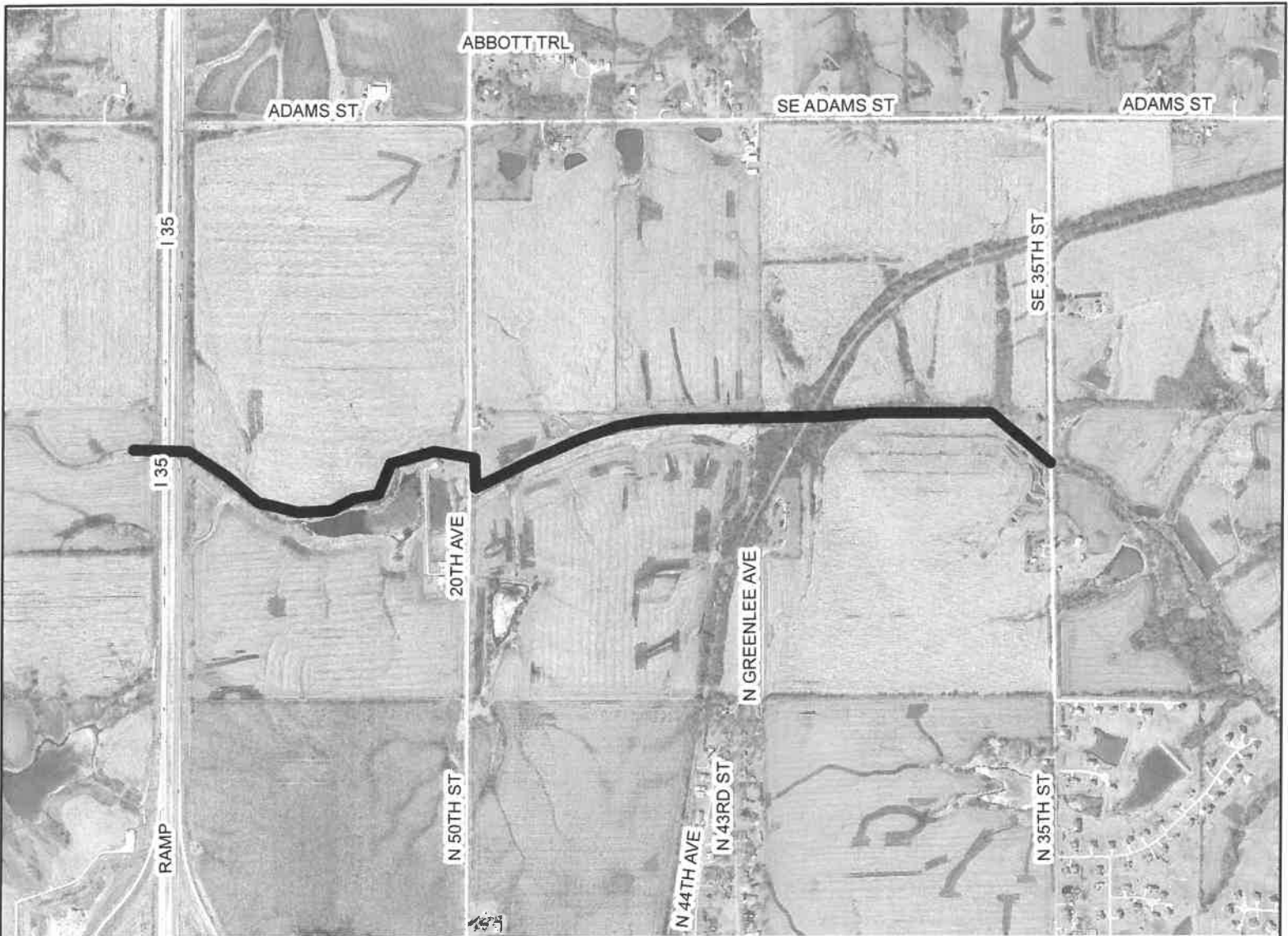
**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are directed to execute said Chapter 28E Agreement with City of West Des Moines and Des Moines Metropolitan Wastewater Reclamation Authority.

**PASSED AND APPROVED** this **5th** day of **March, 2018**.

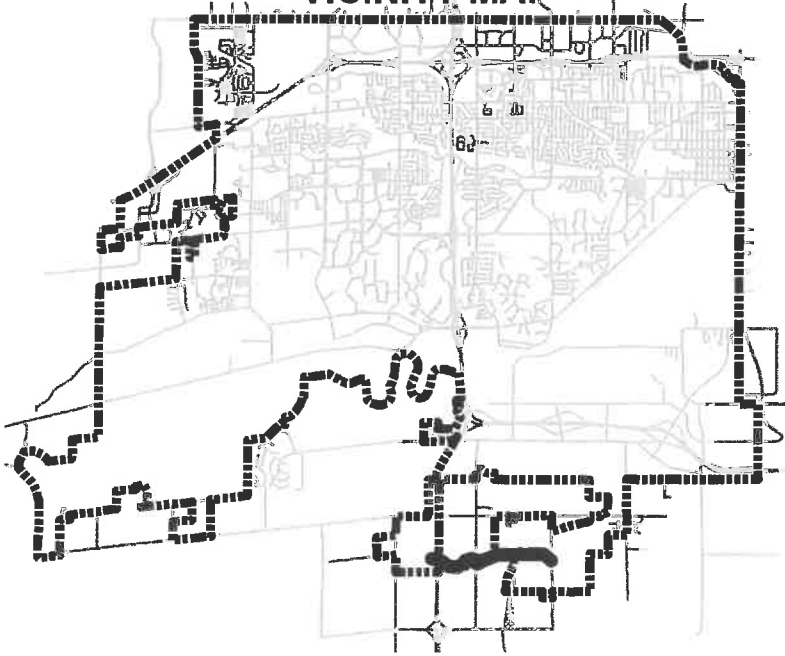
\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

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



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION 



	PROJECT: <b>Middle Creek Trunk Sewer Extension</b>		
	LOCATION: <b>SE 35th St to I-35</b>		
DRAWN BY: JDR	DATE: 1/3/2018	PROJECT: 0510-015-2017	SHT. 1 of 1

Chapter 28E Agreement between the City of West Des Moines, Iowa and the  
Des Moines Metropolitan Wastewater Reclamation Authority for the Financing,  
Design and Construction of the West Des Moines Middle Creek Trunk Sewer Extension

This Agreement is entered into by and between the Des Moines Metropolitan Wastewater Reclamation Authority (the “WRA”) and the City of West Des Moines, Iowa, a municipal corporation (the “City or West Des Moines”).

**WHEREAS**, the Cities of Altoona, Ankeny, Bondurant, Clive, Cumming, Des Moines, Johnston, Norwalk, Pleasant Hill, Polk City, Waukee and West Des Moines, and Polk County, Warren County, the Urbandale Sanitary Sewer District, the Urbandale-Windsor Heights Sanitary District and the Greenfield Plaza/Hills of Coventry Sanitary District are all participating members of the WRA pursuant to the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (the WRA Agreement); and

**WHEREAS**, the WRA Agreement provides in Article VII, Section 4(e) that if a Participating Community proposes to design or construct any sanitary sewer improvement, extension, pump station, force main, equalization basin, or other similar improvement (for purposes of this subsection, collectively "Extension") and proposes that such Extension be included as a part of the WRA System, said Participating Community or Communities must follow the provisions of Article VII, Section 4(e) of the WRA Agreement; and

**WHEREAS**, West Des Moines desires to construct an extension to the existing WRA Middle Creek Trunk Sewer and this Agreement is undertaken for the purpose of setting forth the terms by which the WRA will accept and take ownership of this sewer extension.

**NOW, THEREFORE**, the WRA and City of West Des Moines, (hereafter referred to collectively as “the Parties”) do hereby agree as follows:

**Part 1 - Joint Exercise of Powers Under Chapter 28E of the Code of Iowa.**

- 1.1 **Purpose of Agreement.** Pursuant to Chapter 28E of the 2017 Code of Iowa, the Parties do hereby agree that the purpose of this Agreement is to set forth the terms by which the WRA will accept and take ownership of the Middle Creek sewer extension constructed by West Des Moines.
- 1.2 **Effective Date.** The Parties agree that this Agreement shall be effective upon its approval and execution by both Parties and its recording with the Secretary of State.
- 1.3 **Administrators.** The Parties hereby agree that the West Des Moines City Manager shall be designated as administrator for purposes of this Agreement as provided by Section 28E.6 of the Code of Iowa, that the West Des Moines City Manager shall administer this agreement on behalf of West Des Moines and that the WRA Director shall administer this Agreement on behalf of the WRA. No separate entity is created by this Agreement.

- 1.4 Duration. This Agreement shall have three originals and shall be effective upon its execution by both Parties and it shall remain in effect through June 30, 2020 or until such time as both Parties have discharged their respective obligations under this Agreement, whichever occurs later.

### **Part 2 – Existing Sewer and Construction of Extension of Sewer**

- 2.1 Middle Creek Trunk Sewer Extension. The sewer extension constructed by West Des Moines will be the Middle Creek Trunk Sewer Extension. The Middle Creek Trunk Sewer Extension includes a sewer to be constructed by West Des Moines as shown on Exhibit A, and is described as follows:

West Des Moines will construct a 24" diameter sewer, shown on Exhibit A connecting to the west end of the existing 27" sewer (currently known as the Middle Creek Sewer, Phase 20, Segment 3) and extending to the east side of Interstate 35.

- 2.2 Project Improvements. For the purpose of this Agreement, Project Improvements are defined as: Construction of sanitary sewer, including all labor, materials and equipment necessary for excavation and backfill of approximately 8,535 feet of 24-inch sanitary sewer in open cut, 300 feet of 24-inch trenchless sanitary sewer, manholes, erosion control and miscellaneous associated work, including cleanup and located in the Cities of Cumming and West Des Moines, Warren County, Iowa east of Interstate 35 and north of Cumming Avenue.

- 2.3 Compliance with Article VII, Section 4 of the WRA Agreement. West Des Moines, as a Participating Community, is one of the communities and service areas to be served by the Middle Creek Trunk Sewer Extension. As allowed by the WRA, other Participating Communities may also be served by the Middle Creek Trunk Sewer Extension. The anticipated sewer flowage for the Middle Creek Trunk Sewer Extension, as of the date of this Agreement, is anticipated to be 10,000,000 gallons a year. The location of the connection to the WRA System will be to the WRA's Existing Middle Creek Trunk Sewer as shown on Exhibit A. The funding source for the Middle Creek Trunk Sewer Extension is identified in Section 3.1 herein.

### **Part 3 – West Des Moines Responsibility for Costs for the Middle Creek Trunk Sewer Extension**

- 3.1 Funding of the Middle Creek Trunk Sewer Extension. West Des Moines is solely responsible for the funding and payment of all costs associated with, related to or arising out of the design, acquisition of property interests, and construction of the Middle Creek Trunk Sewer Extension. West Des Moines is solely responsible for any and all costs for making any repairs to the Middle Creek Trunk Sewer Extension so it is in a condition acceptable to the WRA for transfer of ownership to the WRA as set forth in this Agreement.

- 3.2 No Cost to WRA. It is the intention of the parties that the WRA shall not be responsible for any costs associated with, related to or arising out of the design, acquisition of property interests, construction of the Middle Creek Trunk Sewer Extension, conveyance of the Middle Creek Trunk Sewer Extension to the WRA or connection to the WRA conveyance system.
- 3.3 Revenue Bonds and SRF Obligations. West Des Moines represents and covenants to the WRA that it has no obligations, loan agreements, state revolving fund loans (SRF) or other financing instruments that restrict or prohibit or have covenants against the disposition, sale or transfer of the Middle Creek Trunk Sewer Extension or the property interests for the Middle Creek Trunk Sewer Extension to the WRA. If there are any such obligations, loan agreements, state revolving fund loans (SRF) or other financing instruments, West Des Moines shall obtain and provide written consent and authority for conveyance of the Middle Creek Trunk Sewer Extension and the property interests of the Middle Creek Trunk Sewer Extension to the WRA from such financing entity prior to the WRA accepting conveyance of the Middle Creek Trunk Sewer Extension.

#### **Part 4 – Design of the Project Improvements**

- 4.1 Design and Construction Standards. West Des Moines shall design and construct the Project Improvements in conformance with, the current edition as of the date of construction, Statewide Urban Standard Specifications for Public Improvements, (SUDAS), WRA requirements (including but not limited to WRA requirements for pipe material, pipe lining (t-lok), manholes, manhole lining and infiltration testing standards), the WRA Agreement and the provisions of this Agreement. West Des Moines shall include in the bid documents and specifications for the Project Improvements WRA approved supplemental specifications including but not limited to those for pipe material, pipe lining (t-lok), manholes and manhole lining, and infiltration testing standards.
- 4.2 Approval of Design Documents by WRA. At the stages of 60% completion of the design and final completion of the design of the Project Improvements, West Des Moines shall submit the Design Documents for construction of the Project Improvements to the WRA Director for review and approval. Design Documents, for purposes of this Agreement, shall also include the plans and specifications. West Des Moines shall not procure bids for construction of the Project Improvements until the Design Documents have been approved in writing by the WRA Director. The WRA Director will review and respond to the proposed Design Documents within 20 days of receipt of the same. Should the WRA Director decline to approve the final Design Documents, the WRA Director shall so notify West Des Moines of such decision giving the reasons therefore. West Des Moines shall address WRA's concerns and resubmit the final Design Documents to the WRA Director for review and approval. The Project Improvements shall not be bid until the WRA Director has provided written approval of the Design Documents.
- 4.3 Changes to Design Documents. If any changes are made to the final Design Documents after the written approval by the WRA Director, then the Design Documents shall be



submitted to the WRA Director for review and written response before the Project Improvements are bid. Should the WRA Director decline to approve the changes, the WRA Director shall so notify West Des Moines of such decision giving the reasons therefore. West Des Moines shall address WRA's concerns and resubmit the Design Documents to the WRA Director for review and approval. The Project Improvements shall not be bid until the WRA Director has provided written approval.

## **Part 5 - Acquisition and Conveyance of Property Interests for Middle Creek Trunk Sewer Extension**

- 5.1 Property Interests Required by WRA. The WRA requires and West Des Moines shall provide a minimum 30 foot wide permanent sewer easement interest centered over the sewer pipe of the Middle Creek Trunk Sewer Extension. All conveyance documents to the WRA shall be on forms approved by the WRA. West Des Moines shall give all required notices and hold all necessary hearings required by 364.7 of the Iowa Code to convey the Middle Creek Trunk Sewer Extension to the WRA when the conditions precedent as set forth in Part 7 herein are met.
- 5.2 Acquisition of Property Interests. West Des Moines shall obtain all property interests necessary for the construction, reconstruction, repair, operation and maintenance of the Middle Creek Trunk Sewer Extension at West Des Moines' sole cost and expense. All permanent property interests for the Project Improvements shall be acquired in the name of West Des Moines and the WRA. West Des Moines shall include in all appropriate acquisition documents and notices that West Des Moines intends to quit claim all its interest in the property interests and sewer to the WRA upon completion of the Project Improvements and acceptance of the Middle Creek Trunk Sewer Extension by the WRA. West Des Moines shall provide an easement to the WRA for the Middle Creek Trunk Sewer Extension where the sewer is located within street right-of-way.
- 5.3 Federal, State and Local Laws. West Des Moines shall follow all federal, state and local laws and regulations and all WRA requirements and policies for all acquisition and relocation for all property interests acquired on behalf of the WRA.
- 5.4 Required Hearings. West Des Moines shall follow the provisions and hold all hearings required pursuant to Chapters 6A and 6B of the Iowa Code in acquiring all property interests for the Project Improvements.
- 5.5 Acquisition of Property. After the necessary hearings set forth above, (a) West Des Moines shall be authorized to cause its Consultant to prepare final Design Documents for the Project Improvements; and (b) West Des Moines shall be authorized to acquire permanent property interests for the Project Improvements in the name of both West Des Moines and the WRA, in accordance with the WRA Policy Regarding the Acquisition of Property for WRA Improvement Projects and Regarding the Acceptance or Grant of Property Interests, as said Policy presently exists or as it is hereafter amended by action of the WRA Board. In the event of condemnation and any appeal therefrom, West Des

Moines shall solely be responsible for all costs and expenses associated therewith, including but not limited to the cost of all defense of the WRA and all costs, fees and awards, appraisal and attorney fees assessed, awarded, or included as part of an administrative settlement.

- 5.6 Acquisition Forms and Plats. Permanent easements and fee acquisitions for the Middle Creek Trunk Sewer Extension shall be on forms approved by the WRA. West Des Moines shall provide all permanent easement and acquisition plats in hard copy and shape file format to the WRA.
- 5.7 Marketable Title. No property interests shall be acquired unless and until West Des Moines has obtained an opinion or certification from its legal counsel that the grantor of the property interest is lawfully possessed of the property and authorized to make such conveyance and that such conveyance is made free and clear of all encumbrances. Prior to the WRA accepting ownership of the Middle Creek Trunk Sewer Extension, West Des Moines shall provide evidence of ownership of all property interests to be conveyed to the WRA by virtue of attorney opinions provided to the WRA by West Des Moines, along with a copy of each recorded easement or deed. For all permanent property interests acquired for the Middle Creek Trunk Sewer Extension, the attorney opinions shall be based upon an examination of abstract(s) (or other search approved at the WRA's discretion) and shall be prepared in accordance with the 40-year Marketable Title Act and Iowa Code Sections 614.29-38. For permanent property interests, the attorney opinions shall opine that West Des Moines and the WRA have title to and ownership of the fee or permanent easement free and clear of all known liens, claims, security interests, and encumbrances except those of record of which the WRA has been given actual notice in writing and which the WRA has found acceptable. WRA shall not accept ownership of the Middle Creek Trunk Sewer Extension until the WRA, in its sole discretion, is satisfied that West Des Moines has obtained marketable title in the Middle Creek Trunk Sewer Extension free and clear of all encumbrances and that all property interests for the Middle Creek Trunk Sewer Extension are in a form acceptable to the WRA to allow the WRA the right to operate, maintain, repair and reconstruct the Middle Creek Trunk Sewer Extension.
- 5.8 Acquisition Costs. All cost of acquisition of property interests for the Middle Creek Trunk Sewer Extension, the appeal of eminent domain proceedings or other administrative or legal proceeding associated with, related to or arising out of the acquisition of property interests for the Middle Creek Trunk Sewer Extension, shall be at the sole cost and expense of West Des Moines, including but not limited to the cost of all defense of the WRA and all costs, fees and awards, appraisal and attorney fees assessed, awarded, or included in an administrative settlement.
- 5.9 Conveyance of Middle Creek Trunk Sewer Extension. West Des Moines shall convey all interests in the Middle Creek Trunk Sewer Extension by Quit Claim Deed and easement on forms acceptable to the WRA when the WRA accepts ownership in accordance with Part 7 herein.

## **Part 6 - Construction of Project Improvements**

- 6.1 **Construction of Project Improvements.** Upon written approval of the plans and specifications by the WRA Director, West Des Moines shall construct and administer the Project Improvements in accordance with the plans and specifications approved by the WRA Director, SUDAS Standard Specifications, current edition as of the date of construction, WRA requirements, applicable federal, state and local laws and this Agreement.
- 6.2 **Change Orders.** West Des Moines shall notify the WRA Director of all proposed change orders for the portion of the Project Improvements which in any way alter or change the design, function or materials of the Project Improvements and obtain the WRA Director's written consent to such change orders. West Des Moines agrees that the Project Improvements shall be completed in strict adherence to the Design Documents as approved by the WRA. Any deviations from the Design Documents or substitutions of materials, construction methods, or equipment shall be permitted only with the prior written consent of the WRA Director.
- 6.3 **Final Inspection.** Upon contractor request for final payment, the West Des Moines City Engineer shall conduct a final inspection and develop a punch list of items for completion. The West Des Moines City Engineer shall inform the WRA Director in writing of the date and time of the final inspection at least 7 days prior to the inspection so that WRA may send a representative to attend. The West Des Moines City Engineer shall be responsible for developing the punch list of work items for completion and shall include any work items that the WRA Director determines need to be corrected. West Des Moines shall not accept the Project Improvements until all issues or work items identified by the WRA have been addressed to the satisfaction of the WRA Director. Upon determination that construction of the Project Improvements have been completed, the West Des Moines City Engineer shall give written notice of Project Improvement completion to the WRA Director, therein declaring and certifying that the Project Improvements has been completed and constructed in conformance with the Design Documents and contract documents.
- 6.4 **As-Built Information.** West Des Moines shall provide to the WRA as-built information for the Middle Creek Trunk Sewer Extension, including the horizontal and vertical locations of all manhole rims and inverts. Horizontal as-built information for all manholes shall be provided by West Des Moines to the WRA in Iowa South State Plane Datum. The as-built drawings shall clearly indicate the vertical datum used for as-built elevations.
- 6.5 **Televising of the Middle Creek Trunk Sewer Extension.** After completion of the Project Improvements, West Des Moines shall televise the Middle Creek Trunk Sewer Extension. The televising reports shall be developed and provided to the WRA indicating and showing location of the connections, manholes, leaks, infiltration and defects. West Des Moines agrees to repair and correct all leaks, infiltration and defects in the Middle Creek Trunk Sewer Extension to the satisfaction of the WRA Director prior to WRA acceptance of the Middle Creek Trunk Sewer Extension. West Des Moines shall provide evidence of such repair and correction to the WRA Director. The WRA Director shall notify West Des

Moines in writing when the WRA is satisfied with the condition of the Middle Creek Trunk Sewer Extension. All televising videos and reports shall be turned over to the WRA prior to final acceptance of the Project Improvements.

**Part 7 – Acceptance of Improvements by the WRA**

- 7.1 Conditions Precedent to Acceptance by WRA. The WRA will accept the Middle Creek Trunk Sewer Extension when all of the following condition precedents are fulfilled:
- A. West Des Moines has notified the WRA that the Project Improvements have been constructed and finally accepted by West Des Moines. West Des Moines has provided a copy of the resolution of the West Des Moines City Council certifying construction is completed in accordance with the Plans and Specifications and West Des Moines' acceptance of the Project Improvements.
  - B. West Des Moines has provided the as-built plans and a certification from the West Des Moines City Engineer that the Middle Creek Trunk Sewer Extension was completed and constructed in conformance with the plans and specifications, design documents and contract documents.
  - C. West Des Moines has acquired 30 foot wide permanent easements centered over the pipe of the Middle Creek Trunk Sewer Extension in a form satisfactory to the WRA.
  - D. West Des Moines has provided all easement and acquisition plats in hard copy and in shape file format to the WRA as required in section 5.6 herein satisfactory to the WRA.
  - E. West Des Moines has provided evidence of ownership of all Middle Creek Trunk Sewer Extension property interests as required in Section 5.7 herein satisfactory to the WRA.
  - F. West Des Moines has provided written certification that no eminent domain, administrative and/or other lawsuits or proceedings are pending associated with, related to or arising out of the design, acquisition of property interests or construction of the Project.
  - G. The Iowa Finance Authority, or such other financing entity that has provided financing of the Middle Creek Trunk Sewer Extension, has provided written consent and authorization for West Des Moines to convey the Middle Creek Trunk Sewer Extension to the WRA as required in Section 3.3 herein.
  - H. West Des Moines has provided evidence of repairs required by the WRA Director and a video inspection of the Middle Creek Trunk Sewer Extension to the WRA that all shows that all repairs and corrections of the Middle Creek Trunk Sewer Extension as required by the WRA Director have been completed. The WRA

Director has indicated in writing that the repairs and corrections are acceptable to the WRA Director.

- I. West Des Moines has executed all closing documents and held all hearings and complied with Section 364.7 of the Iowa Code for conveyance of the Middle Creek Trunk Sewer Extension and all property interests.

7.2 Satisfaction of Conditions Precedent. Upon these conditions being satisfied, in the sole determination of the WRA, the WRA shall prepare a quit claim deed and an easement in accordance with Section 5.1 herein for conveyance of West Des Moines' interest in the property interests and the Middle Creek Trunk Sewer Extension as set forth in Part 7 to the WRA. West Des Moines shall provide all necessary legal descriptions and exhibits for the conveyance and hold all hearings in compliance with Section 364.7 of the Iowa Code to convey the Middle Creek Trunk Sewer Extension and property interests to the WRA. Upon providing the required notices and resolutions authorizing conveyance in a form acceptable to the WRA legal counsel, the WRA will proceed with acceptance of the Middle Creek Trunk Sewer Extension.

#### **Part 8 – Connections to the Middle Creek Trunk Sewer Extension**

- 8.1 West Des Moines shall not permit others to connect to the Middle Creek Trunk Sewer Extension. West Des Moines shall not make any connections to Middle Creek Trunk Sewer Extension unless West Des Moines first obtains written consent from the WRA Director to do so.

#### **Part 9 - Insurance and Indemnification**

- 9.1. Definition of WRA for Part 9. For purposes of Part 9 of this Agreement, the term "WRA" shall mean the Des Moines Metropolitan Wastewater Reclamation Authority and its Operating Contractor, the City of Des Moines, Iowa, including their respective elected and appointed officials, employees and volunteers.
- 9.2 Consultant Insurance. West Des Moines shall require its design Consultant to purchase and maintain insurance to protect the WRA and the WRA's Operating Contractor, the City of Des Moines, Iowa, as set forth in Attachment 1.
- 9.3 Contractor Insurance. West Des Moines shall require its Contractor to purchase and maintain insurance to protect the WRA and WRA's Operating Contractor, the City of Des Moines, as set forth in Attachment No. 2.
- 9.4 Insurance Requirements. West Des Moines and the WRA shall, respectively, purchase and maintain the following insurance coverages throughout the duration of this Agreement. Said insurance shall be provided by an insurance company(ies) or an insurance equivalent provided by a local governmental risk pool pursuant to Section

670.7 of the Iowa Code, "admitted" and "nonadmitted" to do business in the State of Iowa, having no less than an A.M. Best Rating of "B+" or equivalent Demotech rating. A self-insurance/excess insurance program may satisfy these requirements if approved by the other Party. The WRA may, from time to time, review the insurance requirements of this Agreement and require reasonable changes as deemed necessary to protect West Des Moines and the WRA from loss.

- A. Worker's Compensation & Employer's Liability Insurance: Worker's Compensation Insurance, including *Employer's Liability Coverage*, in accordance with all applicable statutes of the State of Iowa. The coverage limits for Employer's Liability Insurance shall be \$500,000 each accident for Bodily Injury by Accident, \$500,000 each accident for Bodily Injury by Disease, and \$500,000 policy limit for Bodily Injury by Disease.
- B. Commercial General Liability Insurance: Commercial General Liability insurance on a per occurrence basis with limits of liability not less than \$2,000,000 per occurrence and/or aggregate combined single limit covering Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (a) Premises and Operations, (b) Products and Completed Operations, (c) Personal and Advertising Injury and (d) Explosion, Collapse and Underground (XCU). Coverage shall be no less comprehensive and no more restrictive than the coverage provided by a standard form Commercial General Liability Policy (ISO CG 0001 or any subsequent ISO equivalent or a non-ISO equivalent form).
- C. Automobile Liability Insurance: Automobile Liability Insurance with limits of liability of not less than \$2,000,000 per occurrence combined single limit including Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Umbrella/Excess Insurance: The General Liability and Automobile Liability Insurance requirements above may be satisfied with a combination of primary and Umbrella/Excess Insurance. The Umbrella/Excess Insurance shall also be written on a per occurrence basis. If the Umbrella/Excess Liability Insurance policy does not follow the form of the primary policy(ies), it shall include the same endorsements as required of the primary policy(ies).
- E. Directors & Officers or Public Officials Liability Insurance: Directors and Officers or Public Officials Liability Insurance with limits of liability of not less than \$1,000,000 per loss and \$1,000,000 aggregate per policy period all losses.
- F. Governmental Immunity: Liability insurance policies shall include an endorsement that preserves governmental immunity granted under Code of Iowa Section 670.4 by stating that the purchase of the liability insurance and including the WRA as an Additional Insured shall not waive any of the defenses of governmental immunity available to the City or WRA under Code of Iowa

Section 670.4 as it now exists or as it may be amended from time to time and that the insurance policy only covers those claims not subject to the defense of governmental immunity under Code of Iowa Section 670.4 and the policy shall not deny any of the rights and benefits accruing to the City or WRA under the policy for reasons of governmental immunity unless and until a court of competent jurisdiction has ruled in favor of the defense(s) of governmental immunity asserted by the City or WRA. An example is included in Attachment 3.

- G. Cancellation & Material Change Endorsement: The insurance policies shall include a thirty (30) day advance written notification of Cancellation, forty-five (45) days advance written notification of Nonrenewal and ten (10) days advance written notification for cancellation due to nonpayment. An example is included in Attachment 3.
- H. Proof of Insurance: West Des Moines and the WRA shall, respectively, submit to the other, a Certificate(s) of Insurance demonstrating compliance with the above insurance requirements. A letter of self-insurance may be submitted in lieu of a Certificate of Insurance if the limits of self-insurance are equal to or exceed those required above.

9.5 Waiver of Subrogation. To the extent permitted by law, the WRA and West Des Moines hereby release one another, their respective elected and appointed officials, its agents, employees and volunteers and other working on their behalf, from and against any and all liability or responsibility to each other or anyone claiming through or under the others by way of subrogation or otherwise, for any loss or damage to property caused by fire or any other casualty and for any loss due to occupational injury. This provision shall be applicable and in full force and effect only with respect to loss or damage arising out of this Agreement. The policies of insurance of each shall contain a clause or endorsement to the effect that such release shall not adversely affect or impair such policies or prejudice the right of each to recover thereunder.

#### 9.6 Indemnification Requirement.

To the fullest extent permitted by law, West Des Moines agrees to indemnify, defend and hold harmless the WRA, its elected and appointed officials, employees and volunteers and others working on behalf of the WRA against any and all claims, demands, suits, or loss, including any and all outlay and expense connected therewith, and for any damages which may be asserted, claimed or recovered against or from the WRA, its elected and appointed officials, employees and volunteers and others working on behalf of the WRA, including by reason of personal injury, bodily injury or death, and property damages, including loss of use thereof, which arise from the design, acquisition of property or construction of the Middle Creek Trunk Sewer Extension or West Des Moines' obligations under this Agreement. This requirement shall survive the termination of this Agreement.

### **Part 10 – General Provisions.**

10.1 Notices and Invoices. All notices which the Parties are authorized or required to give one another pursuant to this Agreement, and all invoices, shall be in writing and may be personally delivered or sent by ordinary mail to the addresses hereafter provided. Mailed notices or invoices shall be deemed to be received by the Party to whom directed when they are postmarked. Such notices and invoices shall be delivered or mailed to the following persons at the addresses listed:

Notices to WRA:

Chair, WRA Metropolitan Board  
c/o Des Moines Wastewater Reclamation Facility  
3000 Vandalia Road  
Des Moines, Iowa 50317

Notices to West Des Moines:

Mayor, City of West Des Moines  
4200 Mills Civic Parkway  
West Des Moines, IA 50265

10.2 Declaration of Default and Notice. In the event that either party determines that the other Party has defaulted in the performance of its obligations hereunder, the aggrieved party may declare that default has occurred and give notice thereof to the defaulting party. Notice of default shall be given in writing, shall specify the nature of the default and the provision of the Agreement involved, and shall specify what action is required of the defaulting party to correct the default. The defaulting party shall have 30 days from the date of its receipt of the notice of default to correct the default. If at the end of said 30-day period the default has not, in the opinion of the aggrieved party, been corrected, and if such default shall constitute a material breach of this Agreement, that party may then take action it determines necessary or appropriate to enforce or obtain performance of the provisions of this Agreement.

10.3 Dispute Resolution - Mediation. The WRA and West Des Moines agree that any disputes arising between them with regard to the interpretation or application of this Agreement may be submitted to mediation at the request of either party.

- A. Any request for mediation must be in the form of a written notice requesting mediation. Such notice shall identify each disputed matter requested to be mediated, the amount involved if any, and the remedy sought. In the absence of agreement by the Parties to the contrary, the questions to be mediated shall be those specified in the notice requesting mediation.
- B. If West Des Moines and the WRA agree, they may mutually select the mediator to resolve the disputed matter. If the Parties fail to agree on a mediator, the party whom received notice of mediation shall, within ten days of receiving the notice of mediation, provide the other party with a list of three mediators. Then, from said list, the party requesting mediation shall select the mediator within ten days of receiving said list. The failure to select a mediator within ten days shall be deemed a waiver of its request for mediation. The mediator selected shall provide an undertaking of impartiality. Each party shall equally split the mediator's costs and expenses.



- D. The mediator shall not have been a regular employee or an individual retained by either party at the time the claim arose, or at the time of mediation. No one shall be qualified to act as a mediator if service in such role would create a conflict of interest.
  - E. The mediator shall have authority to examine records by West Des Moines and the WRA. Notification of mediation shall be made by the mediator to both West Des Moines and the WRA and each shall have the opportunity to attend all mediation sessions.
  - H. This Agreement shall be governed by the laws of the State of Iowa.
  - I. The place of mediation shall be Des Moines, Iowa.
  - J. The use of mediation shall not prevent either party from pursuing any other remedies available under law.
- 10.4 Remedies. In addition to any other remedies available under applicable law, the WRA and West Des Moines shall have the right to the equitable remedy of specific performance to enforce compliance with any provision of this Agreement.
- 10.5 Amendment of Agreement. This Agreement may be amended only by written agreement signed by both Parties.
- 10.6 Assignment of Agreement. Neither Party may assign this Agreement to a third party without the written consent of the other Party.
- 10.7 No Third Party Beneficiaries. Nothing in this Agreement shall be construed to create in any third party, or in favor of any third party, any right(s), license(s), power(s) or privilege(s).
- 10.8 Severability. If any section, provision or part of this Agreement shall be found to be invalid or unconstitutional, such finding shall not affect the validity of the Agreement as a whole or any section, provision or part thereof not found to be invalid or unconstitutional.
- 10.9 Governing Law; Jurisdiction. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Iowa. Lawsuits brought by either Party in connection with this Agreement shall be heard and tried in Polk County District Court, Des Moines, Iowa.
- 10.10 Entire Agreement. This Agreement, except for the WRA Agreement, represents the entire agreement between the WRA and West Des Moines. Any subsequent change or modification to the terms of this Agreement shall be in the form of a duly executed addendum to this Agreement.

10.11 Execution of Agreement. This Agreement shall be executed in two counterparts, each of which so executed shall be deemed to be an original.

CITY OF WEST DES MOINES, IOWA

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

ATTEST:

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

STATE OF IOWA            )  
  ) SS  
COUNTY OF POLK        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before a Notary Public in and for the City of West Des Moines, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively of the City of West Des Moines, Iowa, a Municipality, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

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

DES MOINES METROPOLITAN  
WASTEWATER RECLAMATION AUTHORITY

By: \_\_\_\_\_  
Tim Moerman, Chair

ATTEST:

By: \_\_\_\_\_  
Sara Kurovski, Secretary

STATE OF IOWA            )  
                                  ) SS  
COUNTY OF POLK        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before a Notary Public in and for the Des Moines Metropolitan Wastewater Reclamation Authority, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me personally known, who being duly sworn, did say that they are the Chair and Secretary, respectively of the Des Moines Metropolitan Wastewater Reclamation Authority, a legal entity created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Authority, and that said instrument was signed and sealed on behalf of said Authority by authority and resolution of its Board and said Chair and Secretary acknowledged said instrument to be the free act and deed of said Authority by it voluntarily executed.

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

# EXHIBIT A

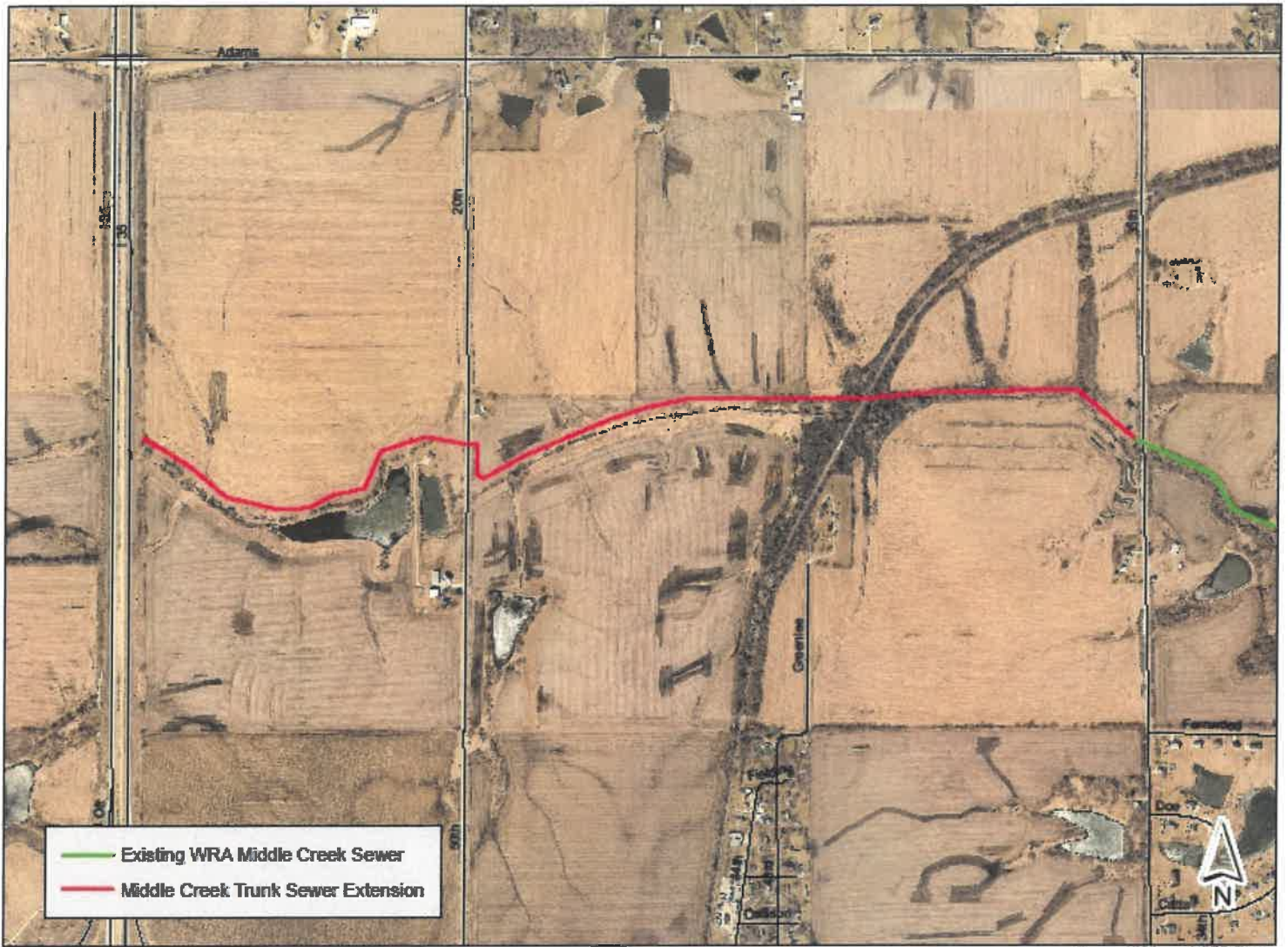


Exhibit A - Middle Creek Trunk Sewer Extension

0 500 1,000 Feet

## ATTACHMENT 1

### DES MOINES WASTEWATER RECLAMATION AUTHORITY PROFESSIONAL SERVICES -GENERAL

#### INSURANCE & INDEMNIFICATION REQUIREMENTS

For purposes of this Attachment and all provisions included herein, the term "Consultant" means and includes the Consultant for the City of West Des Moines, Iowa, its officers, agents, employees, subcontractors, subconsultants and others under the control of Consultant. The term "WRA" means the Des Moines Metropolitan Wastewater Reclamation Authority. The term "CITY" means the City of Des Moines, Iowa. The terms WRA and CITY include their elected and appointed officials, and their agents, employees and volunteers.

#### 1. GENERAL

The Consultant shall purchase and maintain insurance to protect (1) the Consultant, (2) the Des Moines Wastewater Reclamation Authority (WRA) and (3) the City of Des Moines, Iowa (CITY) throughout the duration of the Agreement. Said insurance shall be provided by insurance companies "admitted" or "nonadmitted" to do business in the State of Iowa having no less than an A. M. Best Rating of "B+." All policies, except professional liability, shall be written on an occurrence basis and in form and amounts satisfactory to the WRA and CITY. Certificates of Insurance confirming adequate insurance coverage shall be submitted to the WRA and CITY prior to Agreement execution or commencement of work and/or services.

#### 2. INSURANCE REQUIREMENTS

A. WORKER'S COMPENSATION & EMPLOYER'S LIABILITY INSURANCE: The Consultant shall procure and maintain Worker's Compensation Insurance, including Employer's Liability Coverage, both written with State of Iowa statutory limits. **Waiver of Subrogation in favor of the WRA and CITY is required.**

B. COMMERCIAL GENERAL LIABILITY INSURANCE: The Consultant shall procure and maintain Commercial General Liability insurance on an occurrence basis with limits of liability not less than \$1,000,000 per occurrence and/or aggregate combined single limit covering Personal Injury, Bodily Injury and Property Damage. Coverage shall include: (a) Contractual Liability, (b) Premises and Operations, (c) Products and Completed Operations, (d) Independent Contractors Coverage, (e) Personal and Advertising Injury and (f) Explosion, Collapse and Underground-XCU (when applicable). **Waiver of Subrogation in favor of the WRA and CITY is required.**

Coverage shall be no less comprehensive and no more restrictive than the coverage provided by ISO standard Commercial General Liability Policy form ISO CG 0001 including standard exclusions or a non-ISO equivalent form.

C. PROFESSIONAL LIABILITY INSURANCE: The Consultant shall procure and maintain Professional Errors and Omissions Insurance with limits not less than \$1,000,000 per claim and in the aggregate.

D. CONTRACTUAL LIABILITY: The General Liability Insurance policy shall include Contractual Liability coverage equivalent to that included in ISO standard form CG 0001. To the extent available, the Professional Liability Insurance policy shall also include

Contractual Liability coverage. The WRA shall not be included as an Additional Insured on either policy.

- E. CANCELLATION & NONRENEWAL NOTIFICATION ENDORSEMENT: The General Liability Insurance and Professional Liability Insurance policies shall be endorsed to provide the WRA and CITY with no less than thirty (30) days Advance Written Notice of Cancellation, forty-five (45) days Advance Written Notification for Nonrenewal and ten (10) days Written Notification of Cancellation due to non-payment of premium. **Written notifications shall be sent to: Engineering Department, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309.**
- F. WAIVER OF SUBROGATION: To the fullest extent permitted by law, Consultant hereby releases the WRA and CITY, including its appointed officials, agents, employees and volunteers and others working on its behalf, from and against any and all liability or responsibility to the Consultant or anyone claiming through or under the Consultant by way of subrogation or otherwise, for any loss without regard to the fault of the WRA or CITY or the type of loss involved including loss due to occupational injury. This provision shall be applicable and in full force and effect only with respect to loss or damage occurring during the time of this Agreement. The Consultant's policies of insurance shall contain either a policy provision or endorsement affirming the above stated release in favor of the WRA and CITY.
- G. PROOF OF INSURANCE: The Consultant shall provide to the WRA and CITY Certificates of Insurance evidencing all insurance coverage as required in paragraphs A through F above utilizing the latest version of the ACORD form. The Certificate(s) of Insurance shall specify the Title of the Agreement under "Description of Operations/Locations/Vehicle/Special Items". A Copy of the Cancellation and Nonrenewal Notification Endorsement shall be submitted with the Certificates of Insurance. **Mail Certificates of Insurance to: Engineering Department, 400 Robert D. Ray Drive, Des Moines, Iowa 50309.**
- H. AGENTS, SUBCONSULTANTS AND SUBCONTRACTORS: The Consultant shall require that any of its agents, subconsultants and subcontractors who perform work and/or services on behalf of the Consultant purchase and maintain the types of insurance customary for the services being provided.

### 3. **INDEMNIFICATION REQUIREMENTS**

For other than professional services rendered, to the fullest extent permitted by law, Consultant agrees to defend, pay on behalf of, indemnify, and hold harmless the WRA and CITY against any and all claims, demands, suits, damages or losses, together with any and all outlay and expense connected therewith including, but not limited to, attorneys' fees and court costs that may be asserted or claimed against, recovered from or suffered by the WRA or CITY by reason of any injury or loss including, but not limited to, personal injury; including bodily injury or death, property damage; including loss of use thereof, and economic damages that arise out of or are in any way connected or associated with Consultant's work.

For professional services rendered, to the fullest extent permitted by law, Consultant agrees to pay on behalf of, indemnify, and hold harmless the WRA and CITY against any and all claims, demands, suits, damages or losses, together with any and all outlay and expense connected therewith including, but not limited to, attorneys' fees and court costs and

economic damages that may be recovered from or suffered by the WRA or CITY that arise out of any negligent act, error or omission of the Consultant.

Consultant's obligation to indemnify the WRA and CITY contained in this Agreement is not limited by the amount or type of damages, compensation or benefits payable under any workers' compensation acts, disability benefit acts, or other employee benefits acts.

The WRA and CITY shall not be liable or in any way responsible for any injury, damage, liability, claim, loss or expense incurred by Consultant arising out of or in any way connected or associated with Consultant's work, except to the extent caused by or resulting from the negligent act or omission of the WRA or CITY.

Consultant expressly assumes responsibility for any and all damage caused to WRA properly arising out of or in any way connected or associated with Consultant's work.

Consultant shall ensure that its activities on WRA property will be performed and supervised by adequately trained and qualified personnel and Consultant will observe all applicable safety rules.

For professional service agreements with a total estimated cost to the WRA of \$500,000 or more, delete the second paragraph of Section 3 above and replace it with the following:

For professional services rendered, to the fullest extent permitted by law, Consultant agrees to defend, pay on behalf of, indemnify, and hold harmless the WRA and CITY against any and all claims, demands, suits, damages or losses, together with any and all outlay and expense connected therewith including, but not limited to, attorneys' fees and court costs and economic damages that may be asserted or claimed against, recovered from or suffered by the WRA or CITY that arise out of any negligent act, error or omission of the Consultant.



## ATTACHMENT 2

### DES MOINES METROPOLITAN WASTEWATER AUTHORITY STANDARD – MAJOR

#### INSURANCE & INDEMNIFICATION REQUIREMENTS

For purposes of this Attachment and all provisions included herein, the term "Contractor" means and includes the Contractor for the City of West Des Moines, Iowa, its officers, agents, employees, subcontractors and others under the control of Contractor. The term "WRA" means the Des Moines Metropolitan Wastewater Reclamation Authority. The term "CITY" means the City of Des Moines, Iowa. The terms WRA and CITY include their elected and appointed officials, and their agents, employees and volunteers.

#### 1. GENERAL

The Contractor shall purchase and maintain insurance to protect (1) the Contractor, (2) the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) and (3) the City of Des Moines, Iowa (CITY) throughout the duration of the Agreement. Said insurance shall be provided by insurance companies "admitted" or "nonadmitted" to do business in the State of Iowa having no less than an A. M. Best Rating of "B+." All policies shall be written on an occurrence basis and in form and amounts satisfactory to the WRA and CITY. Certificates of Insurance confirming adequate insurance coverage shall be submitted to the WRA and CITY prior to Agreement execution or commencement of work and/or services.

#### 2. INSURANCE REQUIREMENTS

A. **WORKER'S COMPENSATION & EMPLOYER'S LIABILITY INSURANCE:** The Contractor shall procure and maintain Worker's Compensation Insurance, including Employer's Liability Coverage, both written with State of Iowa statutory limits. ***Waiver of Subrogation in favor of the WRA and CITY is required.***

B. **COMMERCIAL GENERAL LIABILITY INSURANCE:** The Contractor shall procure and maintain Commercial General Liability insurance on an occurrence basis with limits of liability not less than \$1,000,000 per occurrence and \$2,000,000 aggregate combined single limit covering Personal Injury, Bodily Injury and Property Damage. Coverage shall include: (a) Contractual Liability, (b) Premises and Operations, (c) Products and Completed Operations, (d) Independent Contractors Coverage, (e) Personal and Advertising Injury and (f) Explosion, Collapse and Underground- XCU (when applicable). ***Waiver of Subrogation in favor of the WRA and CITY is required.***

Coverage shall be no less comprehensive and no more restrictive than the coverage provided by ISO standard Commercial General Liability Policy form ISO CG 0001 including standard exclusions or a non-ISO equivalent form.

C. **AUTOMOBILE LIABILITY INSURANCE:** The Contractor shall procure and maintain Automobile Liability Insurance with limits of liability of not less than \$1,000,000 per occurrence combined single limit covering Bodily Injury and Property Damage. Coverage shall include all owned, non-owned, and hired vehicles. If the Contractor's business does not own any vehicles, coverage is required on non-owned and hired vehicles. Policy shall include Contractual Liability coverage. ***Waiver of Subrogation in favor of the WRA and CITY is required.***

D. **UMBRELLA/EXCESS LIABILITY INSURANCE:** The General Liability and Automobile Liability Insurance requirements above may be satisfied with a combination of primary and Umbrella or Excess Liability Insurance. If the Umbrella or Excess Insurance policy does not follow the form of the primary policies, it shall include the same endorsements as required of the primary policies. ***Waiver of Subrogation in favor of the WRA and CITY is required.***

ATTACHMENT 2  
INSURANCE & INDEMNIFICATION REQUIREMENTS

- E. **ADDITIONAL INSURED ENDORSEMENT:** The General Liability Insurance policy shall include standard ISO endorsements CG 20 26 07 04 and CG 20 37 07 04 or their non-ISO equivalents. The Contractor's insurance shall be primary to that of the WRA and CITY and noncontributory to any other insurance or similar coverage available to the WRA or CITY whether the other available coverage is primary, contributing or excess.
- F. **GOVERNMENTAL IMMUNITY ENDORSEMENT:** The General Liability Insurance policy shall include the WRA and CITY Governmental Immunities Endorsement language as provided below. Standard ISO or insurance carrier "Waiver of Immunity" endorsements are not acceptable.

**DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY  
GOVERNMENTAL IMMUNITIES ENDORSEMENT**

1. **Nonwaiver of Government Immunity.** The insurance carrier expressly agrees and states that the purchase of this policy and the including of the Des Moines Metropolitan Wastewater Reclamation Authority and the City of Des Moines, Iowa as Additional Insureds does not waive any of the defenses of governmental immunity available to the Des Moines Metropolitan Wastewater Reclamation Authority or the City of Des Moines, Iowa under Code of Iowa Section 670.4 as it now exists and as it may be amended from time to time.
  2. **Claims Coverage.** The insurance carrier further agrees that this policy of insurance shall cover only those claims not subject to the defense of governmental immunity under the Code of Iowa Section 670.4 as it now exists and as it may be amended from time to time. Those claims not subject to Code of Iowa Section 670.4 shall be covered by the terms and conditions of this insurance policy.
  3. **Assertion of Government Immunity.** The Des Moines Metropolitan Wastewater Reclamation Authority and the City of Des Moines, Iowa shall be responsible for asserting any defense of governmental immunity, and may do so at any time and shall do so upon the timely written request of the insurance carrier. Nothing contained in this endorsement shall prevent the carrier from asserting the defense of governmental immunity on behalf of the Des Moines Metropolitan Reclamation Authority or the City of Des Moines, Iowa.
  4. **Non-Denial of Coverage.** The insurance carrier shall not deny coverage under this policy and the insurance carrier shall not deny any of the rights and benefits accruing to the Des Moines Metropolitan Wastewater Reclamation Authority or the City of Des Moines, Iowa under this policy for reasons of governmental immunity unless and until a court of competent jurisdiction has ruled in favor of the defense(s) of governmental immunity asserted by the Des Moines Metropolitan Wastewater Reclamation Authority or the City of Des Moines, Iowa.
  5. **No Other Change in Policy.** The insurance carrier, the Des Moines Metropolitan Wastewater Reclamation Authority and the City of Des Moines, Iowa agree that the above preservation of governmental immunities shall not otherwise change or alter the coverage available under the policy.
- G. **CANCELLATION & NONRENEWAL NOTIFICATION ENDORSEMENT:** The General Liability Insurance policy shall be endorsed to provide the WRA and CITY with no less than thirty (30) days Advance Written Notice of Cancellation, forty-five (45) days Advance Written Notification for Nonrenewal and ten (10) days Written Notification of Cancellation due to non-payment of premium. ***Written notifications shall be sent to: Director, Des Moines Metropolitan Wastewater Reclamation Authority, 3000 Vandalia Rd, Des Moines, Iowa 50317.***

ATTACHMENT 2  
INSURANCE & INDEMNIFICATION REQUIREMENTS

- H. **WAIVER OF SUBROGATION:** To the fullest extent permitted by law, Contractor hereby releases the WRA and CITY, including its appointed officials, agents, employees and volunteers and others working on its behalf, from and against any and all liability or responsibility to the Contractor or anyone claiming through or under the Contractor by way of subrogation or otherwise for any loss without regard to the fault of the WRA or CITY or the type of loss involved including loss due to occupational injury. This provision shall be applicable and in full force and effect only with respect to loss or damage occurring during the time of this Agreement. The Contractor's policies of insurance shall contain either a policy provision or endorsement affirming the above stated release in favor of the WRA and CITY.
- I. **PROOF OF INSURANCE:** The Contractor shall provide to the WRA and CITY Certificates of Insurance evidencing all insurance coverage as required in paragraphs A through H above utilizing the latest version of the ACORD form. The Certificate(s) of Insurance shall specify the Title of the Agreement under "Description of Operations/Locations/Vehicle/Special Items". A Copy of the (1) Additional Insured Endorsements, (2) Governmental Immunities Endorsement and (3) Cancellation and Nonrenewal Notification Endorsement shall be submitted with the Certificates of Insurance. ***Mail Certificates of Insurance to: Director, Des Moines Metropolitan Wastewater Reclamation Authority, 3000 Vandalia Rd, Des Moines, Iowa 50317.***
- J. **AGENTS AND SUBCONTRACTORS:** The Contractor shall require that any of its agents and subcontractors who perform work and/or services on behalf of the Contractor purchase and maintain the types of insurance customary for the services being provided.

### 3. INDEMNIFICATION REQUIREMENTS

To the fullest extent permitted by law, Contractor agrees to defend, pay on behalf of, indemnify, and hold harmless the WRA and CITY against any and all claims, demands, suits, damages or losses, together with any and all outlay and expense connected therewith including, but not limited to, attorneys' fees and court costs that may be asserted or claimed against, recovered from or suffered by the WRA or CITY by reason of any injury or loss including, but not limited to, personal injury; including bodily injury or death, property damage; including loss of use thereof, and economic damages that arise out of or are in any way connected or associated with Contractor's work.

Contractor's obligation to indemnify the WRA and CITY contained in this Agreement is not limited by the amount or type of damages, compensation or benefits payable under any workers' compensation acts, disability benefit acts, or other employee benefits acts.

The WRA and CITY shall not be liable or in any way responsible for any injury, damage, liability, claim, loss or expense incurred by Contractor arising out of or in any way connected or associated with Contractor's work, except to the extent caused by or resulting from the negligence act of the WRA or CITY.

Contractor expressly assumes responsibility for any and all damage caused to WRA property arising out of or in any way connected or associated with Contractor's work.

Contractor shall ensure that its activities on WRA property will be performed and supervised by adequately trained and qualified personnel and Contractor will observe all applicable safety rules.

## ATTACHMENT 3

### EXAMPLE OF ENDORSEMENT LANGUAGE

#### GOVERNMENTAL IMMUNITIES ENDORSEMENT

1. Nonwaiver of Government Immunity. The insurance carrier expressly agrees and states that the purchase of this policy does not waive any of the defenses of governmental immunity available to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) under Code of Iowa Section 670.4 as it now exists and as it may be amended from time to time.
2. Claims Coverage. The insurance carrier further agrees that this policy of insurance shall cover only those claims not subject to the defense of governmental immunity under the Code of Iowa Section 670.4 as it now exists and as it may be amended from time to time.
3. Assertion of Government Immunity. The WRA shall be responsible for asserting any defense of governmental immunity, and may do so at any time and shall do so upon the timely written request of the insurance carrier. Nothing contained in this endorsement shall prevent the carrier from asserting the defense of governmental immunity on behalf of the WRA.
4. Non-Denial of Coverage. The insurance carrier shall not deny coverage under this policy and the insurance carrier shall not deny any of the rights and benefits accruing to the WRA under this policy for reasons of governmental immunity unless and until a court of competent jurisdiction has ruled in favor of the defense(s) of governmental immunity asserted by the WRA.
5. No Other Change in Policy. The insurance carrier and the WRA agree that the above preservation of governmental immunities shall not otherwise change or alter the coverage available under the policy.

#### CANCELLATION AND MATERIAL CHANGES ENDORSEMENT

Thirty (30) days Advance Written Notice of Cancellation, forty-five (45) days Advance Written Notification of Non-Renewal and ten (10) days written notice of non-payment of premium shall be sent to: Des Moines Metropolitan Wastewater Reclamation Authority, Attn: WRA Director, 3000 Vandalia Road, Des Moines, Iowa 50317. This endorsement supersedes the standard cancellation statement on the Certificate of Insurance to which this endorsement is attached.

CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

ITEM:

DATE: March 5, 2018

Resolution approving the three (3) year renewal of the Iowa Code Chapter 28E Agreement between the City of West Des Moines (City) and the West Des Moines Community School District (WDMCSD) for the Youth Justice Initiative ("YJI") Program.

FINANCIAL IMPACT:

The City and the WDMCSD each pay for portion of the YJI program budget along with funding obtained through donations. The City's portion of the YJI program budget has already been included in the City's 2017-18 budget.

BACKGROUND:

The West Des Moines Youth Justice Initiative (YJI) is a community-based participatory justice process. YJI is a collaborative effort of the West Des Moines Police Department, public and private schools, and other community non-profit organizations. The success of the YJI depends upon community participation and community mobilization. YJI intervenes in cases of misconduct and criminality by West Des Moines youth or non-resident juveniles who perpetrate offenses within West Des Moines. YJI addresses misconduct within the community avoiding formal adjudication by Juvenile Court when possible. While most accepted cases will be from West Des Moines Police as a diversion from Court, cases can also be accepted from the Polk County Juvenile Court involving West Des Moines residents.

The City and the WDMCSD each contribute portions of the YJI annual budget. The extension of this 28E Agreement formally approves of this continuing collaboration and will coincide with the length of the City's current agreement with Claudia Henning, who oversees the YJI program. The West Des Moines Public Safety subcommittee members recommended approval of this 28E Agreement by e-mail. The WDMCSD is expected to also approve of this 28E Agreement at a Board meeting in the immediate future.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

Approve the three (3) year renewal of the Iowa Code Chapter 28E Agreement between the City of West Des Moines and the West Des Moines Community School District for the continuation of the Youth Justice Initiative Program.

Lead Staff Member: Jason B. Wittgraf, Assistant City Attorney JBW

STAFF REVIEWS

Department Director	Chris Scott, Police Chief
Appropriations/Finance	
Legal	Richard J. Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety		
Date Reviewed	February 21, 2018 (e-mail)		
Recommendation	Yes	No	Split

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

**RESOLUTION APPROVING THE 28E AGREEMENT BETWEEN THE CITY OF WEST DES MOINES, IOWA, AND THE WEST DES MOINES COMMUNITY SCHOOL DISTRICT FOR THE YOUTH JUSTICE INITIATIVE PROGRAM**

**WHEREAS**, the City of West Des Moines and the West Des Moines Community School District desire to continue their agreement for the Youth Justice Initiative Program to provide restorative justice services for youth in the West Des Moines School District and City; and

**WHEREAS**, their agreement defines the responsibilities and financial obligations of the parties in order to provide this program; and

**WHEREAS**, it is in the best interests of the community to continue to support this program.

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

1. The Agreement for the Youth Justice Initiative between the City of West Des Moines and the West Des Moines Community School District is hereby approved.
2. The Mayor is authorized to sign the 28E Agreement for the Youth Justice Initiative and the City Clerk is directed to attest to the Mayor's signature on the Agreement.

**PASSED AND ADOPTED** this 5th day of March, 2018.

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

ATTEST:

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

**West Des Moines Community School District  
City of West Des Moines, Iowa  
Youth Justice Initiative Chapter 28E Agreement**

This Agreement for the Youth Justice Initiative (“YJI”) is entered into between the West Des Moines Community School District (“School”) and the City of West Des Moines (“City”).

WHEREAS, the School and City have established a relationship for the YJI through the West Des Moines Community School District and the West Des Moines Police Department. The YJI provides a restorative justice program for youth who have committed criminal offenses.

NOW, THEREFORE, BE IT REMEMBERED that in consideration of the mutual promises, covenants, and considerations herein contained and for the benefit of the public, the School and City have entered into the following agreement pursuant to Chapter 28E of the Code of Iowa as set out herein:

**I. PURPOSE**

The purpose of this Agreement is to provide a restorative justice process by the West Des Moines Police Department Youth Justice Initiative to serve youth as identified by YJI protocol; to provide for the payments for these services; and to assign responsibilities amongst the parties to this Agreement for delivery of this program. This Agreement is a voluntary undertaking of the parties. It is not the intent of the City or School to create a new legal or administrative entity by this Agreement.

**II. DURATION**

1. This Agreement shall be approved and executed by the respective governing bodies of the City and School. Upon approval by each party, as provided herein, the Agreement shall be filed with the Secretary of State of Iowa. The Agreement will be in effect upon the completion of such filings.
2. Unless otherwise extended or amended by agreement of the parties, this Agreement commenced on July 1, 2017, and will expire on June 30, 2020.

**III. ADMINISTRATOR**

No separate entity or joint board is created by the Agreement. Pursuant to Iowa Code Section 28E.6, the West Des Moines Chief of Police shall be the administrator of this Agreement and the YJI program. No real or personal property will be acquired or held for purposes of this Agreement.

**IV. SERVICES AND RESPONSIBILITY**

1. The YJI program shall be primarily housed and administered out of the West Des Moines Law Enforcement Center at 250 Mills Civic Parkway. Working and meeting space for the coordinator and any equipment deemed necessary for the success of the program shall be supplied by the West Des Moines Police Department.

2. The City will contract for YJI services with a program coordinator and the City will be responsible for the oversight of the contract. The YJI coordinator will manage and direct the program. The coordinator shall be responsible for the satisfactory administration of the program and the monitoring of juvenile offenders who are accepted into the program. The program coordinator shall be responsible for the contracting for additional services, if needed, and supervising any such contracts under the oversight of the City.
3. The duties of all YJI personnel, including the program coordinator, shall be set forth in their respective service contracts which are incorporated herein by reference. Any substantive changes to these service contracts shall be pre-approved by the Chief of Police and the Superintendent or designee for the School. The City, and not the School, shall be deemed the employer of YJI personnel for all purposes. The City shall ensure such personnel clear background checks in compliance with School standards and procedures.
4. The YJI program coordinator shall create and maintain case files on all juveniles accepted into the program, whether or not they successfully complete the program. On a bi-annual basis, the coordinator shall also distribute an analysis report on program activity and case progress and status of involved juveniles. The City shall abide by all laws regarding confidentiality and disclosure of student information. All records and files relating to the YJI program shall be physically stored and maintained at the West Des Moines Law Enforcement Center. The City in conjunction with the Police Department shall document, track, and report all financial transactions relating to YJI.
5. The YJI coordinator will provide consultation to the School should the School desire to implement and/or expand restorative justice services within the District.

## **V. FINANCIAL AGREEMENT**

1. The School will be responsible for \$77,780.00 of the budgeted amount for the Youth Justice Initiative program in the fiscal year of 2017-2018. The City will be responsible for \$57,554.00 of the budgeted amount for the fiscal year of 2017-2018. It is anticipated that the School will be responsible for \$80,113.00 of the budgeted amount for the Youth Justice Initiative program in the fiscal year of 2018-2019, and the City will be responsible for \$55,191.00 of the budgeted amount in the 2018-2019 fiscal year, but those amounts are subject to change until the respective City and School budgets have been finalized. It is presently unknown what the budgeted amount will be in the fiscal year of 2019-2020, or the School's and City's respective portions of that fiscal year budget. For purposes of this Agreement, the School and City acknowledge that there may be supplemental funding in addition to the budgeted amount from outside sources, such as the United Way of Central Iowa, which shall be determined on a yearly basis.
2. On or about August 1 of each year, the School will remit to the City the School's portion of the budgeted amount. The City will then use these funds, together with the



City's portion of the budgeted amount, to pay the costs and expenses for the YJI program for the fiscal year.

3. The City, in conjunction with its Police Department, will maintain all financial records relating to revenue and expenditures of the program. On or about September 30 of each year, the City will provide the School with a financial recap of the program (a summary of revenues versus expenditures). Should there be any excess revenues, the City will remit to the School the School's share of those funds. Inversely, should there be any shortfall, the City will bill the School for the School's share of those expenses.

## **VI. CANCELLATION OR MODIFICATION OF THE AGREEMENT**

1. This Agreement may be cancelled at the end of any fiscal year covered by this Agreement by either party by giving sixty (60) days written notice before the end of the fiscal year. All notices under this Agreement shall be in writing and are deemed as given when deposited in the United States mail.

Notices to the City shall be addressed to Chief of Police, City of West Des Moines, P.O. Box 65320, 250 Mills Civic Parkway, West Des Moines, Iowa 50265-0320.

Notices to School shall be addressed to Superintendent of Schools, West Des Moines Community Schools, 3550 Mills Civic Parkway, West Des Moines, Iowa 50265-5556.

If during the term of this Agreement either party shall change the address of the above contact persons, it shall notify the other of said new address.

2. This Agreement supersedes all previous agreements between the parties with respect to the subject matter hereof and constitutes the entire agreement between the parties. If any provision of this Agreement is held illegal or invalid, the illegality or invalidity of such provision will not affect any of the remaining provisions, and this Agreement will be construed and enforced as if such illegal or invalid provision had not been contained herein. This Agreement may be supplemented, amended, or revised by mutual written agreement of the parties after approval by their respective governing bodies.

## **VII. INDEMNIFICATION**

To the extent authorized by law, each party agrees to indemnify and to hold the other party, its elected officers, agents, employees, successors, and assigns, harmless from and against all claims, demands, actions and/or causes of actions, judgments, settlements, or other costs, including reasonable attorney's fees, which the party, its successors and assigns, may incur or sustain a) by reason of the indemnifying party's breach of this Agreement or failure to legally or timely meet the responsibilities imposed herein, or b) by reason of the torts of the indemnifying party.

**VIII. STATUS OF PARTIES**

It is expressly understood and agreed by the parties that nothing contained in this Agreement will be construed to create a partnership, association, or other affiliation or like relationship between the parties, it being specifically agreed that their relation is and will remain that of independent parties to a cooperative contractual relationship. In no event will either party be liable for the debts or obligations of the other party.

**IX. APPLICABLE LAW**

Each party agrees that it will comply with all federal, state, and local laws and regulations applicable to its performance under this Agreement. The parties consent to the jurisdiction of the Polk County, Iowa District Court for all matters relating to this Agreement and agree that this Agreement will be governed by Iowa law.

IN WITNESS WHEREOF, this Agreement has been approved by appropriate action and duly executed by the parties.

WEST DES MOINES  
COMMUNITY SCHOOL DISTRICT

CITY OF WEST DES MOINES, IOWA

By \_\_\_\_\_  
Board President

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

ATTEST:

ATTEST:

\_\_\_\_\_  
Board Secretary

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

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

**DATE: March 5, 2018**

**ITEM:**

Resolution - Ordering Construction  
Raccoon River Drive RCB Culvert near South Jordan Creek Parkway

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the Raccoon River Drive RCB Culvert near South Jordan Creek Parkway is \$796,143.50. Payments will be made from account no. 660.000.000.5250.490 with the ultimate funding intended to come from Stormwater Utility Fees.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, March 28, 2018 and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, April 2, 2018. The contract would be awarded on Monday, April 2, 2018 and work will begin shortly thereafter.

The project consists of the removal of a 20'x44' concrete slab bridge on Raccoon River Drive just west of South Jordan Creek Parkway extended. The existing bridge will be replaced with an 80-foot triple 8'x12' reinforced concrete box (RCB) culvert under Raccoon River Drive on Rolling Hills Creek. The contractor has the option of constructing the RCB culvert with either a precast or cast-in-place option. The project has an interim completion date of May 31, 2018 whereas one lane of traffic in each direction will need to be re-established on Raccoon River Drive. The remainder of the project is anticipated to be completed by June 30, 2018.

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the Raccoon River Drive RCB Culvert near South Jordan Creek Parkway.
- Fixing 2:00 p.m. on Wednesday, March 28, 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** *BoA*

**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>W</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Public Services		
Date Reviewed	February 26, 2018		
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:

**Raccoon River Drive RCB Culvert near South Jordan Creek Parkway  
Project No. 0510-023-2016**

is hereby ordered to be constructed according to the Plans and Specifications prepared by Snyder & Associates, Inc. of Ankeny, Iowa 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, April 2, 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, March 28, 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, March 28, 2018 and the results of said bids shall be considered at a meeting of this Council on Monday, April 2, 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 5th day of March, 2018.

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

ATTEST:

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

OPINION OF PROBABLE CONSTRUCTION COSTS



RACCOON RIVER DRIVE RCB CULVERT  
 NEAR JORDAN CREEK PARKWAY  
 WEST DES MOINES, IA  
 WDM NO. 0510-023-2016

ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE
<b>RCB OPTION 1 - CAST IN PLACE RCB CULVERT QUANTITIES</b>					
1	Special Backfill	193.2	CY	\$ 20.00	\$ 3,864.00
2	Compacting Backfill Adjacent to Bridges, Culverts or Structures	37.8	CY	\$ 60.00	\$ 2,268.00
3	Compaction With Moisture Control	656.9	CY	\$ 5.00	\$ 3,284.50
4	Removal of Existing Bridge	1	LS	\$ 50,000.00	\$ 50,000.00
5	Granular Backfill	424	TON	\$ 22.00	\$ 9,328.00
6	Flooded Backfill	48.6	CY	\$ 50.00	\$ 2,430.00
7	Excavation, Class 20	3375	CY	\$ 18.00	\$ 60,750.00
8	Structural Concrete (Miscellaneous)	90.6	CY	\$ 800.00	\$ 72,480.00
9	Structural Concrete (RCB Culvert)	361.6	CY	\$ 480.00	\$ 173,568.00
10	Reinforcing Steel	75986	LB	\$ 1.50	\$ 113,979.00
11	Structural Steel	174	LB	\$ 2.00	\$ 348.00
12	Engineering Fabric	519	SY	\$ 2.50	\$ 1,297.50
13	Revetment, Class E	553	TON	\$ 60.00	\$ 33,180.00
14	Fence, Chain Link, Vinyl Coated	189.3	LF	\$ 35.00	\$ 6,625.50
15	Construction Survey	1	LS	\$ 5,000.00	\$ 5,000.00
RCB Cast in Place Subtotal:					\$ 538,402.50
<b>RCB OPTION 2 - PRECAST RCB CULVERT QUANTITIES</b>					
16	Special Backfill	216	CY	\$ 20.00	\$ 4,320.00
17	Compacting Backfill Adjacent to Bridges, Culverts or Structures	33.4	CY	\$ 60.00	\$ 2,004.00
18	Compaction With Moisture Control	692	CY	\$ 5.00	\$ 3,460.00
19	Removal of Existing Bridge	1	LS	\$ 50,000.00	\$ 50,000.00
20	Granular Backfill	424	TON	\$ 22.00	\$ 9,328.00
21	Flooded Backfill	49.7	CY	\$ 50.00	\$ 2,485.00
22	Excavation, Class 20	3716	CY	\$ 18.00	\$ 66,888.00
23	Structural Concrete (Miscellaneous)	90.6	CY	\$ 800.00	\$ 72,480.00
24	Structural Concrete (RCB Culvert)	98.3	CY	\$ 650.00	\$ 63,895.00
25	Reinforcing Steel	33369	LB	\$ 1.50	\$ 50,053.50
26	Structural Steel	174	LB	\$ 2.00	\$ 348.00
27	Precast Concrete Box Culvert, Triple 12 Ft. X 8 Ft.	61	LF	\$ 1,700.00	\$ 103,700.00
28	Precast Concrete Box Culvert Straight End Section, Triple 12 Ft. X 8 Ft.	3	EA	\$ 12,500.00	\$ 37,500.00
29	Engineering Fabric	489	SY	\$ 2.50	\$ 1,222.50
30	Revetment, Class E	522	TON	\$ 60.00	\$ 31,320.00
31	Fence, Chain Link, Vinyl Coated	181.3	LF	\$ 35.00	\$ 6,345.50
32	Construction Survey	1	LS	\$ 5,000.00	\$ 5,000.00
RCB Precast Subtotal:					\$ 510,349.50

OPINION OF PROBABLE CONSTRUCTION COSTS



RACCOON RIVER DRIVE RCB CULVERT  
 NEAR JORDAN CREEK PARKWAY  
 WEST DES MOINES, IA  
 WDM NO. 0510-023-2016

ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE
<b>ROADWAY ITEMS</b>					
33	Clearing and Grubbing	0.55	ACRE	\$ 20,000.00	\$ 11,000.00
34	Topsoil, On-Site	430	CY	\$ 10.00	\$ 4,300.00
35	Excavation, Class 10	18761	CY	\$ 8.00	\$ 150,088.00
36	Subgrade Preparation	240	SY	\$ 5.00	\$ 1,200.00
37	Granular Shoulders, Type A	65	TON	\$ 20.00	\$ 1,300.00
38	Pavement, Continuously Reinforced PCC, 10 In.	240	SY	\$ 85.00	\$ 20,400.00
39	PCC Pavement Samples and Testing	1	LS	\$ 1,000.00	\$ 1,000.00
40	Pavement Removal	240	SY	\$ 15.00	\$ 3,600.00
41	Full Depth Patches (Detour Route)	300	SY	\$ 100.00	\$ 30,000.00
42	Steel Beam Guardrail	50	LF	\$ 25.00	\$ 1,250.00
43	Steel Beam Guardrail Flared End Terminal, BA-205	2	EACH	\$ 2,000.00	\$ 4,000.00
44	Painted Pavement Markings, Solvent/Waterborne	2.03	STA	\$ 100.00	\$ 203.00
45	Traffic Control	1	LS	\$ 15,000.00	\$ 15,000.00
46	Railroad Protective Liability Insurance for IAIS Railroad LTD.	1	LS	\$ 8,000.00	\$ 8,000.00
47	Conventional Seeding, Fertilizing, and Mulching	0.5	ACRE	\$ 1,800.00	\$ 900.00
48	Silt Fence	800	LF	\$ 2.00	\$ 1,600.00
49	Silt Fence, Removal of Device	800	LF	\$ 0.50	\$ 400.00
50	Erosion Control Mulching, Hydro Mulching	0.5	ACRE	\$ 3,000.00	\$ 1,500.00
51	Turf Reinforcement Mats, Type 1	40	SQ	\$ 50.00	\$ 2,000.00
Roadway Items Subtotal:					\$ 257,741.00
<b>RCB CAST IN PLACE + ROADWAY TOTAL:</b>					<b>\$ 796,143.50</b>
<b>RCB PRECAST + ROADWAY TOTAL:</b>					<b>\$ 768,090.50</b>



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.

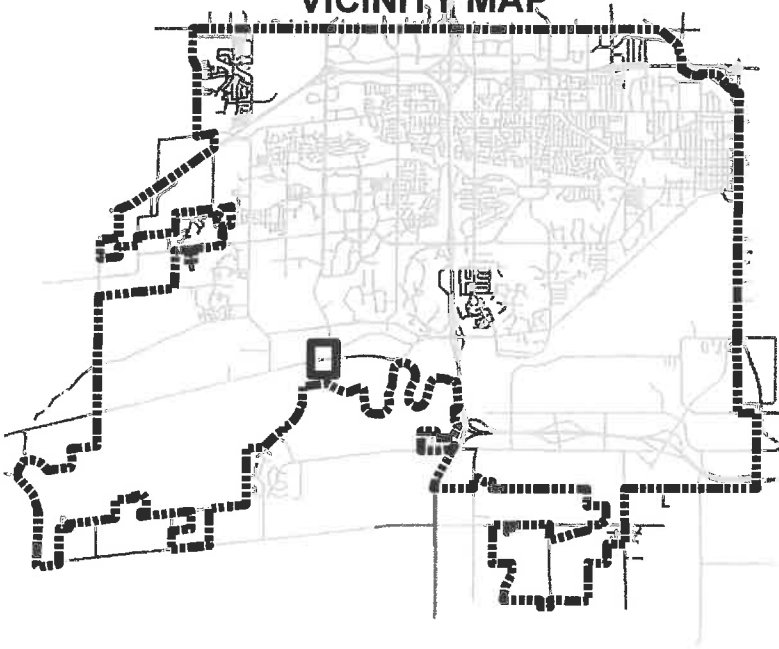
*Gabriel A. Nelson*

Gabriel A. Nelson, P.E.  
 My License Number : 17382  
 My License Renewal Date is December 31, 2018

*02/26/17*  
 Date



**VICINITY MAP**



**LEGEND**

PROJECT LOCATIONS 



PROJECT: **Raccoon River Drive Bridge Replacement 0510-023-2016**

LOCATION: **Raccoon River Drive bridge just west of future intersection of South Jordan Creek Parkway & Raccoon River Drive**

DRAWN BY: JDR

DATE: 9-6-2016

SHT. 1 of 1

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

**DATE: March 5, 2018**

**ITEM:**

Resolution - Ordering Construction  
Valley Junction Activity Center Fire Escape Stairs

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the Valley Junction Activity Center Fire Escape Stairs is \$9,500.00. Payments will be made from account no. 500.000.000.5250.490 with the ultimate funding intended to come from General Funds.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, March 28, 2018 and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, April 2, 2018. The contract would be awarded on Monday, April 2, 2018 and work will begin shortly thereafter.

The project consists of removal of the existing exterior fire escape stairs near the northeast corner of the Valley Junction Activity Center located at 217 5<sup>th</sup> Street. The fire escape stairs are considered to be original to the building and are in need of removal or replacement. It was determined through a thorough building code review that based on posted occupancy ratings that adequate fire escape routes exist throughout the building and there is no further need for the fire escape stairs. Associated work will include infilling the existing doorway and repairing the interior and exterior surfaces to match adjacent construction. The project is anticipated to be completed by June 30, 2018.

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the Valley Junction Activity Center Fire Escape Stairs.
- Fixing 2:00 p.m. on Wednesday, March 28, 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** *BH*

**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>RJS</i>
Agenda Acceptance	<i>BH</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Public Services		
Date Reviewed	February 26, 2018		
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 Junction Activity Center Fire Escape Stairs  
Project No. 0510-055-2017**

is hereby ordered to be constructed according to the Plans and Specifications prepared by Veenstra & Kimm, Inc. Associates, Inc. of West Des Moines, Iowa 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, April 2, 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, March 28, 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, March 28, 2018 and the results of said bids shall be considered at a meeting of this Council on Monday, April 2, 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 **5th** day of **March, 2018**.

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

ATTEST:

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

**FINAL ENGINEER'S ESTIMATE  
VALLEY JUNCTION ACTIVITY CENTER  
FIRE ESCAPE STAIRS PROJECT  
WEST DES MOINES, IOWA  
PROJECT NO. 0510-055-2017**

ITEM NO.	ITEM	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE
1	All work except removal and replacement of concrete/asphalt	Lump Sum	1	\$8,700	\$8,700
2	4" Concrete Sidewalk	Square Feet	80	\$10	\$800
<b>TOTAL BID</b>					\$9,500



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.

*Verle Eugene Arnold*

*2-28-2018*

VERLE EUGENE ARNOLD, P.E.  
IOWA LICENSE NO. 9934

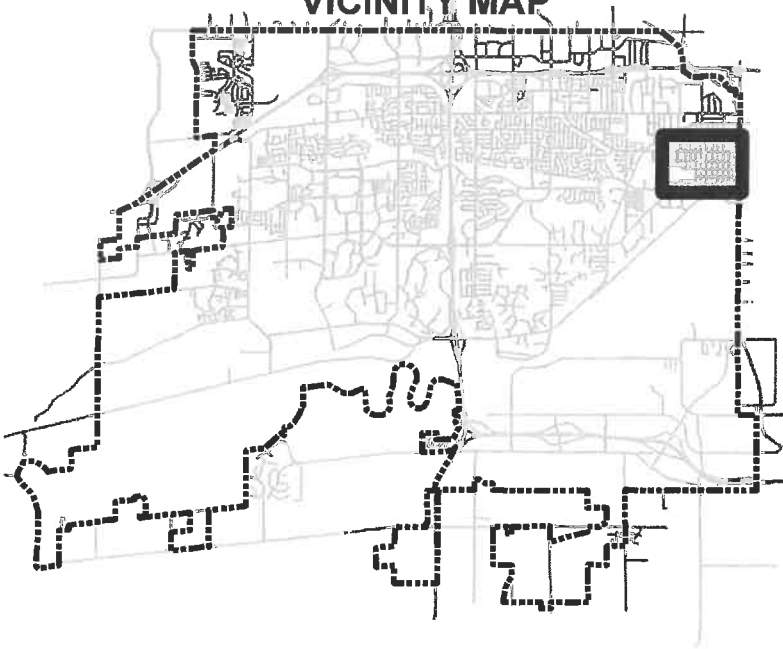
DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019

SEAL COVERS: *Estimate*



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT:

**Valley Junction Activity Center Fire Escape Stairs**

LOCATION:

**219 5th Street**

DRAWN BY: JDR

DATE: 8/21/2017

PROJECT NUMBER : 0510-055-2017  
SUBDIVISION NAME:

SHT. 1 of 1

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

**ITEM:** Setting Date of Public Hearing for consideration of the Midtown Urban Renewal Plan Amendment #1 - City Initiated **Date:** March 5, 2018

**RESOLUTION:** Establish Public Hearing date for Midtown Urban Renewal Plan Amendment #1

**FINANCIAL IMPACT:** Upon future approval of the economic development incentive, JARCOR, LLC will be eligible for up to \$925,360 in property tax rebates over a five year period.

**BACKGROUND:** JARCOR, LLC is proposing the construction of a two story, 40,000 square foot office building to be located on property that they own at 1011 Office Park Road. JARCOR, LLC has requested assistance under the Property Tax Rebate Program. The City Council at the February 20, 2018, meeting authorized staff to begin the process of preparing a development agreement between the City, JARCOR, LLC and Benchmark Real Estate Group, the current proposed tenant for the building.

Because the Property Tax Rebate Program utilizes TIF financing, it is necessary for the City to amend the Midtown Urban Renewal Plan to take into consideration this economic development incentive project.

**OUTSTANDING ISSUES:** There are no outstanding issues regarding this proposed amendment.

**RECOMMENDATION:** Staff recommends that the City Council approve a resolution setting April 2, 2018, as the public hearing date for the Midtown Urban Renewal Plan Amendment #1.

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

**STAFF REVIEWS**

Department Director	Clyde E. Evans, Director, Community and Economic Development <i>CE</i>
Appropriations/Finance	<i>MS</i>
Legal	<i>JBW</i>
Agenda Acceptance	

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

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

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	F&A
Date Reviewed	February 14, 2018
Recommendation	X <input type="checkbox"/> Yes <input type="checkbox"/> No

**ATTACHMENTS:** Exhibit I Proposed Midtown Urban Renewal Plan Amendment #1  
Exhibit II Resolution

CITY OF WEST DES MOINES, IOWA  
URBAN RENEWAL PLAN AMENDMENT NO. 1  
MIDTOWN URBAN RENEWAL AREA

April, 2018

The Urban Renewal Plan (the “Plan”) for the Midtown Urban Renewal Area (the “Urban Renewal Area”) is being amended for the purpose of identifying a new urban renewal project to be undertaken therein.

**1) Identification of Project.** By virtue of this amendment, the list of authorized urban renewal projects in Section H. of the Plan is hereby amended to include the following project description:

**Name of Project:** JARCOR, L.L.C. Development Project

**Name of Urban Renewal Area:** Midtown Urban Renewal Area

**Date of Council Approval of Project:** April 2, 2018

**Description of the Project:** JARCOR, L.L.C. (the “Developer”) has proposed to undertake the construction of a new office building (the “JARCOR Development Project”) located at 1011 Office Park Road in the Urban Renewal Area (the “JARCOR Development Property”).

It has been requested that the City provide tax increment financing assistance to the Developer in support of the efforts to complete, operate and maintain the JARCOR Development Project.

The costs incurred by the City in providing tax increment financing assistance to the Developer will include legal and administrative fees (the “Admin Fees”) in an amount not to exceed \$8,000.

**Description of Public Infrastructure to be Constructed in Connection with the Project:** It is not anticipated that the City will undertake any public infrastructure improvements in connection with the JARCOR Development Project.

**Description of Properties to be Acquired in Connection with the Project:** It is not anticipated that the City will acquire real property in connection with the JARCOR Development Project.

**Description of Use of TIF for the Project:** The City intends to enter into a Development Agreement with the Developer with respect to the construction and use of the completed JARCOR Development Project and to provide annual appropriation economic development payments (the “Payments”) to the Developer thereunder. The Payments will be funded with incremental property tax revenues to be derived from the JARCOR Development Property. It is anticipated that the City’s total commitment of incremental property tax revenues with respect to the JARCOR Development Project will not exceed \$930,000, plus the Admin Fees.

**2) Required Financial Information.** The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Constitutional debt limit of the City:	<u>\$359,449,675</u>
Outstanding general obligation debt of the City:	<u>\$132,715,000</u>
Proposed debt to be incurred in under this April, 2018 Amendment:	<u>\$938,000*</u>

\*It is anticipated that some or all of the debt incurred hereunder may be made subject to annual appropriation by the City Council.

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

Resolution Setting Date for Public Hearing on Urban Renewal Plan Amendment

WHEREAS, the City Council of the City of West Des Moines, Iowa by resolution previously established the Midtown Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of initiatives and projects therein; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which authorizes the undertaking of a new urban renewal project in the Urban Renewal Area consisting of providing tax increment financing support to JARCOR, L.L.C. in connection with the construction of a new office building located at 1011 Office Park Road in the Urban Renewal Area, and it is now necessary that a date be set for a public hearing on the Amendment; and

NOW, THEREFORE, Be It Resolved by the City Council of the City of West Des Moines, Iowa, as follows:

Section 1. This City Council will meet in the City Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, on April 2, 2018, at 5:30 p.m., at which time and place it will hold a public hearing on the proposed Amendment.

Section 2. The City Clerk shall publish notice of said hearing, the same being in the form attached hereto, which publication shall be made in a legal newspaper of general circulation in the City, which publication shall be not less than four (4) and not more than twenty (20) days before the date set for hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, Clyde Evans is hereby designated as the City’s representative in connection with the consultation process which is required under that section of the urban renewal law.

Passed and approved this March 5, 2018.

\_\_\_\_\_  
Mayor

Attest:

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

**NOTICE OF PUBLIC HEARING ON PROPOSED URBAN RENEWAL PLAN  
AMENDMENT**

Notice Is Hereby Given: That at 5:30 p.m., in the City Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, on April 2, 2018, the City Council of the City of West Des Moines, Iowa, will hold a public hearing on the question of amending the urban renewal plan for the Midtown Urban Renewal Area (the "Urban Renewal Area") to authorize the undertaking of a new urban renewal project in the Urban Renewal Area consisting of providing tax increment financing support to JARCOR, L.L.C. in connection with the construction of a new office building located at 1011 Office Park Road in the Urban Renewal Area. A copy of the amendment is on file for public inspection in the office of the City Clerk.

At said hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matters of the hearing.

Ryan Jacobson  
City Clerk



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

**DATE: March 5, 2018**

**ITEM:** Resolution - Approval of Lease Agreement between City of West Des Moines and Iowa Landscaping, L.L.C. for 3476 Adams Street, Cumming, Iowa.

**FINANCIAL IMPACT:** None.

**SYNOPSIS:** The City of West Des Moines acquired the property located at 3476 Adams Street for the Veterans' Parkway Construction Project, Project Number 0510-008-2017. The residence on the property will soon be relocated in order to allow for the construction of Veterans' Parkway. Iowa Landscaping, L.L.C. desires to lease the remaining portion of the property for its landscaping business in return for not receiving payment from being displaced from the business's current location at 4153 S. Orilla Road in West Des Moines as part of the same construction project.

Iowa Landscaping, L.L.C. has negotiated the attached lease agreement with the City of West Des Moines for use of the 3476 Adams Street property. The lease is for five (5) years with a termination date of December 31, 2022.

**RECOMMENDATION:** Approve the lease agreement between the City of West Des Moines and Iowa Landscaping, L.L.C.

**Lead Staff Member:** Jason B. Wittgraf, Assistant City Attorney *JBW*

**STAFF REVIEWS**

Department Director	Brian Hemesath, Interim City Engineer
Appropriations/Finance	
Legal	Richard J. Scieszinski, City Attorney
Agenda Acceptance	Ryan T. Jacobson, City Clerk <i>RJ</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	N / A		
Date Reviewed			
Recommendation			

**RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF WEST DES MOINES AND IOWA LANDSCAPING, L.L.C. FOR THE PROPERTY LOCATED AT 3476 ADAMS STREET, CUMMING, WARREN COUNTY, IOWA**

**WHEREAS**, the City of West Des Moines acquired the property located at 3476 Adams Street, Cumming, Iowa, for purposes of the Veterans' Parkway Construction Project, Project Number 0510-008-2017; and

**WHEREAS**, Iowa Landscaping, L.L.C., has requested to lease a portion of the property from the City for purposes of its landscaping business for a period of five (5) years since the landscaping business will be displaced from its current location at 4153 S. Orilla Road in West Des Moines as part of the Veterans' Parkway Construction Project; and

**WHEREAS**, the City and Iowa Landscaping, L.L.C., have negotiated an agreement for the lease of a portion of the property; and

**WHEREAS**, pursuant to the terms and conditions of the negotiated Lease Agreement, the City Council of the City of West Des Moines finds that it is in the best interests of the City to approve the Agreement.

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

1. The Lease Agreement negotiated by the City of West Des Moines and Iowa Landscaping, L.L.C. is hereby approved.
2. The Mayor is authorized to sign the Lease Agreement and the City Clerk is directed to attest to the Mayor's signature.

**PASSED AND ADOPTED** this 5th day of March, 2018.

ATTEST:

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

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

**LEASE BETWEEN THE CITY OF  
WEST DES MOINES, IOWA, AND IOWA LANDSCAPING, L.L.C.**

THIS LEASE AGREEMENT (“Lease”) is entered by and between the City of West Des Moines, Iowa (“Landlord”), as the owner of the real property located at 3476 Adams Street, Cumming, Warren County, Iowa (former Kendall property), and Iowa Landscaping, L.L.C. (“Tenant”), who agrees to lease the Premises from the Landlord, subject to the following terms and conditions:

1. **LEASE TERM:** This lease, which shall be effective February \_\_\_, 2018, shall terminate on December 31, 2022.
2. **LEASE PAYMENTS:** Tenant shall not be required to pay Landlord rent for use of the Premises. Tenant shall be responsible for timely payment of all property taxes and insurance during the term of this Lease.
3. **DEFAULTS:** If Tenant fails to perform or fulfill any obligation under this Lease, Tenant shall be in default of this Lease. Subject to any statute, ordinance, or law to the contrary, Tenant shall have three (3) business days upon receipt of Notice of Default from Landlord to cure the default. Written notice of default shall be personally served or sent by certified mail by Landlord to Tenant at James M. Fredericksen, Iowa Landscaping, L.L.C., 5720 Redbud Way, West Des Moines, Iowa 50266. In the event Tenant does not cure a default, Landlord may at Landlord’s option (a) cure such default and the cost of such action may be added to Tenant’s financial obligations under this lease; or (b) declare Tenant in default of the Lease. In the event of default, Landlord may also as permitted by law enter and take possession of the Premises.
4. **QUIET ENJOYMENT:** Tenant shall be entitled to quiet enjoyment of the Premises, and Landlord will not interfere with that right as long as Tenant performs all other obligations under this Lease.
5. **POSSESSION AND SURRENDER OF PREMISES:** Tenant shall be entitled to continued possession of the Premises. At the expiration of the Lease, Tenant shall peaceably surrender the Premises to Landlord or Landlord’s agent in such condition as existed at the commencement of the Lease, reasonable wear and tear excepted, and shall remove all personal property from the Premises.
6. **USE OF PREMISES:** Tenant shall only use the Premises as a landscaping business. Tenant shall not use the residence currently located on the Premises. Tenant understands that the Landlord may have the residential structure removed from the Premises during the term of this Lease. Tenant also agrees and acknowledges that Tenant shall cooperate with the removal of the residential structure and the restoration of the Premises that will occur once the residence has been relocated, even if the Tenant is not responsible for such activity on the Premises. Tenant will comply with all laws, rules, ordinances, statutes, and codes regarding the use of the Premises. Improper or illegal use of the Premises may be cause for termination of this Lease.
7. **CONDITION OF PREMISES:** Tenant or Tenant’s agent has inspected the Premises and acknowledges that the Premises are in good and acceptable condition. If at any time during the term of this Lease, in Tenant’s opinion, the conditions change, Tenant shall promptly provide reasonable notice to Landlord.

8. **ASSIGNMENT AND SUBLEASE:** Tenant shall not assign or sublease any interest in this Lease. Any assignment or sublease shall, at Landlord's option, terminate this Lease.
9. **DANGEROUS AND HAZARDOUS MATERIALS:** Tenant shall not keep or have on or around the Premises any item of a dangerous, flammable, or explosive nature that might unreasonably increase the risk of fire or explosion. No hazardous material, as defined by the Code of Iowa and/or federal law, shall be allowed on the Premises unless necessary for the operation of the landscaping business. If any hazardous material is present, Tenant shall maintain and control the hazardous material in accordance with all applicable state and federal rules and regulations.
10. **UTILITIES AND SERVICES:** Tenant shall be responsible for and maintain an account in its name for the receipt and payment of all utilities and services required for the Premises, including but not limited to electricity, gas, and water.
11. **TAXES:** Tenant shall be responsible for the timely payment of all property taxes for the Premises incurred during the term of this Lease.
12. **ALTERATIONS AND IMPROVEMENTS:** Tenant agrees not to make any permanent improvements or alterations to the Premises without prior written consent of the Landlord. Tenant shall be allowed to add gravel and running water to hydrants for irrigation purposes. If any alterations, improvements, or changes are made to or built on or around the Premises, with the exception of fixtures and personal property that can be removed without damage to the Premises, the improvements or alterations shall become the property of Landlord and shall remain at the expiration of the Lease, unless otherwise mutually agreed in writing.
13. **MAINTENANCE AND REPAIR:** Tenant will, at Tenant's sole expense, keep and maintain the Premises in good, clean, and sanitary condition and repair during the term of this Lease. Any necessary snow removal on the Premises shall be the sole responsibility of the Tenant.
14. **LANDLORD RESPONSIBILITIES:** Landlord shall be responsible to maintain the structure of any existing buildings on the Premises. In the event a state or federal agency requires improvements to the property, the Landlord reserves the right to either re-negotiate the terms of this lease with the tenant or terminate this Lease. If this Lease must be terminated, then Landlord will provide thirty (30) days advanced written notice to Tenant.
15. **RIGHT OF INSPECTION:** Tenant agrees to make the premises available to Landlord or Landlord's agents for the purposes of inspection, to make repairs, improvements, or address the residential structure and any removal or restoration of the residence site, to supply agreed services, or in case of an emergency.
16. **ABANDONMENT:** If Tenant abandons the Premises during the term of this Lease, then Landlord may at Landlord's option terminate the Lease. Abandonment is defined as absence of the Tenant or the Tenant's property from the Premises for at least thirty (30) consecutive days without prior notice to Landlord. Landlord may dispose of all abandoned property on the Premises in any manner allowed by law.
17. **SECURITY:** Tenant acknowledges that Landlord does not provide any security alarm system or other security for Tenant or the Premises. Tenant releases Landlord from any liability resulting from any loss, damage, claim, or injury resulting from the failure or lack of any alarm or security system.

18. **INSURANCE:** Tenant shall maintain the following insurance throughout the term of this Lease for the Leased Premises:

Commercial general liability insurance with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate and which shall include the City of West Des Moines as additional insured with a waiver of subrogation.

Statutory Workers' Compensation and Employer's Liability insurance with limits of \$500,000 bodily injury each employee, each accident and policy limits and including a waiver of subrogation in favor of the City of West Des Moines.

Commercial Umbrella insurance with limits of at least \$1,000,000 per occurrence and \$2,000,000 aggregate on a follow form basis.

A copy of the policy or a certificate of insurance shall be delivered to Landlord on or before the commencement date and no such policy shall be cancelled without thirty (30) days prior written notice to Landlord.

19. **INDEMNIFICATION:** To the extent permitted by law, and unless due to the intentional or negligent acts of Landlord, Tenant will indemnify and hold Landlord free and harmless from any liability for losses, claims, injury to or death of any person, including Tenant, or for damage to property arising from Tenant using and occupying the Premises, or from the acts or omissions of any person or persons, including Tenant, in or about the premises with Tenant's express or implied consent. Landlord will indemnify and hold Tenant harmless from any liability for loss, claims, injury or death of any person, or for damage to the property for the specific negligent acts or negligent omissions of Landlord, Landlord's employees or agents.

20. **DISPLAY OF SIGNS:** Tenant agrees that no signs shall be placed on the Premises unless in compliance with any applicable laws and without first obtaining written permission from the City of West Des Moines.

21. **NOTICE:** Any formal notice required or otherwise given pursuant to this Lease shall be in writing and mailed certified return receipt requested, postage prepaid, or personally delivered. If to Tenant, notice shall be given to James M. Fredericksen, Iowa Landscaping, L.L.C., 5720 Redbud Way, West Des Moines, Iowa 50266. If to Landlord, notice shall be given to City of West Des Moines, 4200 Mills Civic Parkway, P.O. Box 65320, West Des Moines, Iowa 50265. Either party may change such addresses from time to time by providing notice to the other party.

Emergency contact or maintenance information shall be given as follows:

To Tenant: James M. Fredericksen  
Iowa Landscaping, L.L.C.  
5720 Redbud Way  
West Des Moines, IA 50266  
(515) 253-0775

To Landlord: Gary Rank, Facilities Manager  
City of West Des Moines  
550 South 16<sup>th</sup> Street  
West Des Moines, IA 50265  
(515) 222-3350

22. **NOISE, DISTURBANCES, AND COMPLIANCE WITH CITY, STATE, AND FEDERAL LAW.** Tenant shall not cause or allow any unreasonably loud noise or activity on the Premises that might disturb the rights, comforts, and conveniences of other persons, including occupants of adjacent properties. Tenant shall maintain compliance with all city, state, and federal law.
23. **BINDING EFFECT:** The covenants and conditions contained in this Lease shall apply to and bind the Parties and the heirs and legal representatives of the Parties.
24. **GOVERNING LAW:** This Lease shall be governed by and construed in accordance with the laws of the state of Iowa.
25. **CUMULATIVE RIGHTS:** Landlord's and Tenant's rights under this Lease are cumulative and shall not be construed as exclusive of each other unless otherwise required by law.
26. **WAIVER:** The failure of either party to enforce any provisions of this Lease shall not be deemed a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.
27. **SEVERABILITY:** If any part or parts of this Lease shall be held unenforceable for any reason, the remainder of this Lease shall continue in full force and effect. If any provision of this Lease is deemed invalid or unenforceable by any court of competent jurisdiction, and if limiting such provision would make the provision valid, then such provision shall be deemed to be construed as so limited.
28. **ENTIRE AGREEMENT:** This Lease constitutes the entire agreement between the parties and supersedes any prior understanding or representation of any kind preceding the date of this Agreement. There are no other promises, conditions, understandings, or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may only be modified in writing and must be signed by both Landlord and Tenant.

**IN WITNESS WHEREOF** the Parties have caused this Lease to be executed on the latter of the dates written below.

LANDLORD:  
CITY OF WEST DES MOINES, IOWA

Dated this \_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

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

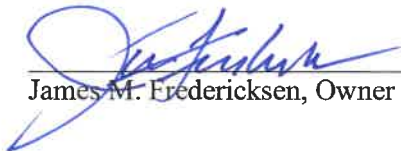
STATE OF IOWA     )  
  ) SS  
COUNTY OF POLK    )

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven K. Gaer and Ryan T. Jacobson, to me known to be the Mayor and City Clerk, respectively, of the City of West Des Moines, Iowa; that this record was signed on behalf of the City, by authority of its City Council as contained in Resolution No. \_\_\_\_\_ approved on the \_\_\_ day of \_\_\_\_\_, 2018, by the City Council of the City of West Des Moines, Iowa, and that the Mayor and City Clerk acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

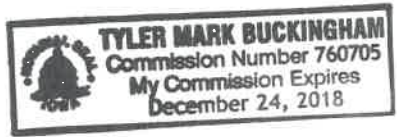
\_\_\_\_\_  
Notary Public

TENANT:  
**IOWA LANDSCAPING, L.L.C.**

Dated this 26 day of February, 2018.

  
\_\_\_\_\_  
James M. Fredericksen, Owner

STATE OF IOWA     )  
  ) SS  
COUNTY OF POLK    )



On this 26<sup>th</sup> day of February, 2018, this record was acknowledged before me, the undersigned, a Notary Public in and for the State of Iowa, by James M. Fredericksen, as Owner of Iowa Landscaping, L.L.C., on behalf of whom this record was executed.

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

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

**DATE: March 5, 2018**

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreements and Conveyance of Property Interests for Project Osmium Public Infrastructure (Veterans Parkway: SE Adams Street to SE 50th Street)


**FINANCIAL IMPACT:** \$189,125.00 (previously budgeted)

**SYNOPSIS:** Property interests necessary for the Project Osmium Public Infrastructure (Veterans Parkway: SE Adams Street to SE 50th Street) have been acquired through negotiated purchase agreements at the appraised fair market value from the owners shown on **Exhibit "A"**, with additional comments and/or additional costs not reflected in the appraisals shown in bold, if any. The attached resolution approves the purchase agreements and, for policy and title purposes, formally accepts the property interests and authorizes the filing of all relevant documents. Costs associated with acquisition of the property interests will be paid from Account No. 500.000.000.5550.730, Project No. 0510 008 2017.

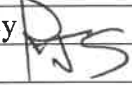

**OUTSTANDING ISSUES** (if any): None

**RECOMMENDATION:**

Adopt Resolution Approving and Accepting Purchase Agreements and Conveyance of Property Interests to the City of West Des Moines for the Project Osmium Public Infrastructure.

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

**STAFF REVIEWS**

Department Director	Richard J. Scieszinski, City Attorney 
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split



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

**AUTHORIZING APPROVAL AND ACCEPTANCE OF PURCHASE AGREEMENTS AND  
CONVEYANCE OF PROPERTY INTERESTS FOR THE CONSTRUCTION OF THE PROJECT  
OSMIUM PUBLIC INFRASTRUCTURE (VETERANS PARKWAY: SE ADAMS STREET TO  
SE 50TH STREET, PROJECT NO. 0510-008-2017)**

**WHEREAS**, on June 26, 2017, the City Council of the City of West Des Moines, Iowa established the fair market value and authorized the acquisition of property and easements, including any leasehold interests, necessary for the construction of the Project Osmium Public Infrastructure (Veterans Parkway: SE Adams Street to SE 50th Street, Project No. 0510-008-2017); and

**WHEREAS**, it is the policy of the City of West Des Moines, Iowa, to approve the conveyance of all property interests to the City; and

**WHEREAS**, the City of West Des Moines has negotiated purchase agreements for the acquisition of property interests necessary for the Project; and

**WHEREAS**, the names of the property owners and the fair market value of the property to be acquired through purchase agreements are attached hereto as **Exhibit "A"** and made a part of this resolution; and

**WHEREAS**, documents conveying property interests necessary to complete the project have been presented to the City for approval; and

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

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

1. The documents described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council's approval and acceptance.

3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreements to acquire the property interests.
4. The documents shall be filed with the county recorder as appropriate.
5. The Director of Finance is authorized to make payment to the property owners shown on the attached **Exhibit "A"** pursuant to the terms and conditions of the Purchase Agreements.

**PASSED AND ADOPTED** this 5<sup>th</sup> day of **March, 2018**.

---

Steven K. Gaer, Mayor

ATTEST:

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Ryan T. Jacobson  
City Clerk

Exhibit "A"

PROJECT OSMIUM PUBLIC INFRASTRUCTURE  
(VETERANS PARKWAY: SE ADAMS STREET TO SE 50<sup>TH</sup> STREET,  
PROJECT NO. 0510-008-2017)

<u>PARCEL #</u>	<u>PROPERTY OWNER</u>	<u>ACQUIRED PRICE-FMV</u>	
"008-01"	Ernest R. Fischer Jr Trust 2166 Adams Street	\$109,725.00	<b>*additional \$350 for crop loss from soil boring and \$7,200 for administrative settlement</b>
"008-04"	Charlotte A. Kendall, et al. 3476 Adams Street	\$79,400.00	<b>*additional \$700 for crop loss from soil boring</b>
	<b>TOTAL</b>	<b>\$189,125.00</b>	

**NO CHANGE FROM PREVIOUS READING**

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

**Date: March 5, 2018**

**ITEM:** Amendment to City Code – Amend Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) to update setback regulations pertaining to accessory structures in Residential Estate districts – City Initiated (AO-003767-2018)

**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 Title 9 (Zoning) to update setback regulations pertaining to accessory structures. These changes are intended to correct the required side yard setback for accessory structures in Residential Estate zoning districts. (See Exhibit I – Ordinance)

Previous Council Action:

Vote: 5-0 Approval  
Date: February 20, 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 *LS*

**Staff Reviews:**

Department Director	<i>JK</i>
Appropriations/Finance	
Legal	<i>JBW</i>
Agenda Acceptance	<i>JK</i>

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

Published In	Des Moines Register
Date(s) Published	February 7, 2018
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	February 20, 2018		
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 BY AMENDING TITLE 9 (ZONING), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS) TO UPDATE SETBACK REGULATIONS PERTAINING TO ACCESSORY STRUCTURES IN RESIDENTIAL ESTATE DISTRICTS**

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

**Section 1. Amendment.** Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Bulk Density Regulations*), Table 7.6, is hereby amended by deleting the highlighted strikethrough text and adding the text in bold italic:

TABLE 7.6  
 MINIMUM SETBACKS FOR  
 DETACHED ACCESSORY STRUCTURES  
 (GARAGES, SWIMMING POOLS, HOT TUBS, SATELLITE DISHES, ETC.)

Required Standards	OS (ft.)	RE (ft.)	RS (ft.)		R-1 (ft.)	SF-CR (ft.)	SF-VJ (ft.)	MH (ft.)	RM (ft.)	RH (ft.)
			<8,000	8,000>						
Front yard	50 <sup>1</sup>	50 <sup>1</sup>	30 <sup>1,4</sup>	35 <sup>1,4</sup>	30 <sup>1,4</sup>	30 <sup>1,4</sup>	20 <sup>1,4</sup>	20 <sup>1</sup>	30 <sup>1</sup>	35 <sup>1</sup>
Rear yard	5 <sup>2</sup>	<del>5</del> <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	10 <sup>2</sup>	10 <sup>2</sup>
Side yard	5 <sup>2</sup>	<del>5</del> <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	10 <sup>2</sup>	10 <sup>2</sup>
From alleys where the structure accesses the alley	20	20	20	20	20	n/a	20	20	20	20
From main structures	10 <sup>3</sup>	10 <sup>3</sup>	10	10	10	10	10	10	20	20
From other accessory structures	10	10	10	10	10	10	10	10	20	20

1. Any accessory structure located between the principal building and the public street shall be screened from public view with a combination of landscaping, berming or fencing in accordance with buffering requirements.
2. Measured to foundation; however, no part of any structure, including eaves and overhangs, may be closer than five feet (5') to a property line.
3. Any accessory structure that will house farm animals, animals wild by nature, or a kennel, shall be located no less than one hundred feet (100') from an existing residential dwelling on a lot not under the same ownership.

4. In any existing platted property where the average front yard setback is greater than that required by code, no front yard depth shall be less than the smallest front yard depth of any dwelling immediately adjacent to and within two hundred feet (200') fronting on the same side of the street.

**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

**NO CHANGE FROM PREVIOUS READING**

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

**DATE: March 5, 2018**

**ITEM:**

Motion - Approval of Traffic Code Amendment  
All Night Parking Prohibited  
Elm Street – 4<sup>th</sup> Street to Alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street  
Second Reading, Waive Third Reading, and Approval of Ordinance in Final Form

**FINANCIAL IMPACT:** None.


**BACKGROUND:**

Vehicles have been parking for a long duration on the south side of Elm Street between 6<sup>th</sup> Street and the alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street. This traffic code amendment would prohibit parking a vehicle in the area between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. on any day. This parking restriction currently exists on Elm Street from 4<sup>th</sup> Street to 6<sup>th</sup> Street and would now be extended on the south side of Elm Street to the alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street.

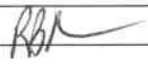

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:  
- Motion approving Second Reading, Waive Third Reading, and Adoption of Ordinance in Final Form

**Lead Staff Member: Jim Dickinson, P.E.** 

**STAFF REVIEWS**

Department Director	Bret Hodne 				
Appropriations/Finance					
Legal					
Agenda Acceptance					
<b>PUBLICATION(S) (if applicable)</b>		<b>SUBCOMMITTEE REVIEW (if applicable)</b>			
Published In	Des Moines Register	Committee	Public Services		
Dates(s) Published		Date Reviewed			
		Recommendation	Yes	No	Split

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING PROVISION PERTAINING TO THE TRAFFIC CODE RELATING TO OFFICIAL TRAFFIC CONTROLS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.**

**SECTION 1: TITLE 6 (MOTOR VEHICLES AND TRAFFIC), CHAPTER 9, SECTION 6-9-5-5: ALL NIGHT PARKING PROHIBITED:** is hereby amended by the following changes:

**Delete:**

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Side</u>
Elm Street	Fourth Street	Sixth Street	South

**Add:**

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Side</u>
Elm Street	Fourth Street	Alley between Sixth Street And Seventh Street	South

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

**SECTION 3. SEVERABILITY.** 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 4. VIOLATION.** Any person who violates the provisions of this Ordinance, upon conviction, shall be punished with a fine not to exceed \$100.00 plus applicable surcharge and court costs.

**SECTION 5. WHEN EFFECTIVE.** This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

**PASSED AND APPROVED** this 5<sup>th</sup> day of March, 2018.

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

ATTEST:

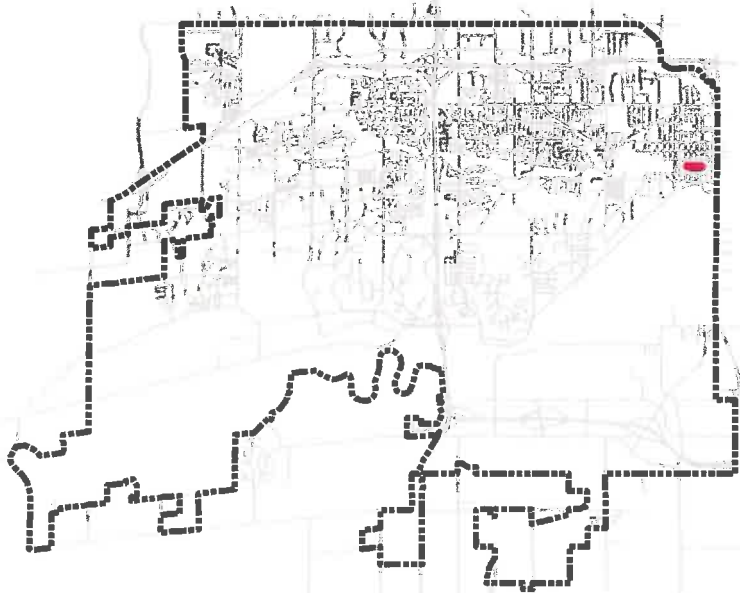
\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

Published in the Des Moines Register this \_\_\_\_\_ day of \_\_\_\_\_, 2018





**VICINITY MAP**



**LEGEND**

- PROJECT LOCATION DELETE
- PROJECT LOCATION ADD



PROJECT: **Traffic Code Amendment All Night Parking Prohibited Parking Zones**

LOCATION: **Elm Street- South Side from 4th Street to Alley between 6th and 7th Street**

DRAWN BY: REF

DATE: 2-19-2018

PROJECT: All Night Parking Prohibited Parking Zones

SHT. 1 of 1

**NO CHANGE FROM PREVIOUS READING**

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

**DATE: March 5, 2018**

**ITEM:**

Motion - Approval of Traffic Code Amendment  
 Four Hour Limited Parking  
 Elm Street – 4<sup>th</sup> Street to Alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street  
 Second Reading, Waive Third Reading, and Adoption of Ordinance in Final Form

**FINANCIAL IMPACT:** None.


**BACKGROUND:**

Vehicles have been parking for a long duration on the south side of Elm Street between 6<sup>th</sup> Street and the alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street. This traffic code amendment would limit parking a vehicle in the area for more than four hours between the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M. This parking restriction currently exists on Elm Street from 4<sup>th</sup> Street to 6<sup>th</sup> Street and would now be extended on the south side of Elm Street to the alley between 6<sup>th</sup> Street and 7<sup>th</sup> Street.



**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:  
 - Motion approving Second Reading, Waive Third Reading, and Adoption of Ordinance in Final Form

**Lead Staff Member: Jim Dickinson, P.E.** 

**STAFF REVIEWS**

Department Director	Bret Hodne 				
Appropriations/Finance					
Legal					
Agenda Acceptance					
<b>PUBLICATION(S) (if applicable)</b>		<b>SUBCOMMITTEE REVIEW (if applicable)</b>			
Published In	Des Moines Register	Committee	Public Services		
Dates(s) Published		Date Reviewed			
		Recommendation	Yes	No	Split

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING PROVISION PERTAINING TO THE TRAFFIC CODE RELATING TO OFFICIAL TRAFFIC CONTROLS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.**

**SECTION 1: TITLE 6 (MOTOR VEHICLES AND TRAFFIC), CHAPTER 9, SECTION 6-9-6-5: FOUR HOUR LIMITED PARKING:** is hereby amended by the following changes:

**Delete:**

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Elm Street	South	Fourth Street	Sixth Street

**Add:**

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Elm Street	South	Fourth Street	Alley between Sixth Street and Seventh Street

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

**SECTION 3. SEVERABILITY.** 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 4. VIOLATION.** Any person who violates the provisions of this Ordinance, upon conviction, shall be punished with a fine not to exceed \$100.00 plus applicable surcharge and court costs.

**SECTION 5. WHEN EFFECTIVE.** This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

**PASSED AND APPROVED** this 5<sup>th</sup> day of March, 2018.

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

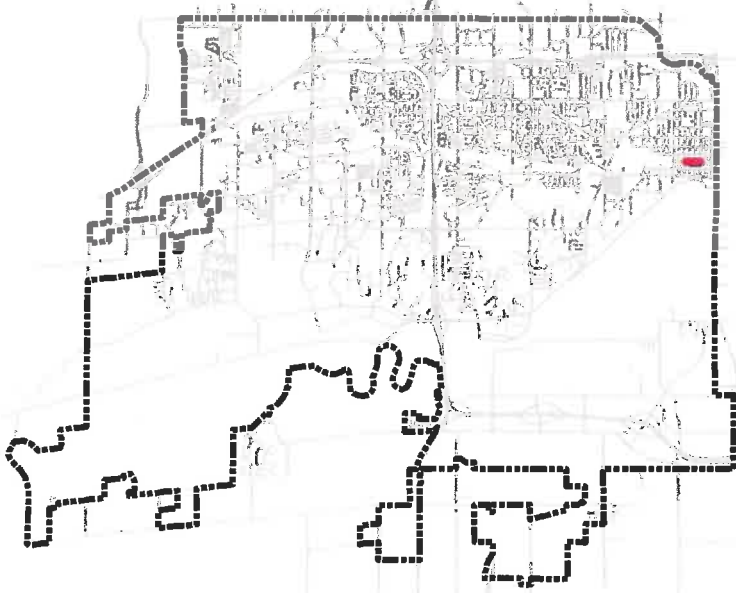
ATTEST:

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

Published in the Des Moines Register this \_\_\_\_\_ day of \_\_\_\_\_, 2018



**VICINITY MAP**



**LEGEND**

- PROJECT LOCATION DELETE
- PROJECT LOCATION ADD



PROJECT:

**Traffic Code Amendment Four Hour Limited Parking Zones**

LOCATION:

**Elm Street- South Side from 4th Street to Alley between 6th and 7th Street**

DRAWN BY: REF

DATE: 1-22-2018

PROJECT: Four Hour Limited Parking Zone

SHT. 1 of 1

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

**ITEM:** Future Funding for Redevelopment Funding Programs in Historic West Des Moines **DATE:** March 5, 2018

**MOTION:** Provide direction to Staff.

**FINANCIAL IMPACT:** If the City Council provides additional funding for the Property Improvement Program Fund and the Regulatory Compliance Program Fund, it will need to come out of the FY 2018-19 budget. Since additional funding is not currently in that budget, it would need to be part of Budget Amendment #1 for the FY 2018-19 budget.

**BACKGROUND:** On February 6, 2017, the City Council approved creation of the Property Improvement Program and the Regulatory Compliance Program with the goal of spurring redevelopment within the commercial areas of the Historic West Des Moines. The City had two funding rounds in 2017 with a great deal of success. On January 22, 2018, staff presented the City Council with the status of the Programs and how much money was left in the Programs.

At that meeting, the City Council directed staff to expend the balance of the Program funds, approximately \$240,000, on a third round in the spring of 2018. The Council also directed staff to meet with the F&A Subcommittee to discuss future funding for the Programs.

At their February 14, 2018, meeting, the F&A Subcommittee was split on its recommendation to staff. Councilmember Trevillyan was in favor of a second round of funding for the programs in the fall of 2018. He also felt that \$250,000 would be an appropriate amount of funding for that round.

Councilmember Trimble stated that although he was in favor of the programs, he felt it would be better to wait at least one year to determine the success of the Programs, and then make a recommendation on funding of the Programs.

**OUTSTANDING ISSUES:** There are no outstanding issues regarding these programs.

**RECOMMENDATION:** Staff recommends that the City Council provide direction to Staff on how to proceed with future funding for the Programs.

Lead Staff Member: Clyde E. Evans, AICP

**STAFF REVIEWS**

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

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

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

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	F&A		
Date Reviewed	2/14/18		
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input checked="" type="checkbox"/>

**ATTACHMENTS:**

None

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

**Date: March 5, 2018**

**ITEM:** Covenant Cove/98th Street Planned Unit Development, Southeast Corner of 98th Street and Bishop Drive - Amend the Comprehensive Plan Land Use Map from Manufactured Housing to Medium Density Residential and Amend the 98th Street Planned Unit Development to Change Zoning from Manufactured Housing to Residential Medium Density (RM-8) and establish development regulations (CPA-003710-2017/ZC-003711-2017)  
**(Deferred from February 20, 2018)**

**RESOLUTION: Approval of Comprehensive Plan Land Use Map Amendment**  
**ORDINANCE: Approval of First Reading of Ordinance**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Covenant Cove LLC, with permission from the property owner, M E & E LLC, is requesting a Comprehensive Plan Land Use amendment for approximately 28.94 acres lying in the southeast corner of 98th Street and Bishop Drive. The applicant proposes to change the land use from Manufactured Housing to Medium Density Residential. Accompanying the land use change is a request to amend the 98th Street Planned Unit Development (PUD) for an equal portion of PUD Parcel C to change the zoning from Manufactured Housing to Residential Medium Density (RM-8) and establish development regulations for the parcel (see Exhibit I, Attachment C –Location Map, Attachment A, Exhibit C – Land Use Map Amendment, and Exhibit II – 98th Street PUD Ordinance Amendment and PUD Sketch).

Plan and Zoning Commission Action:

Vote: 7-0 approval.

Date: February 26, 2018

Motion: Adopt a resolution recommending the City Council approve the proposed Comprehensive Plan Land Use Map Amendment

Motion: Adopt a resolution recommending the City Council approve the ordinance to amend the 98<sup>th</sup> Street Planned Unit Development

**OUTSTANDING ISSUES:** There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Request
- City Council Subcommittee – Development and Planning City Council Subcommittee – October 2, 2017
- Staff Review and Comments
  - *PUD Sketch Plan*
  - *PUD Parcel C Site Plan*
  - *New PUD Parcel C*
  - *Second Required Access Drive for PUD Parcel D*
  - *Buffer along Railroad Tracks*
  - *Comment Letter*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval

**COMPREHENSIVE PLAN LAND USE AMENDMENT RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council adopt a resolution to approve the land use amendment for the property from Manufactured Housing to Medium Density Residential.

**ZONE CHANGE RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive plan, the Plan and Zoning Commission recommends the City Council approve the first reading of the ordinance to change the zoning of the property from Manufactured Housing to Residential Medium Density (RM-8).

Lead Staff Member: Kara Tragesser, AICP

*[Handwritten signature]*

**Staff Reviews:**

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

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

Published In	Des Moines Register
Date(s) Published	February 2, 2018 and February 23, 2018
Letter sent to surrounding property owners	February 26, 2018

**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 - Plan and Zoning Commission Communication
  - Attachment A - Plan and Zoning Commission Resolution – Comprehensive Plan Land Use Map Amendment
    - Exhibit A - Conditions of Approval
    - Exhibit B - Legal Description
    - Exhibit C - Land Use Map
  - Attachment B - Plan and Zoning Commission Resolution – Zone Change
    - Exhibit A - Conditions of Approval
    - Exhibit B - Legal Description
    - Exhibit C - Proposed Ordinance (moved to Exhibit II)
  - Attachment C - Location Map
  - Attachment D - 2000 Site Plan
  - Attachment E - Preliminary Development Plan
  - Attachment F - Comment Letter
- Exhibit II - City Council Resolution for Comprehensive Plan Land Use Map Amendment
  - Exhibit A - Land Use Map
- Exhibit III - Proposed Ordinance

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

**Meeting Date:** February 26, 2018

**Item:** Covenant Cove/98<sup>th</sup> Street Planned Unit Development, Southeast Corner of 98<sup>th</sup> Street and Bishop Drive - Amend the Comprehensive Plan Land Use Map from Manufactured Housing to Medium Density Residential and Amend the 98<sup>th</sup> Street Planned Unit Development to Change Zoning from Manufactured Housing to Residential Medium Density (RM-8) and establish development regulations (CPA-003710-2017/ZC-003711-2017)  
**(Deferred from February 12, 2018)**

Resolution: Approval of Comprehensive Plan Amendment

Resolution: Approval of Rezoning Request

**Requested Action:** Approval of Comprehensive Plan Land Use Map and Zoning Amendments

**Case Advisor:** Kara Tragesser, AICP

**Applicant's Request:** The applicant, Covenant Cove LLC, with permission from the property owner, M E & E LLC, is requesting a Comprehensive Plan Land Use amendment for approximately 28.94 acres lying in the southeast corner of 98<sup>th</sup> Street and Bishop Drive. The applicant proposes to change the land use from Manufactured Housing to Medium Density Residential. Accompanying the land use change is a request to amend the 98<sup>th</sup> Street Planned Unit Development (PUD) for an equal portion of PUD Parcel C to change the zoning from Manufactured Housing to Residential Medium Density (RM-8) and establish development regulations for the parcel (see Attachment C –Location Map, Attachment A, Exhibit C – Land Use Map Amendment, and Attachment B, Exhibit C – 98<sup>th</sup> Street PUD Ordinance Amendment and PUD Sketch).

**History:** The 98<sup>th</sup> Street PUD was established in 1994 with three development parcels identified as A, B, and C. PUD Parcels A and B currently are designated on the land use map and the zoning map as Community Commercial and are located between University Avenue and Bishop Drive between 94<sup>th</sup> Street and 98<sup>th</sup> Street. PUD Parcel C currently is designated on the land use map and zoning map as Manufactured Housing. PUD Parcel A is developed with retail and restaurant uses, PUD Parcel B is undeveloped, and PUD Parcel C currently is partially developed with manufactured housing. A site plan for Parcel C to develop as manufactured housing was approved in 2000. In 2001, PUD Parcel C was subdivided into four lots by a plat of survey.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on October 2, 2017. The Subcommittee supported the change in the land use designations and the rezoning.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment.

- ***PUD Sketch Plan:*** A new PUD Sketch Plan is illustrated in Attachment E to delineate the new PUD Parcel D for the existing manufactured home park and PUD Parcel C for the proposed medium density development area.
- ***PUD Parcel C Site Plan:*** In 2000 a site plan was approved for the development of new PUD Parcels C and D (which at the time was one PUD parcel) in its entirety with manufactured housing; to-date only the eastern approximately ¼ is developed as manufactured housing (see Attachment C – Aerial photo and Attachment D – 2000 Site Plan). Highlighted in bold lines on Attachment D are the streets that are currently constructed, including an extension of the southern east-west road with the intent to further develop and connect the rest of the site plan in time. At this time, new PUD parcels C and D are for sale and two buyers are interested in purchasing each part individually.
- ***New PUD Parcel C:*** PUD Parcel C on the new sketch plan is proposed to be developed as medium density residential (townhomes) at approximately 8 units per acre. The PUD ordinance amendment (Attachment B, Exhibit C) proposes to change the zoning of the new PUD Parcel C from Manufactured Housing to Residential Medium Density and establish development regulations. At this time, there is one buyer interested in purchasing this property



with three different home builders planned to develop the property. Attachment E illustrates the preliminary layout of the development from this developer.

- **Second Required Access Drive for PUD Parcel D:** As noted above under the Parcel C site plan paragraph, Attachment D illustrates an extension of a street that was planned to continue west into the future development of the PUD parcel. Each development is required to have two points of access for emergency services as well as benefitting overall traffic circulation. With the sale of the property, the City has notified the current property owner and proposed buyers about the completion of the second access for PUD Parcel D, before PUD Parcel D can develop further from its current state. Attachment B, Exhibit C, Section 2 includes a provision requiring a second access to be constructed within 180 days of adoption of the PUD ordinance by the City Council. Relocation of the connection north from the current southwestern point of PUD Parcel D may be acceptable and will be negotiated between the parties as part of the sale and then submitted to the City for review as part of site plans.
- **Buffer along Railroad Tracks:** The applicant is requesting relief from the City Code requirement that residential property shall be buffered from railroads with a 30 foot buffer and associated landscape requirements. The property owner notes that there is a grade differential between the railroad property and the development property where the development property is higher than the railroad property, and there already are trees and shrubs on both side of the property line with the railroad right-of-way to mitigate the sight, sound, and other perceived negatives of being next to the railroad. The applicant provides that the builder of the adjacent homes has indicated they will plant additional vegetation in the area between the property line and the proposed dwelling units simply for appeal to buyers, but may not necessarily plant the minimum number of trees and shrubs traditionally required of a 30 foot buffer. The setback along this property line is 35 feet, a normal buffer width is 30 feet and the measurements are allowed to overlap, so the depth of the buffer is not at issue. The applicant feels that due to the reasons above, the planting requirements for the buffer area should be reduced to ½ the requirement of the 30 foot buffer area. Staff has included this provision in the proposed PUD (see Attachment B, Exhibit C, Section 3).
- **Comment Letter:** Attachment F is a copy of an email received by Staff from Abigail Perry regarding the intent for the development to include for-sale dwelling units or rental units. At this time, the applicant indicates that the development is intended to sell the dwelling units. Staff noted that it is possible that the dwelling units will be bought, but then rented out. The City does not regulate whether a development is owner-occupied or rental.

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

**Noticing Information:** On February 2, 2018, notice of the February 12, 2018, Plan and Zoning Commission meeting and February 19, 2018, City Council meeting was published in the Des Moines Register. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on February 2, 2018. At the request of Staff, the Plan & Zoning Commission deferred the public hearing for this item to February 26, 2018 and the City Council deferred the public hearing on this item to March 5, 2018. It was noticed during the request to defer the City Council meeting that the originally intended City Council meeting date was incorrectly indicated as February 19<sup>th</sup>, which was President's Day and a city holiday. Notice of the new March 5, 2018 City Council date was published on February 23, 2018, and notice was mailed to property owners within 370 feet on February 23, 2018..

**Staff Recommendation and Conditions of Approval - Comprehensive Plan Amendment:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending to the City Council approval of a Comprehensive Plan Land Use Map amendment for that portion of PUD Parcel C, as identified in Attachment A, Exhibit C from Manufactured Housing to Medium Density Residential (MD).

**Staff Recommendation and Conditions of Approval – Rezoning Request:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending to the City Council approval of a zone change for development of new PUD Parcel C from Manufactured Housing to Residential Medium Density (RM-8) as provided for in Attachment B, Exhibit C and delineated on the PUD Sketch attached as Exhibit A to the PUD Amendment (Exhibit C).

**ATTACHMENTS:**

- Attachment A - Plan and Zoning Commission Resolution – Comprehensive Plan Land Use Map Amendment
  - Exhibit A - Conditions of Approval
  - Exhibit B - Legal Description
  - Exhibit C - Land Use Map
- Attachment B - Plan and Zoning Commission Resolution – Zone Change
  - Exhibit A - Conditions of Approval
  - Exhibit B - Legal Description
  - Exhibit C - Proposed Ordinance
- Attachment C - Location Map
- Attachment D - 2000 Site Plan
- Attachment E - Preliminary Development Plan
- Attachment F - Comment Letter

RESOLUTION NO. PZC -18-009

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE COMPREHENSIVE PLAN LAND USE MAP AMENDMENT (CPA-003710-2017) FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY AT THE SOUTHEAST CORNER OF 98<sup>TH</sup> STREET AND BISHOP DRIVE FROM MANUFACTURED HOUSING TO MEDIUM DENSITY RESIDENTIAL

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Covenant Cove LLC, with permission of M E & E LLC has requested approval of a Comprehensive Plan Land Use Map Amendment for that property legally described in Exhibit B;

Legal Description

See Exhibit B

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

WHEREAS, on February 26, 2018, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-003710-2017);

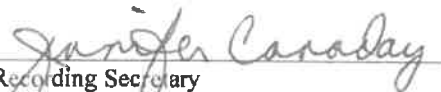
NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The request for a change in the land use designation from Manufactured Housing (MH) to Medium Density Residential (MD) for property legally described in Exhibit B and illustrated in Exhibit C is recommended to the City Council for approval, subject to the conditions of approval outlined in Exhibit A or as provided for orally at the public hearing.

PASSED AND ADOPTED on February 26, 2018.

  
Craig Erickson, Chair  
Plan and Zoning Commission

ATTEST:

  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on February 26, 2018, by the following vote:


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

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

  
Recording Secretary

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

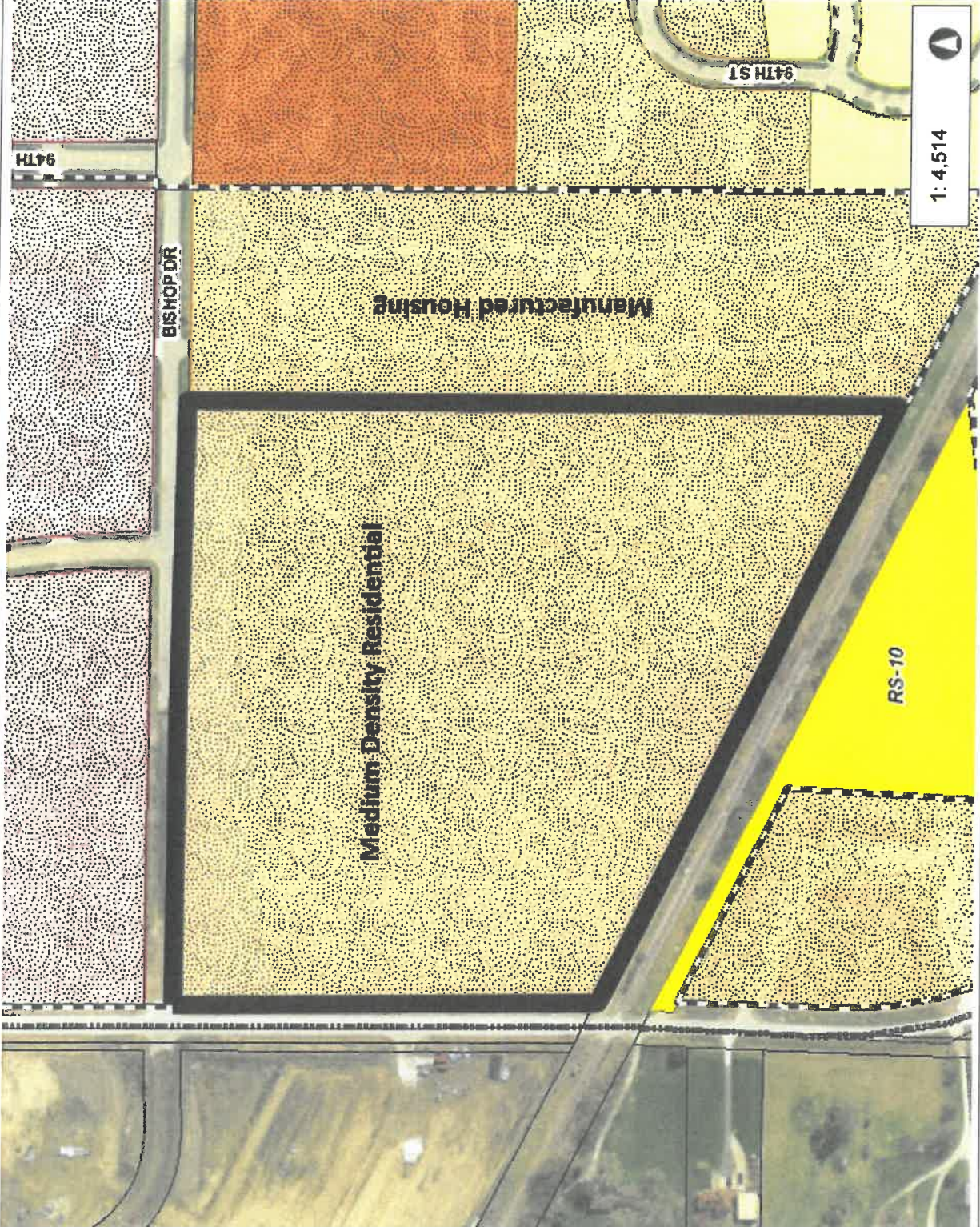
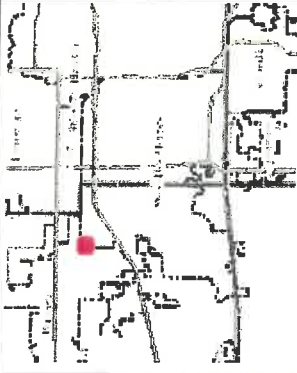
None.

Exhibit B  
Legal Descriptions

Parcels A, B, and C of Lot 3, West Park Plat 1, an official plat now in and forming a part of the City of West Des Moines, Dallas County, Iowa, and containing 28.94 acres.



# Land Use Amendment Manufactured Housing to Medium Density Residential



1:4,514



Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Legend

**Zoning Area Labels**

- Overlay District
- Zoning Conditional Zones
- Zoning PUD Boundaries

**Zoning**

- Unzoned
- Open Space/Agricultural (OS)
- Residential Estate (RE)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Single-Family - Commerce Resider
- Single-Family - Valley Junction Res
- Manufactured Housing (MH)
- Residential Medium-Density (RM)
- Residential High-Density (RH)
- Neighborhood Commercial (NC)
- Convenience Commercial (CVC)
- Valley Junction Historic Business (V)
- Valley Junction Commercial (VJC)
- Community Commercial (CMC)
- Support Commercial (SC)
- Regional Commercial (RC)
- Office (OF)
- Professional Commerce P
- Warehouse Retail (WR)
- Business Park (BP)
- Valley Junction Light Indus
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space
- PUD - Single Family Reside

**ATTACHMENT B**

**RESOLUTION NO. PZC -18-010**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE REZONING REQUEST (ZC-003711-2017) FOR THE PURPOSE OF CHANGING THE ZONING FOR PART OF PUD PARCEL C OF THE 98<sup>TH</sup> STREET PLANNED UNIT DEVELOPMENT FROM MANUFACTURED HOUSING TO RESIDENTIAL MEDIUM DENSITY (RM-8) AND AMEND THE PUD TO ESTABLISH DEVELOPMENT STANDARDS**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Covenant Cove LLC, with the permission of M E & E LLC, has requested approval of a Zone Change for that property legally described in Exhibit B and generally located at the southeast corner of 98<sup>th</sup> Street and Bishop Drive from PUD Manufactured Housing to PUD Residential Medium Density (RM-8);

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

**WHEREAS**, on February 26, 2018, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-003711-2017);

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

**SECTION 1.** The findings, for approval, in the staff report, dated February 26, 2017, or as amended orally at the Plan and Zoning Commission hearing of February 26, 2018, are adopted.

**SECTION 2.** REZONING REQUEST (ZC-003711-2017) to change the zoning of the property legally described in Exhibit B is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated February 26, 2018, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on February 26, 2018.

  
Craig Erickson, Chair  
Plan and Zoning Commission

ATTEST:

  
Jennifer Canaday  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on February 26, 2018, by the following vote:

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

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

  
Jennifer Canaday  
Recording Secretary

Exhibit A  
Conditions of Approval

None.



Exhibit B  
Legal Descriptions

Parcels A, B, and C of Lot 3, West Park Plat 1, an official plat now in and forming a part of the City of West Des Moines, Dallas County, Iowa, and containing 28.94 acres.



# Covenant Cove/98th Street PUD



- Legend**
- Corporate Limits
  - Parcels



1: 9,028



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

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City of West Des Moines, Iowa

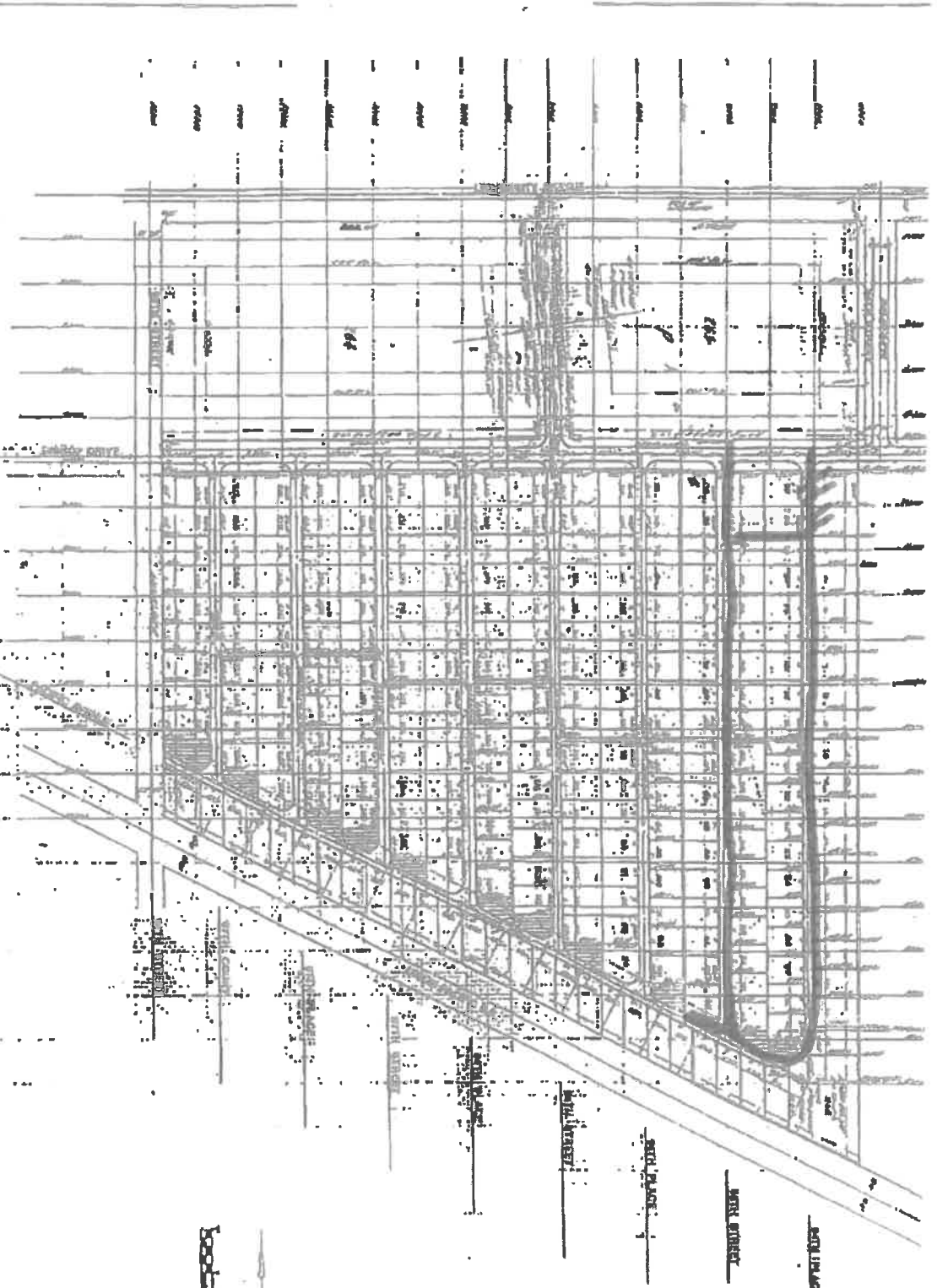


Design Engineering Company  
3511 10th Street  
Des Moines, Iowa 50319

WORK SHEETS  
Project: WEST PARK  
Sheet: 69  
Scale: AS SHOWN  
Date: 11/11/11  
Author: [Signature]  
Checked: [Signature]



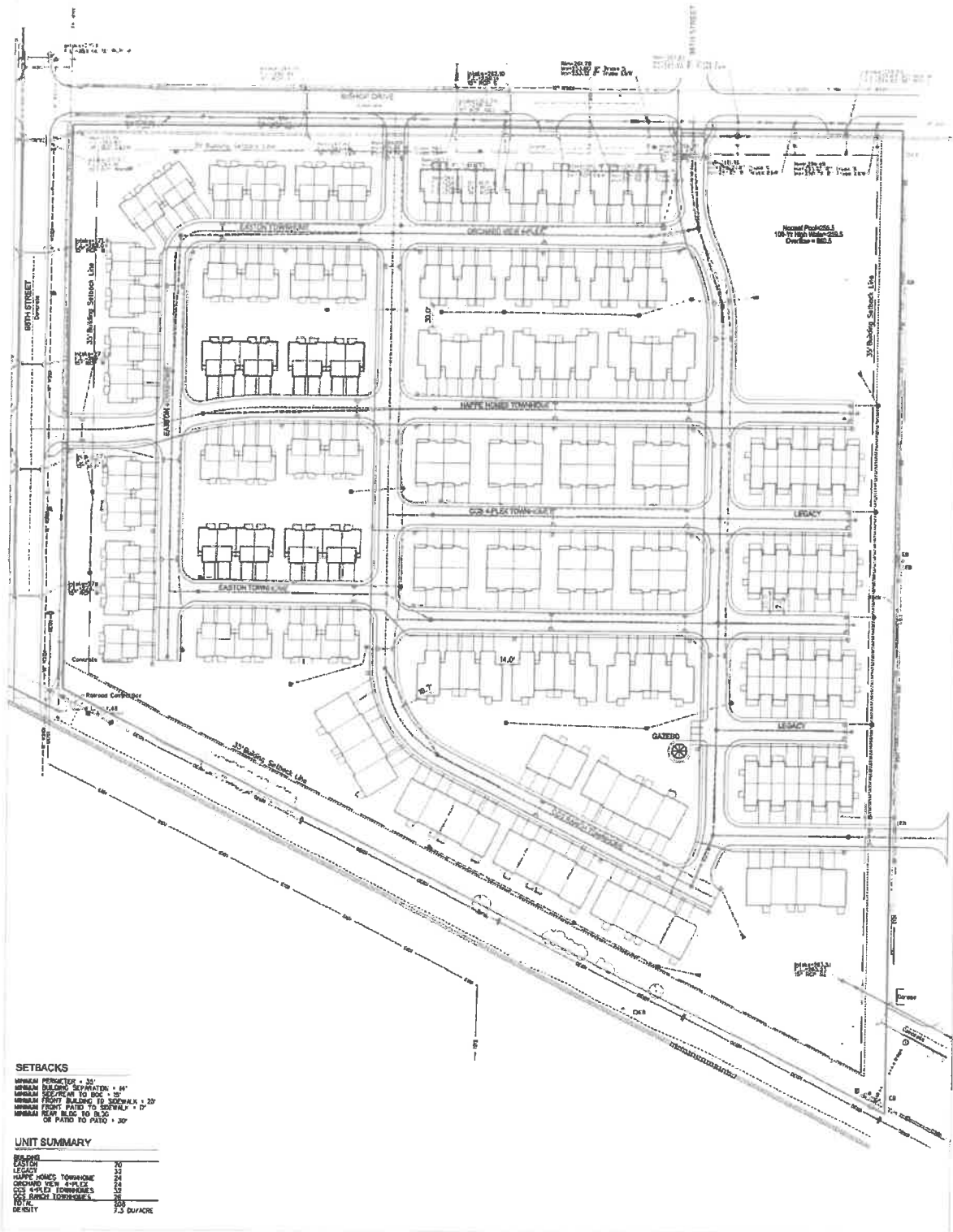
WEST PARK  
69  
LOT LAYOUT PLAN



Preliminary Plat/Site Plan  
West Park  
Southeast Corner of  
98<sup>th</sup> Street and University Avenue



# ATTACHMENT E



**SETBACKS**  
 URBAN FRONTYER + 30'  
 URBAN BUILDING SEPARATOR + 4'  
 URBAN SIDEYER TO SIDE + 10'  
 URBAN FRONT BUILDING TO SIDEWALK + 20'  
 URBAN FRONT PATIO TO SIDEWALK + 17'  
 URBAN REAR BLDG TO BLDG  
 OR PATIO TO PATIO + 30'

**UNIT SUMMARY**

LEGACY	20
EASTON	20
LEGACY	20
HAPPY HOMES TOWNHOME	24
ORCHARD VIEW 4-PLEX	24
CCS 4-PLEX TOWNHOMES	12
CCS 4-PLEX TOWNHOMES	12
TOTAL	100
DENSITY	7.5 DW/ACR



## Covenant Cove

117.0697.01

West Des Moines, Iowa | 02/12/2018

**Tragesser, Kara**

---

**From:** Abigail Perry <aperry@mvreit.com>  
**Sent:** Tuesday, February 20, 2018 12:27 PM  
**To:** Tragesser, Kara  
**Subject:** 98th and Bishop Drive

Kara,

Good afternoon. My name is Abigail Perry. I oversee Multifamily Asset Management for Missouri Valley REIT, the owner of 92West Apartments Homes, which is directly east of the property in question.

I received the attached notice several weeks ago and went to the City Hall in West Des Moines last night for the meeting scheduled on the letter. I found the building closed for the holiday and notice of the meeting being for tonight. I assume it must have gotten moved due to the holiday and follow up notices not sent out. Unfortunately my schedule does not allow me to be present for the meeting tonight.

I did however want to share our experience in Des Moines, which I was hoping to share in person, but as mentioned, won't be able to.

I was curious of the plans for the townhomes were to build homes that would be sold (presumably as condos), or for more multifamily rentals? Based on our experience and continued market studies we've done, we have some concerns about the Des Moines market. We purchased our property in West Des Moines just over a year ago and have found West Des Moines to be overbuilt in this segment. We bought our property from over 70 different condo owners, who vacated their units upon selling them, and thus have been in a lease up phase for the last year, much like a new property might be. What we are finding is that the multifamily climate in Des Moines is one of high concessions, which are driving down long term property values. We consider our property to be a solid class B property and have found brand new, class A properties that are matching our pricing. While we are finding success in renting, it has not been easy and we do not believe Des Moines to be on a good path if corrections are not made. The constructions of more new multifamily property does not seem to be in the community's best interest, and this area of town is already very densely filled with multifamily properties.

While my intent in this particular case is not to entirely change your mind on this one parcel of land, I was hoping to take the opportunity to speak into the matter and voice our concerns as investors in this town. We believe Des Moines, and West Des Moines in particular, to be a wonderful community that we were excited to be a part of, however, the current multifamily climate is not profitable if it continues down this path.

Thanks for your time.

**Abigail Perry**  
Portfolio Manager  
Missouri Valley REIT Management, LLC  
1414 E. Primrose, Suite 100  
Springfield, MO 65804  
Direct: 417-218-0778  
Office: 417-413-4687  
Mobile: 417-840-1506

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## EXHIBIT II

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

### RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING THE COMPREHENSIVE PLAN AMENDMENT (CPA-003710-2017) TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY LOCATED SOUTH OF BISHOP DRIVE AND WEST OF 98<sup>TH</sup> STREET FROM MANUFACTURED HOMES TO MEDIUM DENSITY RESIDENTIAL**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq. of the West Des Moines Municipal Code, Covenant Cove LLC, with permission from the property owner, M E & E LLC, has requested approval for a Comprehensive Plan Amendment to amend the Comprehensive Plan Land Use Plan for the property legally described as follows and as illustrated in Exhibit A:

### **Legal Description**

West Park Plat 1 Lot 3 Parcels A, B, and C, an official plat now in and forming a part of the City of West Des Moines, Dallas County, Iowa and containing 28.94 acres

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

**WHEREAS**, on February 26, 2018, the Plan and Zoning Commission did recommend the City Council approve the Comprehensive Plan Amendment;

**WHEREAS**, on March 5, 2018, this City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment;

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

**SECTION 1.** The findings, for approval, in the staff report for the hearing or as amended orally at the City Council hearing are adopted.

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

PASSED AND ADOPTED on March 5, 2018.

---

Steve Gaer  
Mayor

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on March 5, 2018, by the following vote:

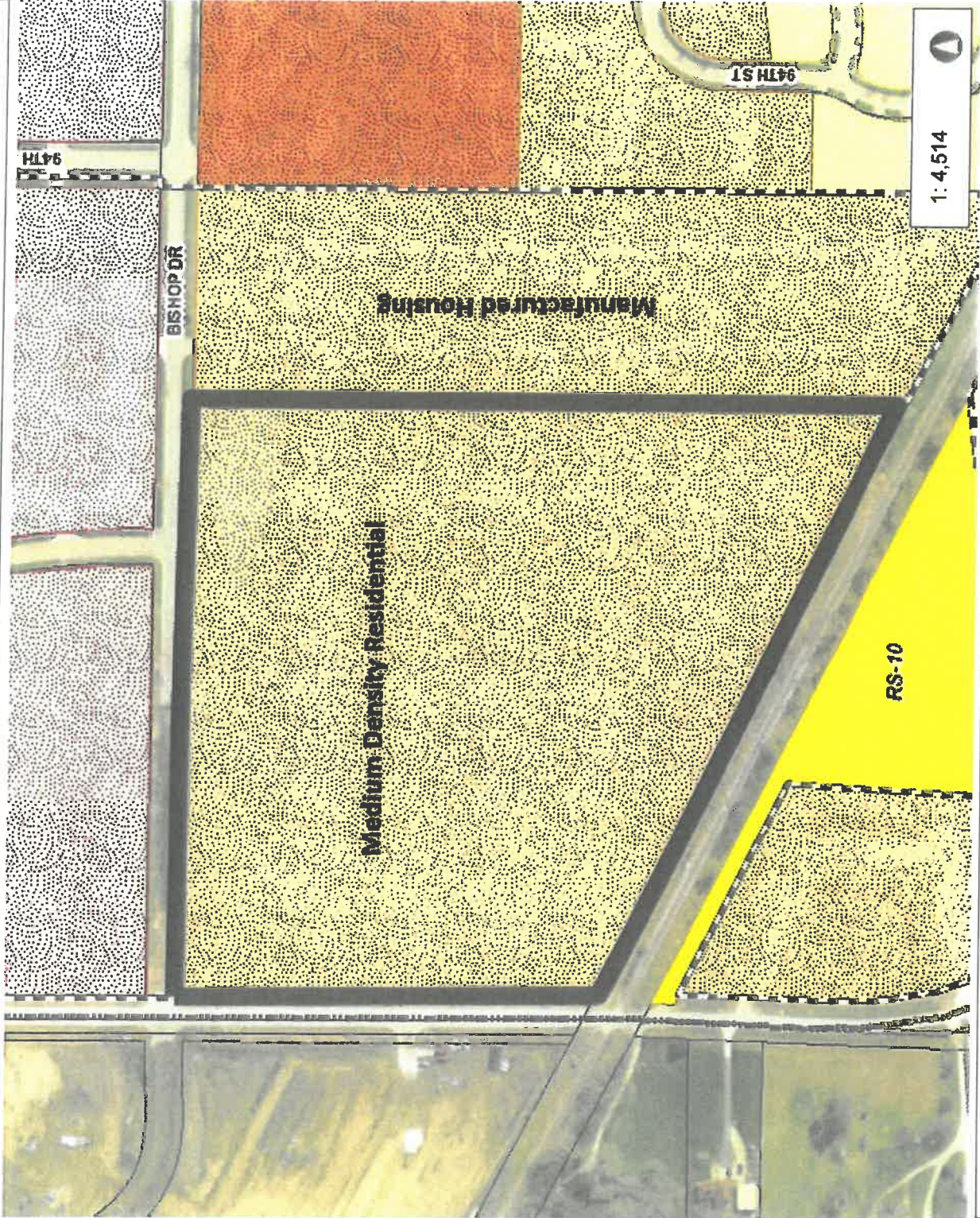
ATTEST:

---

Ryan Jacobson



# Land Use Amendment Manufactured Housing to Medium Density Residential



1 : 4,514

752.3

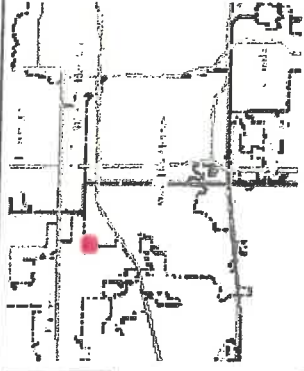
0 376.17

752.3 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City of West Des Moines, Iowa



## Legend

- Zoning Area Labels
- Overlay District
- Zoning Conditional Zones
- Zoning PUD Boundaries
- Zoning
- Unzoned
- Open Space/Agricultural (OS)
- Residential Estate (RE)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Single-Family - Commerce Resider
- Single-Family - Valley Junction Res
- Manufactured Housing (MH)
- Residential Medium-Density (RM)
- Residential High-Density (RH)
- Neighborhood Commercial (NC)
- Convenience Commercial (CVC)
- Valley Junction Historic Business (VJH)
- Valley Junction Commercial (VJC)
- Community Commercial (CMC)
- Support Commercial (SC)
- Regional Commercial (RC)
- Office (OF)
- Professional Commerce P
- Warehouse Retail (WR)
- Business Park (BP)
- Valley Junction Light Indus
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space
- PUD - Single Family Reside

## EXHIBIT A



Prepared by: K Tragesser, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265 515-222-3620  
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265 515-222-3603  
Tax Statement: Not Applicable

**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES FOR THE 98<sup>TH</sup> STREET (#35) PUD**

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

**SECTION 1. AMENDMENT:** Amend Ordinances, 1095, 1253, 1277, 1402, and 2077, to amend Section 2, Sketch Plan by deleting the entire section text and replacing it with the following:

Attached hereto and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan Document for the 98<sup>th</sup> Street PUD marked Exhibit "A". Wherever conflict occurs between the written text in this document and the notations on the Sketch Plan, the written text shall prevail. The Sketch Plan is a graphic representation of the property included in the PUD delineating the approximate location and configuration of the Parcels for the purpose of easier reference for the applicable regulations of this Ordinance.

**SECTION 2. AMENDMENT:** Amend Ordinances, 1095, 1253, 1277, 1402, and 2077, to amend Section 3, Conditions, Subsection B, Land Use Design Criteria by adding text in bold lettering and deleting text in strikethrough and highlighted text as follows:

B. Land Use Design Criteria: In addition to the general conditions as stated in subsection A above, the following land use design criteria shall apply to the development areas designated by parcel on the sketch plan. The sketch plan ~~document which is made a part of this rezoning action per section 035-02 of this ordinance, delineates~~ **identifies three** ~~(3)~~ **four** parcels of the PUD as parcels A, B, **C and D** ~~C and D~~ for application of specific standards of land use and development regulations. The following development standards and use regulations shall apply to each of the individual parcels as applicable.

**Access roadway connection between PUD Parcel C and D: Each development site in the PUD is required to have two access locations for emergency services that are distanced apart according to the West Des Moines Fire Code. The site plan for the original PUD Parcel C, now to be split creating a new Parcel C and a new Parcel D, provided a roadway access location in the southwest corner of what is now PUD Parcel D as a continuation of the mobile home park development planned for PUD Parcel C. With the change in zoning contained herein and the predictable change in development of new PUD Parcel C, the planned access at the southeast corner shall either be extended to Bishop Drive or 98th Street prior to or in conjunction with the development of new PUD Parcel C. A cross access ingress/egress easement will be required to enable the free access of vehicles between the two PUD Parcels. This access shall be provided within 180 days of the adoption of this PUD, unless an alternative time frame is approved by the City Council.**

**SECTION 3. AMENDMENT:** Amend Ordinances, 1095, 1253, 1277, 1402, and 2077, to amend Section 3, Conditions, Subsection B, Land Use Design Criteria, Paragraph 2 Parcel C by renumbering that paragraph from Paragraph 2, Parcel C to Paragraph 3, Parcel D and inserting a new Paragraph 2, Parcel C as follows:

2. Parcel C: All general use regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for Medium Density Residential (RM-8) shall apply to any development proposal for the property and as provided for in the following regulations.

- a. Required Plans: In conjunction with development of any portion of Parcel C, the following plans are required:
  - 1) Preliminary Plat and Final Plat: Parcel C shall be platted in accordance with the City's Subdivision Ordinance. Parcels created via the Plat-of-Survey process and platted Outlots identified on a plat shall be unbuildable until such time that the plat-of-survey parcel and/or Outlot is re-platted into a developable lot via the Preliminary and Final Platting processes.
  - 2) Site Plan: Prior to the development of Parcel C, site plan approval shall be obtained by the appropriate approval body through the development process.
- b. Parkland Dedication: Parkland Dedication is required by City Code for all residential plats and residential site plans. The calculated dedication amount includes the use of a factor per dwelling unit to determine the amount of park and greenway land. A Parkland Dedication Agreement, acceptable to the Parks and Recreation Department, detailing the specifics related to the park and greenway dedication requirements for the development of Parcel C will be required prior to site plan approval.
- c. Mailboxes: The Developer shall be responsible for installation of any required Cluster Box Units (CBUs / mailboxes) as per the local U.S. Postal Service. The CBUs shall be located no closer than 100 feet from the curbs of 98<sup>th</sup> Street and Bishop Drive in order to minimize the probability of vehicles queuing back onto adjacent public streets. No CBUs will be allowed on 98<sup>th</sup> Street or Bishop Drive.
- d. Street Lighting: The Developer shall be responsible for all costs associated with the installation of public street lights within or adjacent to any area proposed to be platted or included within a development.
- e. Sanitary Sewer: A master sanitary sewer analysis has been conducted for this parcel. A specific sanitary sewer analysis with the platting of the property or a residential site plan and any future change in approved land use densities for the PUD will require an analysis of the downstream sanitary sewer capacity to assure that adequate capacity is available for the proposed change in approved land use densities.
- f. Signage: Signage shall comply with all provisions and standards of Title 9, Chapter 18 for the Residential Medium Density (RM) Zoning District. Under the authority of the City's Fire Marshal, Development Directory Boards may be required. Said boards shall be of a design as specified by the Fire Marshal and shall be located per the Fire Marshal in a location on private property outside of public street rights-of-way and utility easements.
- g. Traffic Study: A traffic study was prepared for the amendment to the PUD to allow Residential Medium Density in December 2017. Average weekday trips for the PUD parcel are 120 PM Peak and 102 AM Peak trips. Further traffic studies will be required for development proposals to verify that the provisions in the December 2017 study still are valid and determine if the study's recommendations need to be changed.
- h. Streets and Right-of-way: The developer will be responsible for construction of public or private streets within the development. Public streets will be constructed to West Des Moines design standards. Private streets constructed within the development shall be constructed to public street standards, with the exception that rolled curbs will be allowed on the private street.

98th Street is classified as a major collector which requires 100 feet of total right-of-way or 50 feet from the center of the right-of-way adjacent to the subject property. The developers will be obligated to provide any additional right-of-way by fee title in conjunction with the approval of any development or subdivision.

- i. Storm Water Management Plan: A master storm water management plan was completed in December 2017. Storm water management plans will be required for platting or site plans for Parcel C. Upon implementation of

storm water management facilities, a Storm Water Management Facility Maintenance Agreement is required to be executed and as-built drawings are required to be submitted.

- j. Sidewalks: The development of Parcel C will be required to include construction of the public sidewalks along all public streets, including 98<sup>th</sup> Street and Bishop Drive. Sidewalks along private streets are encouraged to provide pedestrian connection to the public sidewalks bordering the property.
- k. Public Improvements: Any proposed public improvement will require submittal of separate detailed construction plans to staff for review and approval by the City Engineer prior to installation of any improvements. The City charges an hourly fee for site inspection/observation during the installation of all public improvements. In addition, 4-year maintenance bonds will need to be provided for any installed public improvements. Easements, when required, will be required for public improvements for access and maintenance. Adequate easement widths will need to be provided in accordance with DSM Metro Design Standards and WDM Addendums (minimum 30' or twice the depth, whichever is greater).
- l. Parking requirements: Number of parking stalls to be provided shall be compliant with City Code, Title 9, Chapter 15. For any residential dwelling intended as owner occupied and/or for which a condominium regime is established, a minimum of one (1) of the required spaces for each unit shall be as an enclosed parking space. This parking space shall be a minimum of 19' x 9' and may be designed as a free standing garage, attached garage or multiple garage spaces within an enclosure. A specific covered parking space shall be designated for and legally tied to each dwelling unit. The covered space must be for the exclusive use of the occupant of the dwelling unit and cannot be rented or purchased by a 3<sup>rd</sup> party, even if the dwelling unit is rented.
- m. Land Use Design Criteria: All general use regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for Medium Density Residential (RM-8) shall apply to any development proposal for the property, unless noted otherwise in this ordinance.
  - 1) Building Setbacks: Setbacks for parcel C shall be as follows:
    - a. Perimeter setback (to adjacent properties and public street right of way): A minimum of thirty five feet (35') from the property line. Covered porches, decks, patios, accessory structures, etc., shall not encroach into the required perimeter setback.
    - b. Front yard setback (adjacent to private streets): A minimum of twenty five feet (25') from the face of the garage to the curb of the private street or sidewalk if such is provided, whichever is closer. Porches, decks or patios are allowed to encroach up to eight feet (8') into the twenty five foot (25') front yard setback.
    - c. Side yard setback (adjacent to private streets): Fifteen feet (15') to curb of private streets, if no driveway is present; no porches, decks or patios can encroach into the fifteen foot (15') side yard setback.
    - d. The required thirty five foot (35') perimeter building setback and the required landscape buffers are allowed to overlap.
  - 2) Building Separation:
    - a. For two-story attached townhomes with four (4) units or less in a row, there shall be a minimum building separation of fourteen feet (14') between buildings or outdoor spaces (patios, decks, etc.), if such is provided.
    - b. For two-story attached townhomes with more than four (4) units per building, including back-to-back structures or three-story or greater attached townhomes with four (4) units or less, there shall be a minimum building separation of twenty feet (20') between buildings or outdoor spaces (patios, decks, etc.), if such is provided.
    - c. For three-story or greater attached townhomes with more than four (4) units per building, there shall be a minimum building separation of thirty feet (30') between buildings or outdoor spaces (patios, decks, etc.), if such is provided.
- n. Buffers: A 30 foot buffer is required adjacent to 98<sup>th</sup> Street for the development of Parcel C. A 30 foot buffer is required adjacent to the right-of-way for the railroad line running along the southern boundary of Parcel C. If the density of PUD Parcel C is greater than 50 percent of the density of PUD Parcel D, then a 30 foot buffer will be required between PUD Parcel C and D. If the development of PUD Parcel C results in the rear façade of dwelling units to be facing Bishop Drive, then a 30 foot buffer is required along Bishop Drive. The landscape and berming standards of Title 9, Chapter 19, Landscaping will be applied to all buffers, except for the buffer

along the property line adjacent to the railroad, which shall be planted at one-half (1/2) the landscape requirements of a 30 foot buffer.

- o. **Architecture:** The intent of the building design is to encourage a sense of place. Building facades throughout the development shall be varied and articulated to provide visual interest, human scale and to establish a unique identity for the development and the dwellings within a cohesive design theme. Building design should address the need for private space, promote interaction and connection within the development, yet balance the functional and security needs of the residents and visitors.
  - 1) In general, building design for multi-family buildings shall provide a creative presentation utilizing variations in massing, building materials, details and treatment of windows and doors. All facades of the building shall be treated with the same level of architectural style and detail (360 degree architecture), however, the level of detail can be reduced on the facades not visible from a street (public or private) or visible to adjacent property surrounding the development. The level of detail on a façade may also be reduced if a landscape buffer or other method is installed to break up building expanses and mitigate views from the street or adjacent property.
  - 2) **Massing:** Building form shall be articulated, dividing large buildings into smaller elements organized on the dwelling units. Changes in materials should be aligned with changes in plan or roof form to emphasize these changes in building mass. Building design that is repetitive in form and material use should be avoided.
  - 3) **Materials:** Materials, detail, and color choices shall be selected to provide continuity, resulting in a cohesive building appearance and to unite all structures within the development. Materials should be durable, substantial and of a quality that will maintain their appearance over a prolonged time. Unit masonry (brick or stone) shall be incorporated on all sides of the building visible from public and private streets, predominantly on the base (lowest) story of the building, organized with the other exterior materials along with trim and details to provide visual interest for these sides, emphasize variations in building mass, and reinforce the design theme. Non masonry finishes can encompass the remaining area, combining a variety of colors and textures along with trim and details to provide visual interest within the development and reinforce the human scale.
    - i. Use of natural materials is encouraged, composite materials such as fiber cement and wood composites are appropriate substitutions for non-masonry cladding.
    - ii. Vinyl or metal siding may be used only with appropriately scaled trim.
    - iii. Non-traditional materials such as metal panels or concrete masonry units and composite materials simulating the appearance of unit masonry may be utilized after review by the Director of Development Services to determine that the use of these alternate building materials enhances the physical appearance and accomplishes a compatible design within the residential context of the development.
    - iv. Materials should change with the change in building plane and be arranged to have the appearance of three-dimensional elements.
    - v. Variation in materials, material modules, expressed joints, textures, colors and details should be used to break up the mass of the buildings.
    - vi. Trim and structural elements such as posts or columns shall be sized to the scale of the building.
  - 4) **Rooflines:** Roof overhangs shall be of sufficient size and projection to be in proportion to the scale of the building.
  - 5) **Entryways:** Building entries serving the public should be designed as a visual focal point and provide human scale to a typically large-scale building. Secondary or unit entries for the building can be less prominent in design, yet still provide a recognizable entry point and shelter from the elements.
  - 6) **Fenestration:** Efforts should be made to place windows and doors to promote the linkage of the interior and exterior of buildings and provide natural light. Door and window openings shall be incorporated on all sides of the building.
  - 7) The architectural details of any common use buildings such as a clubhouse and detached accessory structures such as garages shall incorporate the same building forms, materials, treatments and the architectural style of the primary buildings. Portions of accessory buildings visible from any street or adjacent property shall incorporate same level of detail, including fenestration, as the primary buildings
  - 8) Garages facing any street should be set back from the entry façade (measured from the wall containing the entry door or front edge of the porch) or be designed to minimize their appearance. The following building design options to mitigate the dominant appearance of the garage shall be incorporated when the garage façade is in front of the entry facade:

- i. Limiting the dwelling unit arrangement to no more than 4 attached units with the garage fronting on a single façade or detached garage size to no more than 7 bays.
- ii. Providing side entry garages for the end units of a building.
- iii. Enhanced garage facade design such as the addition of engaged columns, secondary roof forms or decorative garage doors.

**SECTION 4. AMENDMENT:** Amend Ordinances, 1095, 1253, 1277, 1402, and 2077, to amend Section 3, Conditions, Subsection B, Land Use Design Criteria, Paragraph 3 Parcel D by finding and replacing all occurrences of the text “Parcel C” with “Parcel D” under this paragraph.

**SECTION 5. AMENDMENT:** Amend Ordinances, 1095, 1253, 1277, 1402, and 2077, to amend Section 3, Conditions, Subsection B, Land Use Design Criteria, Paragraph 3 Parcel D Subparagraph F. Buffers by deleting text in strikethrough and highlighted lettering and adding text in bold lettering, as follows:

F. Buffers: ~~A thirty foot (30') buffer park shall be required for all lots bordering 98th Street and no driveway access to individual lots shall be permitted from 98th Street.~~ A fifteen foot (15') buffer park shall also be required for lots along the railroad right-of-way with planting requirements equal to seventy five percent (75%) of the total planting requirements of the thirty foot (30') buffer park requirements of the West Des Moines Buffer Ordinance. In addition, a thirty foot (30') buffer park shall be established along the east boundary line of Parcel C. Landscaping and berming of all buffer parks shall be provided in accordance with the West Des Moines **Buffer Landscape** Ordinance.

**SECTION 6. AMENDMENT:** Amend Ordinances, 1095, 1253, 1277, 1402, and 2077, to amend Section 3, Conditions, Subsection B, Land Use Design Criteria, Paragraph 3 Parcel D Subparagraph K. Perimeter Housing by deleting text in strikethrough and highlighted lettering and adding text in bold lettering, as follows:

K. ~~Perimeter Housing: Any lots or dwelling unit sites adjacent to 98th Street and the adjoining property to the east, shall be sized and limited to a double wide (minimum building width of 28 feet) home so as to blend in with the other residential housing types within the City. Double wide lot widths shall not be required along Bishop Drive the east west public street to the north of Parcel C, provided that the widest width of the factory built home is parallel or facing the direction of the public street.~~ No direct **driveway** access shall be allowed onto **Bishop Drive** ~~said east west public street from the individual lots.~~

**SECTION 7. SAVINGS CLAUSE:** If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 8. EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on 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

98TH STREET PUD  
 PUD AMENDMENT SKETCH

**SNYDER & ASSOCIATES, INC.**  
 2727 S.W. SNYDER BLVD  
 ANKENY, IOWA 50023  
 515-964-2020 | www.snyder-associates.com

WEST DES MOINES, IOWA

Project No: 1170697  
 12/1/17  
 12/1/17

Sheet 1 of 1

MARK	DATE	BY
1	02/27/18	ARS
REVIEWED FOR CITY COMMENTS		
CHANGED BY:	REVISION:	DATE
CDD	BKC	12/1/17
Approved By:		
AMS		
Project No: 1170697		

**PROJECT LOCATION**



SCALE: 1" = 2000'  
 VICINITY MAP

**PROPERTY DESCRIPTION**  
 PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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**CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION**

**Date: March 5, 2018**

**ITEM:** Amendment to City Code – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 6 (Commercial, Office and Industrial Zoning District), and add Chapter 20 (Medical Cannabidiol) to establish regulations and allowances related to medical cannabidiol – City Initiated (AO-003797-2018)

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

Note: Due to the importance and time sensitive nature regarding this item, the City Council may conduct a first reading, waive the second and third readings, and vote on adoption of this ordinance in final form.

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The City of West Des Moines requests an amendment to Title 9 (Zoning) to establish regulations and allowances related to medical cannabidiol manufacturing facilities and dispensaries. Specific chapters and sections to be amended are as noted below.

- Title 9 (Zoning):
  - Chapter 2 (Zoning Rules and Definitions), Section 2 (Definitions)
  - Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 8 (Agricultural/Open Space and Residential Use Regulations), Table 5.3
  - Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations), Table 6.1
  - **NEW** Chapter 20 (Medical Cannabidiol)

Plan and Zoning Commission Action:

Vote: 6-1 Approval

Date: February 26, 2018

Motion: Approve a resolution recommending the City Council adopt an amendment to City Code.

Commissioner Southworth was the dissenting Commission member on the vote. The Commissioner noted for the record that she believes this amendment is premature and the City should hold off on amending code to enable these uses until further details are provided on the state's implementation of the Medical Cannabidiol Act.

**OUTSTANDING ISSUES:** Staff would note the following and request direction on whether the City Council would like to modify the ordinance:

Subsequent to the Plan and Zoning Commission meeting, staff received information regarding three sites being considered for a dispensary location from interested parties of the State's Request for Proposals (RFP) for licensed dispensaries. These sites fall in the following zoning classifications:

- Potential site located in a Community Commercial district, site appears to have no separation issues and per the current ordinance would be permitted in this district.
- Potential site located in a Neighborhood Commercial district. This proposal is located in a district where dispensaries are a Permitted use, however it does appear to have separation issues as a daycare and preschool facility is located across the street from the site. Per the current ordinance, this site would not be acceptable due to separation requirements from childcare facilities stated within the ordinance. The State only has separation requirements for dispensaries from schools, and does not specifically require a separation from childcare facilities. Under the premise that the school separation was to ensure separation from children, staff proposed to include the separation from childcare facilities. **If the City Council does not wish to impose separation requirements more than what the State requires and thus not include a separation requirement from childcare facilities, the approval of the First Reading of the ordinance will need to include direction to remove requirements for separation from daycare and preschool facilities.**

- Potential site located in a General Industrial district. Per the proposed ordinance, manufacturing of medical cannabidiol is only allowed in the General Industrial district, while a dispensary (retail aspect) is being allowed consistent with where Pharmacies are currently allowed within city code which is in all commercial districts. Per the current ordinance, this site would not be acceptable due to its zoning classification. **If the City Council wishes to expand the districts in which dispensaries are allowed, the approval of the First Reading of the ordinance will need to include direction to add the use to zoning districts that they desire (Division G: Retail Trade land use table) .**
- Other sites within West Des Moines could be under consideration that staff is not aware of. Although there are multiple sites under consideration in the City, the State intends to license up to five dispensaries with the current RFP process. The RFP notes that the intent is to have statewide access when determining dispensary locations. To accomplish this, it is unlikely that multiple dispensary facilities will be located in the metro area when these licenses are awarded.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant’s Request
- City Council Subcommittee –*Development & Planning (2/20/2018); ‘Other Matters’ Full Council 2/20/2018*
- Staff Review and Comment
  - *Definitions*
  - *Uses*
  - *Chapter 20 (Medical Cannabidiol)*
- Noticing Information
- Staff Recommendation and Conditions of Approval

**RECOMMENDATION:** Based upon the preceding review, the Plan and Zoning Commission recommends the City Council approve of the amendment to City Code Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 6 (Commercial, Office and Industrial Zoning District), and add Chapter 20 (Medical Cannabidiol) to establish regulations and allowances related to medical cannabidiol.

Summary of City Council Actions:

ORDINANCE: Approval of First Reading of the Ordinance  
 MOTION: Suspend Rule 36 of the City Council Procedural Rules to allow Waiver of the Second and Third Readings of the Ordinance  
 ORDINANCE: Adopt the Ordinance in Final Form

Lead Staff Member: Linda Schemmel, AIA *LS*

**Staff Reviews:**

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

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

Published In	Des Moines Register
Date(s) Published	February 26, 2018
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	February 20, 2018		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

Note: Due to the limited time available prior to the scheduled meetings, staff placed notice of the hearings on the main page of the city’s website in addition to publication in the *Des Moines Register*.



ATTACHMENTS:

- Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan & Zoning Commission Resolution
- Exhibit A - Proposed Ordinance (*moved to Exhibit II*)
- Exhibit II - Ordinance

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

**Meeting Date:** February 26, 2018

**Item:** Amendment to City Code – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 6 (Commercial, Office and Industrial Zoning District), and add Chapter 20 (Medical Cannabidiol) to establish regulations and allowances related to medical cannabidiol – City Initiated (AO-003797-2018)

**Request Action:** Recommend approval of an amendment to City Code

**Case Advisor:** Linda Schemmel, AIA

**Applicant's Request:** The City of West Des Moines requests an amendment to Title 9 (Zoning) to establish regulations and allowances related to medical cannabidiol manufacturing facilities and dispensaries. Specific chapters and sections to be amended are as noted below.

- Title 9 (Zoning):
  - Chapter 2 (Zoning Rules and Definitions), Section 2 (Definitions)
  - Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 8 (Agricultural/Open Space and Residential Use Regulations), Table 5.3
  - Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations), Table 6.1
  - NEW Chapter 20 (Medical Cannabidiol)

**City Council Subcommittee:** This item was discussed at the February 20, 2018, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance. Additionally, the matter was discussed with the full Council as an 'Other Matters' item at the February 20<sup>th</sup> meeting. The proposed ordinance reflects direction provided to staff at that meeting.

**Staff Review and Comment:** There are no outstanding issues. The proposed amendment includes the following changes and additions (also see Attachment A, Exhibit A – Proposed Ordinance):

- **Definitions:**
  - Adding definitions in Chapter 2 for Agriculture Production (Crops, Livestock and Animal Specialties) as well as Gardens (Commercial, Recreational and Community). The definitions are included in order to establish a clear distinction between marijuana related operations and general agriculture facilities. Also adding a definition for Marijuana.
- **Uses:**
  - Incorporating Agriculture Production (cultivation) uses related to Medical Cannabidiol in Agricultural/Open Space and Residential Use Regulations.
  - Incorporating Agriculture Production, Manufacturing, Wholesale Trade and Retail Trade uses related to Medical Cannabidiol in Commercial, Office and Industrial Use Regulations.
- **Chapter 20 (Medical Cannabidiol):** New chapter that contains the following:
  - Definitions related to separation requirements
  - Requirements on separation distances from sensitive uses and from another medical cannabidiol facility.
  - Security requirements
  - Signage regulations

**Noticing Information:** On February 26, 2018, notice of the February 26, 2018, Plan and Zoning Commission and March 5, City Council public hearings for this project was published in the Des Moines Register. Due to the limited time available prior to the scheduled meetings, staff placed notice of the hearings on the main page of the city's website.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

Attachment A – Plan and Zoning Commission Resolution

Exhibit A – Proposed Ordinance

**RESOLUTION NO. PZC-18- 008**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), AND ADD CHAPTER 20 (MEDICAL CANNABIDIOL) TO ESTABLISH REGULATIONS AND ALLOWANCES RELATED TO MEDICAL CANNABIDIOL**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 (*Zoning*), Chapter 2 (*Zoning Rules and Definitions*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), and add Chapter 20 (*Medical Cannabidiol*) to establish regulations and allowances related to medical cannabidiol manufacturing facilities and dispensaries;

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

**WHEREAS**, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

**WHEREAS**, this Commission did consider the application for an amendment to ordinance;

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

**SECTION 1.** The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

**SECTION 2.** The AMENDMENT TO ORDINANCE (AO-003797-2018) to establish regulations and allowances related to medical cannabidiol manufacturing facilities and dispensaries is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on February 26, 2018.

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

ATTEST:

  
\_\_\_\_\_  
Jennifer Canaday  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on February 26, 2018, by the following vote:

AYES: Anderson, Costa, Crowley, Drake, Erickson, Hatfield

NAYS:

ABSTENTIONS: Southworth

ABSENT:

ATTEST:

  
Recording Secretary

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 BY AMENDING TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), AND ADD CHAPTER 20 (MEDICAL CANNABIDIOL) TO ESTABLISH REGULATIONS AND ALLOWANCES RELATED TO MEDICAL CANNABIDIOL MANUFACTURING FACILITIES AND DISPENSARIES.**

**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.

***AGRICULTURE PRODUCTION, CROPS: A commercial establishment (farms, orchards, greenhouses, nurseries) primarily engaged in the production of crops (grains, fruits, and vegetables), plants, vines, and trees for sale or for the production of other products.***

***AGRICULTURE PRODUCTION, LIVESTOCK AND ANIMAL SPECIALTIES: A commercial establishment (farms, ranches, dairies, feedlots, egg production or broiler facilities, hatcheries, and apiaries) primarily engaged in the keeping of animals for sale or for the production of animal products.***

***GARDEN, COMMERCIAL: See AGRICULTURE PRODUCTION, CROPS***

***GARDEN, COMMUNITY: A piece of ground on public or private property where vegetables, fruits, herbs or ornamental plants are cultivated for the use of others in addition to the owner or tenant, but not intended for commercial production.***

***GARDEN, RECREATIONAL: A piece of ground on private property where vegetables, fruits, herbs or ornamental plants are cultivated for the personal use of the owner or tenant.***

***MARIJUANA: The plant Cannabis Sativa L. or Cannabis Indica or any other plant that contains tetrahydrocannabinol.***

**Section 2. Amendment.** Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 8 (Agricultural/Open Space and Residential Use Regulations), Table 5.3 - Use Matrix is hereby amended by removing the text in highlighted strikethrough lettering and inserting the text in bold italic lettering.

TABLE 5.3 AGRICULTURAL USES/ANIMAL KEEPING										
Land Uses		OS	RE	RS	R-1	SF-CR	SF-VJ	MH	RM	RH
Animals, wild by nature		Pc	Pc							
Dogs and cats		P	P	P	P	P	P	P	P	P
Other household pets		P	P	P	P	P	P	P	P	P
<del>01</del>	<del>Agriculture production – crops</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<b>01</b>	<b><i>Agricultural production - crop production outdoors</i></b>									
<b>011</b>	<b><i>Cash Grains</i></b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>013</b>	<b><i>Field Crops Except Cash Grains</i></b>	<b>P</b>								
<b>016</b>	<b><i>Vegetables and Melons</i></b>									
<b>017</b>	<b><i>Fruit and Tree Nuts</i></b>									
<b>019</b>	<b><i>General Farms, Primary Crop Production</i></b>									
<b>018</b>	<b><i>Horticultural Specialties – Other than cultivation of Marijuana</i></b>	<b>P</b>								
	<b><i>- Cultivation of Marijuana with or without a license as a Medical Cannabidiol Manufacturer</i></b>									
<b>01</b>	<b><i>Agricultural production – crop production under cover</i></b>									
<b>018</b>	<b><i>Horticultural Specialties – Other than cultivation of Marijuana</i></b>	<b>P</b>								
	<b><i>- Cultivation of Marijuana as part of a Licensed Medical Cannabidiol Manufacturer Must comply with the State’s Medical Cannabidiol regulations</i></b>									
	<b><i>- Cultivation of Marijuana without a license as a Medical Cannabidiol Manufacturer</i></b>									
<b>02</b>	<b><i>Agriculture production – livestock and animal specialties</i></b>	<b>P</b>	<b>Pc</b>							

**Section 3. Amendment.** Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6, (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 - Use Matrix is hereby amended by adding the text in bold italic lettering and removing the text in highlighted strikethrough lettering.

TABLE 6.1

DIVISION A - AGRICULTURE, FORESTRY AND FISHING

SIC CODES	RC	CMC	NC	CV	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
<del>01</del> Agricultural production	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>			<del>P</del>	<del>P</del>		<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<i>01 Agricultural production - crop production outdoors</i>															
<i>011 Cash Grains</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>			<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>013 Field Crops Except Cash Grains</i>												<i>P</i>			<i>P</i>
<i>016 Vegetables and Melons</i>															
<i>017 Fruit and Tree Nuts</i>															
<i>019 General Farms, Primary Crop Production</i>															
<i>018 Horticulture Specialties – other than cultivation of Marijuana</i>												<i>P</i>			<i>P</i>
<i>- Cultivation of Marijuana with or without a license as a Medical Cannabidiol Manufacturer</i>															
<i>01 Agricultural production - crop production under cover</i>															
<i>018 Horticultural Specialties - Other than cultivation of Marijuana</i>								<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>			<i>P</i>
<i>- Cultivation of Marijuana as part of a Licensed Medical Cannabidiol Manufacturer</i>												<i>Pc</i>			
<i>Must comply with the State’s Medical Cannabidiol regulations</i>															
<i>- Cultivation of Marijuana without a License as a Medical Cannabidiol Manufacturer</i>															



072 Crop services											P	P	P				P
- <i>Cultivation of Marijuana as part of a Licensed Medical Cannabidiol Manufacturer</i>													<i>Pc</i>				
<i>Must comply with the State's Medical Cannabidiol Regulations</i>																	
- <i>Cultivation of Marijuana without a License as a Medical Cannabidiol Manufacturer</i>																	
0741 Veterinary services for livestock													P				P

**DIVISION D - MANUFACTURING**

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
283 Drugs								P	P	P	P	P			
- <i>Processing of Marijuana as part of a Licensed Medical Cannabidiol Manufacturer</i>												<i>Pc</i>			
<i>Must comply with the State's Medical Cannabidiol Regulations</i>															
- <i>Processing of Marijuana without a License as a Medical Cannabidiol Manufacturer</i>															

**DIVISION F – WHOLESALE TRADE**

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
512 Drugs, proprietary, and sundries								P	P	P	P	P			
- <i>Distribution of Medical Cannabidiol as part of a Licensed Medical Cannabidiol Manufacturer</i>												<i>Pc</i>			
<i>Must comply with the State's Medical Cannabidiol Regulations</i>															
- <i>Distribution of Medical Cannabidiol without a License as a Medical Cannabidiol Manufacturer</i>															

DIVISION G – RETAIL TRADE

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
591 Drugstores and proprietary stores	P	P	P	P	P	P	P	P							
- <b><i>Distribution of Medical Cannabidiol as part of a Licensed Medical Cannabidiol Manufacturer</i></b>  <i>Must comply with the State's Medical Cannabidiol Regulations</i>	<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>P</i></b>							
- <b><i>Distribution of Medical Cannabidiol without a License as a Medical Cannabidiol Manufacturer</i></b>															

Section 4. **Amendment.** Title 9 (*Zoning*), is hereby amended by adding the text in bold italic lettering to create a new Chapter 20:

***CHAPTER 20: MEDICAL CANNABIDIOL***

***9-20-1: PURPOSE:***

***In adopting this Chapter, it is recognized that Medical Cannabidiol facilities could have certain objectionable side effects which render these facilities inharmonious with residential and uses related to minor children. This Chapter seeks to ensure that residential and child-oriented uses, and Medical Cannabidiol facilities will be located in separate and compatible locations.***

***It is a subject of legitimate concern for the City to use its zoning power to protect and provide for the public health, safety, and general welfare of the city and to establish reasonable standards of design and procedures for Medical Cannabidiol facilities.***

***9-20-2: DEFINITIONS:***

***For the purposes of this title, the definitions provided in Iowa Code (2018) section 124E (Medical Cannabidiol Act) and Iowa Administrative Code chapter 154 (Medical Cannabidiol Program) are adopted and shall govern the meaning of language in this chapter unless such term is specially defined elsewhere within city code. In addition, the following definitions are adopted for this chapter:***

***CHILDCARE CENTER: A facility that provides childcare or preschool services as defined by Iowa Code (2005) section 237A.1(4), which is adopted by reference.***

***RELIGIOUS FACILITY: Any building or site whose primary use is public religious worship.***

***PRESCHOOL: A facility as defined by Iowa Code (2005) section 237A.1(14) which is adopted by reference.***

***SCHOOL: A public or private elementary, middle, junior or senior high school.***

***9-20-3: LOCATION OF PREMISES:***

- A. A Medical Cannabidiol Manufacturer must be located where the applicable zoning ordinance allows such land use. In addition, a licensed or permitted premises must be in compliance with applicable fire and building codes. No person, whether as principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any Medical Cannabidiol Manufacturer in the following locations:***

1. *In any single family or multi-family residential zoned area;*
  2. *Within one thousand feet (1,000') from any single family or multi-family residentially zoned or used property, or any property designated on the City's Comprehensive Plan as residentially oriented;*
  3. *Within one thousand feet (1,000') of any parcel of real property upon which is located a child care center, preschool, or school.*
  4. *Within one thousand feet (1,000') of any parcel of real property upon which is located a religious facility which conducts services and/or programs.*
- B. *A Medical Cannabidiol Dispensary must be located where the applicable zoning ordinance allows such land use. In addition, a licensed or permitted premises must be in compliance with applicable fire and building codes. No person, whether as principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any Medical Cannabidiol Dispensary in the following locations:***
1. *Within one thousand feet (1,000') of any parcel of real property upon which is located a child care center, preschool, or school;*
  2. *Within one thousand feet (1,000') of any other Medical Cannabidiol Dispensary.*
- C. *Measurement of Distance:***
1. *The distance between any two (2) Medical Cannabidiol Dispensaries shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.*
  2. *The distance between any Medical Cannabidiol facilities and any use requiring separation, shall be measured in a straight line, without regard to intervening structures, from the closest property line of the Medical Cannabidiol facility to the closest property line of the use requiring the separation.*

**9-20-4: SECURITY REQUIREMENTS:**

*Any Medical Cannabidiol production, manufacturing or dispensary operation shall be in an enclosed, locked facility and implement security provisions to address the following and in accordance with Iowa Code (2018) section 124E (Medical Cannabidiol Act) and Iowa Administrative Code chapter 154 (Medical Cannabidiol Program).*

- A. *Protection against unauthorized entrance***
- B. *Personnel identification system and facility access control***
- C. *Protection against theft of raw product, medical products, waste material or cash.***

**9-20-5: SIGNAGE:**

*Any Medical Cannabidiol production, manufacturing or dispensary operation shall comply with advertising and marketing provisions in accordance with the Iowa Code (2018) section 124E (Medical Cannabidiol Act) and Iowa Administrative Code chapter 154 (Medical Cannabidiol Program) and comply with the regulations contained in the City's Sign Ordinance (Title 9, Chapter 18 of City Code)*

**Section 5. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 6. 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 7. 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 8. 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 9. 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: March 5, 2018

**ITEM:** Amendment to City Code – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Zoning District), and Chapter 14 (Accessory Structures) to update regulations pertaining to small wind and solar energy generating systems and define and regulate electric vehicle charging stations. – City Initiated (AO-003769-2018)

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The City of West Des Moines requests an amendment to Title 9 (Zoning) to update the land use matrix for currently permitted solar energy systems, update definitions, setback distances, insurance and removal regulations pertaining to small wind energy generating systems and permit small wind energy generation systems in industrial, office and open space districts, define and regulate electric vehicle charging stations and permit them in all commercial, industrial and office zoning districts. Specific chapters and sections to be amended are as noted in Staff Review and Comment section of the Plan and Zoning Commission Communication (Exhibit I)

Plan and Zoning Commission Action:

Vote: 7-0 Approval

Date: February 26, 2018

Motion: Approve a resolution recommending the City Council adopt an amendment to City Code

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




The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- City Council Subcommittee (*Development and Planning, February 20, 2018*)
- Staff Review and Comment
  - *Small Wind Energy Conversion Systems*
  - *Small and Large Solar Energy Systems*
  - *Electric Vehicle Charging Stations*
- Noticing Information
- Staff Recommendation and Conditions of Approval

**RECOMMENDATION:** Based upon the preceding review, the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Zoning District), and Chapter 14 (Accessory Structures) to update regulations pertaining to small wind and solar energy generating systems and define and regulate electric vehicle charging stations.

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	February 17, 2018
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	February 20, 2018		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan & Zoning Commission Resolution
- Exhibit A - Proposed Ordinance (*moved to Exhibit II*)
- Exhibit II - Ordinance

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

**Meeting Date:** February 26, 2018

**Item:** Amendment to City Code – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office and Industrial Zoning District), and Chapter 14 (Accessory Structures) to update regulations pertaining to small wind and solar energy generating systems and define and regulate electric vehicle charging stations. – City Initiated (AO-003769-2018)

**Request Action:** Recommend approval of an amendment to City Code

**Case Advisor:** Linda Schemmel, AIA 

**Applicant's Request:** The City of West Des Moines requests an amendment to Title 9 (Zoning) to update the land use matrix for currently permitted solar energy systems, update definitions, setback distances, insurance and removal regulations pertaining to small wind energy generating systems and permit small wind energy generation systems in industrial, office and open space districts, define and regulate electric vehicle charging stations and permit them in all commercial, industrial and office zoning districts. Specific chapters and sections to be amended are as noted in Staff Review and Comment.

**City Council Subcommittee:** This item was discussed at the February 20, 2018, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance.

**Staff Review and Comment:** There are no outstanding issues. The proposed amendment includes the following changes (also see Attachment A, Exhibit A – Proposed Ordinance):

- **Small Wind Energy Conversion Systems**
  - *(Title 9, Chapter 6, Section 6, Table 6.1):* Adding as Permitted use to Light Industrial, General Industrial, Office, Professional Commerce Park and Open Space zoning districts. A Small Wind Energy Conversion Systems (SWECS) is wind energy conversion system which has a rated capacity of up to fifteen (15) kilowatts for energy production which is incidental and subordinate to a principal use on the same parcel. These systems are currently only allowed as a Permitted Conditional use in residential zoning districts.
  - *(Title 9, Chapter 14, Section 13, Subsection B, Definitions):* Adding office, industrial and open space uses to the definition of Small Wind Energy Conversion Systems to enable the use in non-residential zoning districts.
  - *(Title 9, Chapter 14, Section 13, Subsection C, General Regulations):* Revising the following items in general regulations for SWECS to be compatible with the solar energy ordinance:
    - Delete insurance requirement: Owner to demonstrate liability insurance of not less than one million dollars (\$1,000,000.00) coverage
    - Modify language in removal and maintenance requirements and delete right of entry requirement: Nonfunctional systems or systems that fall into disrepair will be considered a public nuisance and abated per the nuisance ordinance
  - *(Title 9, Chapter 14, Section 13, Subsection D, Bulk Regulations):* Adding requirements for SWECS in office and industrial districts adjacent to like zoning to be setback a distance equal to 100% of the total system height. Systems in Residential and Open Space districts as well as office and industrial parcels adjacent to dissimilar land uses will have setback requirements of 150% of the total system height.
- **Small and Large Solar Energy Systems**
  - *(Title 9, Chapter 6, Section 6, Table 6.1):* Updating use table to include currently permitted solar energy systems. A Small Solar Energy Systems (SSES) is solar energy system which has a rated capacity of up to fifteen (15) kilowatts for energy production. A Large Solar Energy System (LSSES) is solar energy system which has a rated capacity of over fifteen (15) kilowatts for energy production. Both systems are incidental and subordinate to a principal use on the same parcel.

- Electric Vehicle Charging Stations
  - (Title 9, Chapter 2, Section 2): Adding definitions for Electric Vehicle Charging Station and Renewable Energy Electric Vehicle Charging Station.
  - (Title 9, Chapter 6, Section 6, Table 6.1):
    - Adding Electric Vehicle Charging Stations as Permitted use to all Commercial, Industrial, Office and Open Space zoning districts. An Electric Vehicle Charging Station is consider a unattended fuel pump providing electrical power, solely for charging electric vehicles on site.
    - Adding Renewable Energy Electric Vehicle Charging Stations as Permitted use to all Commercial, Industrial, Office and Open Space zoning districts. A Renewable Energy Electric Vehicle Charging Station is considered an electric vehicle charging station that generates the majority of the electrical power it provides by wind or solar generation. These systems will have a short tower supporting a wind turbine and/or solar panels associated with the charging station.

**Noticing Information:** On February 17, 2018, notice of the February 26, 2018, Plan and Zoning Commission and March 5, City Council public hearings for this project was published in the Des Moines Register.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

- Attachment A – Plan and Zoning Commission Resolution
- Exhibit A – Proposed Ordinance



**RESOLUTION NO. PZC-18<sup>D</sup>006**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), AND CHAPTER 14 (ACCESSORY STRUCTURES) TO UPDATE REGULATIONS PERTAINING TO SMALL WIND AND SOLAR ENERGY GENERATING SYSTEMS AND DEFINE AND REGULATE ELECTRIC VEHICLE CHARGING STATIONS.**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to amend Title 9 (*Zoning*), Chapter 2 (*Zoning Rules and Definitions*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), and Chapter 14 (*Accessory Structures*) to update the land use matrix for currently permitted solar energy systems, update definitions, setback distances, insurance and removal regulations pertaining to small wind energy generating systems and permit small wind energy generation systems in industrial, office and open space districts, define and regulate electric vehicle charging stations and permit them in all commercial, industrial and office zoning districts;

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

**WHEREAS**, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

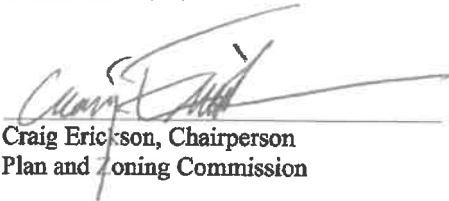
**WHEREAS**, this Commission did consider the application for an amendment to ordinance;

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

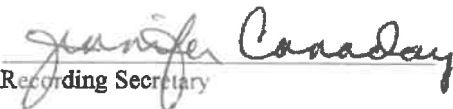
**SECTION 1.** The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

**SECTION 2.** The AMENDMENT TO ORDINANCE (AO-003769-2018) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on February 26, 2018.

  
Craig Ericson, Chairperson  
Plan and Zoning Commission

ATTEST:

  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on February 26, 2018, by the following vote:

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

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

  
Recording Secretary

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 BY AMENDING TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), AND CHAPTER 14 (ACCESSORY STRUCTURES) TO UPDATE REGULATIONS PERTAINING TO SMALL WIND AND SOLAR ENERGY GENERATION SYSTEMS, PERMIT SMALL WIND GENERATION SYSTEMS IN INDUSTRIAL, OFFICE AND OPEN SPACE DISTRICTS, DEFINE AND REGULATE ELECTRIC VEHICLE CHARGING STATIONS AND PERMIT THEM IN ALL COMMERCIAL, INDUSTRIAL AND OFFICE ZONING DISTRICTS.**

**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.

***ELECTRIC VEHICLE CHARGING STATION: A machine that is considered a fuel pump providing electrical power, solely for charging electric vehicles on site.***

***ELECTRIC VEHICLE CHARGING STATION- RENEWABLE ENERGY: An electric vehicle charging station that generates the majority of the electrical power it provides by wind or solar generation.***

**Section 2. Amendment.** Title 9 (*Zoning*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), Section 6, (*Commercial, Office and Industrial Use Regulations*), Subsection C, Table 6.1 - Use Matrix is hereby amended by adding the text in bold italic lettering.

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
49 Electric, gas and sanitary services															
491 Electric services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
- <b><i>Small Wind Energy Conversion System (See 9-14-13 of this title)</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>

- <i>Small Solar Energy System (See 9-14-13 of this title)</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
- <i>Large Solar Energy System (See 9-14-13 of this title)</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
- <i>Electric Vehicle Charging Station</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
- <i>Renewable Energy Electric Vehicle Charging Station</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**Section 3. Amendment.** Title 9 (Zoning), Chapter 14 (Accessory Structures), Section 13 (Small Wind Energy Conversion Systems), Subsection B (Definitions), is hereby amended by adding the text in bold italic lettering:

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS): A wind energy conversion system which has a nameplate rated capacity of up to fifteen (15) kilowatts for residential, **office, industrial and open space** uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered an SWECS only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa administrative code, as amended from time to time.

**Section 4. Amendment.** Title 9 (Zoning), Chapter 14 (Accessory Structures), Section 13 (Small Wind Energy Conversion Systems), Subsection C (General Regulations), is hereby amended by adding the text in bold italic lettering, removing the text in highlighted strikethrough lettering and renumbering the remaining sections:

~~13. Maintenance: Facilities shall be well maintained in an operational condition that poses no potential safety hazard.~~ **Facilities shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and may be abated in accordance with title 4, chapter 4, "Nuisances", of this code.**

~~23. Insurance: The owner/operator of an SWECS must demonstrate liability insurance of not less than one million dollars (\$1,000,000.00) coverage.~~

~~25. Removal: If the SWECS remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Nonfunction or lack of operation may be proven by reports from the interconnected utility. For off grid systems the city shall have the right to enter the property at its sole discretion to determine if the off grid system is generating power. Such generation may be proven by use of an amp meter. The owner/operator and successors shall make available to the director of development services or their designee all reports to and from the purchaser of energy from the SWECS if requested. If removal of towers and appurtenant facilities is required, the director of development services or designee shall notify the owner/operator.~~ **If the SWECS remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Should the**

*owner/operator fail to remove the system, the SWECS will be considered a public nuisance and will be abated in accordance with title 4, chapter 4, "Nuisances", of this code.*

~~26. Right Of Entrance: As a condition of approval of a permitted conditional use permit an applicant seeking to install SWECS shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the city of West Des Moines to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.~~

**Section 5. Amendment.** Title 9 (Zoning), Chapter 14 (Accessory Structures), Section 13 (Small Wind Energy Conversion Systems), Subsection D (Bulk Regulations), is hereby amended by adding the text in bold italic lettering and removing the text in highlighted strikethrough lettering:

~~1. Setbacks: The minimum distance between any SWECS and any property line shall be a distance that is equivalent to one hundred fifty percent (150%) of the total system height. The setback shall be measured from the property line to the point of the SWECS closest to the property line.~~ ***The minimum distance between any SWECS and any property line for residential uses, residential and open space zoned districts, or office and industrial zoned districts adjacent to dissimilar land uses shall be a distance that is equivalent to one hundred fifty percent (150%) of the total system height.***

***The minimum distance between any SWECS and any property line within office and industrial zoned districts adjacent to a like zoning district shall be a distance that is equivalent to one hundred percent (100%) of the total system height.***

***The setback shall be measured from the property line to the point of the SWECS closest to the property line.***

**Section 6. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 7. Savings Clause.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**Section 8. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**Section 9. Other Remedies.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**Section 10. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

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

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

ATTEST:

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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.

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Ryan T. Jacobson  
City Clerk

CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

Date: March 5, 2018

**ITEM:** Amendment to City Code – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) to allow within industrial zoning districts uses related to garbage collection and transport, unattended fuel pumps and public safety and order – City Initiated (AO-003768-2018)

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The City of West Des Moines requests an amendment to Title 9 (Zoning) to designate within the industrial zoning districts uses related to garbage collection and transport and unattended fuel pumps as Permitted Conditional (Pc) uses and designate uses related to public safety and order as Permitted (P). Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations), Table 6.1 will be amended to achieve this.

Plan and Zoning Commission Action:

Vote: 7-0 Approval

Date: February 26, 2018

Motion: Approve a resolution recommending the City Council adopt an amendment to City Code

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

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):




- Applicant’s Request
- City Council Subcommittee (*Development and Planning, February 20, 2018*)
- Staff Review and Comment
  - *Additional uses for Industrial zoning districts*
- Noticing Information
- Staff Recommendation and Conditions of Approval

**RECOMMENDATION:** Based upon the preceding review, the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) to designate within the industrial zoning districts uses related to garbage collection and transport and unattended fuel pumps as Permitted Conditional (Pc) uses and designate uses related to public safety and order as Permitted (P) uses.

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	February 17, 2018
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	February 20, 2018		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan & Zoning Commission Resolution
- Exhibit A - Proposed Ordinance (*moved to Exhibit II*)
- Exhibit II - Ordinance



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

**Meeting Date:** February 26, 2018

**Item:** Amendment to City Code – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) to allow within industrial zoning districts uses related to garbage collection and transport, unattended fuel pumps and public safety and order – City Initiated (AO-003768-2018)

**Request Action:** Recommend approval of an amendment to City Code

**Case Advisor:** Linda Schemmel, AIA 

**Applicant's Request:** The City of West Des Moines requests an amendment to Title 9 (Zoning) to designate within the industrial zoning districts uses related to garbage collection and transport and unattended fuel pumps as Permitted Conditionally (Pc) and designate uses related to public safety and order as Permitted (P). Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations), Table 6.1 will be amended to achieve this.

**City Council Subcommittee:** This item was discussed at the February 20, 2018, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance.

**Staff Review and Comment:** There are no outstanding issues. Staff summarizes the following key points of interest:

**Additional uses for Industrial zoning districts:** The proposed amendment is intended to add the following uses (also see Attachment A, Exhibit A – Proposed Ordinance). The proposed changes are in response to indications of uses intended for the City's new Public Services facility to be located at the southwest corner of S 88th Street and Grand Avenue, although staff believes that these changes are appropriate to implement city-wide.

- **Product Transportation Services (garbage collection and transport - not disposal)** as a Permitted Conditional use in Light Industrial districts. Currently this use is allowed as a Permitted Conditional use in General Industrial and Open Space districts. Including this use in Light Industrial districts will provide additional location options for recycling material drop-off or garbage collection operations.
- **Unattended Fuel Pumps** as a Permitted Conditional use in Light Industrial and General Industrial districts. Currently this use is allowed as a Permitted Conditional use in retail districts. Industrial uses often have fleet vehicles, sometimes operating past business hours, necessitating unattended fuel pumps.

The Permitted Conditional use designation noted for the uses above will require review and approval of the proposed use by the Board of Adjustment prior to development. As part of that review, conditions may be added to the approval to mitigate any potential impacts of the operation. Any related site improvements or building construction will be reviewed under the appropriate site plan process.

- **Public Order and Safety (e.g., emergency management offices, public safety bureaus)** as a Permitted use in Light Industrial and General Industrial districts. Currently this use is allowed as a Permitted use in the larger retail and office zoning districts. Including this use in Light and General Industrial districts will provide additional location options for public safety operations and better accommodate certain operational aspects (such as communication towers) that are more appropriately located in industrial areas.

**Noticing Information:** On February 17, 2018, notice of the February 26, 2018, Plan and Zoning Commission and March 5, City Council public hearings for this project was published in the *Des Moines Register*.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

Attachment A – Plan and Zoning Commission Resolution

Exhibit A – Proposed Ordinance

ATTACHMENT A

RESOLUTION NO. PZC-18-007

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT) TO ALLOW WITHIN INDUSTRIAL ZONING DISTRICTS USES RELATED TO GARBAGE COLLECTION AND TRANSPORT, UNATTENDED FUEL PUMPS AND PUBLIC SAFETY AND ORDER.**

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 (*Zoning*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), Section 6 (*Commercial, Office and Industrial Use Regulations*), Table 6.1 to permit conditionally uses related to garbage collection and transport, unattended fuel pumps and to permit by right uses related to public safety and order within industrial zoning districts;

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

WHEREAS, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

WHEREAS, this Commission did consider the application for an amendment to ordinance;

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

SECTION 1. The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003768-2018) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on February 26, 2018.

  
Craig Erickson, Chairperson  
Plan and Zoning Commission

ATTEST:

  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on February 26, 2018, by the following vote:

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

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

  
Recording Secretary

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 BY AMENDING TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT) TO ALLOW USES RELATED TO GARBAGE COLLECTION AND TRANSPORT, UNATTENDED FUEL PUMPS AND PUBLIC SAFETY AND ORDER WITHIN INDUSTRIAL ZONING DISTRICTS.**

**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 Zoning District*), Section 6 (*Commercial, Office and Industrial Use Regulations*), Table 6.1 – Use Matrix, is hereby amended by adding the text in bold italic lettering:

C: TABLE 6.1 – Use Matrix:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
42 Trucking and warehousing															
421 Trucking and courier services, except air								P	Pc	Pc	P	P			Pc
-Product transportation services, garbage collection and transport - not disposal											<b><i>Pc</i></b>	<b><i>Pc</i></b>			<b><i>Pc</i></b>

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
5962 Automatic merchandise machine operators								P	P	P	P	P			
Vending Machines (Not to include SIC 60 Automated Teller Machine (ATM's))															
-Unattended Fuel Pumps (See 9-14-9 of this title)	Pc	Pc	Pc	Pc	Pc	Pc	Pc				Pc	Pc			

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
9229 Public order and safety, not elsewhere classified (e.g., emergency management offices, public safety bureaus)	P	P			P	P	P	P	P		P	P	P	P	

**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**

**ITEM:** Amendment No. 1 Osmium Urban Renewal Area - City Initiated

**DATE:** March 5, 2018

**RESOLUTION:** Approval of the Resolution amending the plan

**FINANCIAL IMPACT:** This amendment will allow the City to expend TIF funds for the Veterans Parkway construction over the area to be added.

**BACKGROUND:** Staff has initiated the process to amend the Osmium Urban Renewal Plan. The Osmium Urban Renewal Plan was originally adopted on November 14, 2016. On February 5, 2018, the City Council established a consultation meeting for February 13, 2018. The Plan is now being amended by this, Amendment No. 1, to add additional land area that the City has just acquired for Veterans Parkway. This would also allow the City to utilize the Osmium TIF District funds to fund public infrastructure on this additional land area.

**OUTSTANDING ISSUES:** There are no outstanding issues regarding this proposed amendment.

**RECOMMENDATION:** Staff recommends the approval of the Resolution amending the urban renewal plan to add additional land area.

Lead Staff Member: Clyde E. Evans, AICP

**STAFF REVIEWS**

Department Director	Clyde E. Evans, Community and Economic Development Department <i>CE</i>
Appropriations/Finance	<i>J</i>
Legal	<i>JBW</i>
Agenda Acceptance	<i>EA</i>

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

Published In	DM Register
Date(s) Published	2/23/2018
Letter sent to surrounding property owners	NA

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	F&A		
Date Reviewed	2/17/16		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Resolution  
Exhibit II - Proposed Osmium Urban Renewal Plan Amendment #1

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

Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and to Approve Urban Renewal Plan Amendment for the Osmium Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa cities by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”), a municipality must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the municipality and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the municipality; and

WHEREAS, this City Council of the City of West Des Moines, Iowa (the “City”) by resolution previously established the Osmium Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives therein; and

WHEREAS, a proposal has been made which shows the desirability of expanding the Urban Renewal Area to add and include all the property (the “Property”) lying within the description set out in Exhibit A hereto; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Property to be an economic development area; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which covers the addition of the Property to the Urban Renewal Area and authorizes the undertaking of new urban renewal projects in the Urban Renewal Area; and

WHEREAS, notice of a public hearing by the City Council of the City on the question of establishing the Property as an urban renewal area and on the proposed Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing on March 5, 2018; and

WHEREAS, copies of the Amendment, notice of public hearing and notice of a consultation meeting with respect to the Amendment were mailed to Polk County, Warren County, Dallas County, Madison County, the West Des Moines Community School District, the Norwalk Community School District, the Winterset Community School District, the Waukee Community School District, the Van Meter Community School District, the City of Cumming, Broadlawns Medical Center, the Des Moines Area Regional Transit Authority, and Des Moines Area Community College; the consultation meeting was held on the 13<sup>th</sup> day of February, 2018; and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

WHEREAS, the Property is located outside, but within two miles, of the incorporated limits of the City, and a resolution (the “Consent Resolution”) has been prepared for presentation to the Board of Supervisors of Warren County, Iowa in satisfaction of the consent requirements of Section 403.17.4 of the Code of Iowa;



NOW, THEREFORE, It Is Resolved by the City Council of the City of West Des Moines, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist in the City on the Property.

Section 2. The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated as the 2018 Addition to the Osmium Urban Renewal Area.

Section 3. The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of the City.

Section 4. It is hereby determined by this City Council as follows:

A. The Amendment and the projects and initiatives described therein conform to the general plan of the municipality as a whole;

B. The proposed economic development projects described in the Amendment are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

C. It is not anticipated that families will be displaced as a result of the City's undertakings under the Amendment. Should such issues arise with future projects, then the City will ensure that a feasible method exists to carry out any relocations without undue hardship to the displaced and into safe, decent, affordable and sanitary housing.

Section 5. The Amendment, attached hereto and made a part hereof, is hereby in all respects approved, provided, however, that the addition of the Property to the Urban Renewal Area is hereby made contingent upon the receipt of the executed Consent Resolution from Warren County, Iowa. Upon the receipt of such executed Consent Resolution, the addition of the Property to the Urban Renewal Area will become effective and final without further action by the City Council, and the City will be then vested with authority to carry out the powers granted under Chapter 403 of the Code of Iowa for the carrying out of the urban renewal projects and initiatives therein.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved March 5, 2018.

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Mayor

Attest:

---

City Clerk

**(Attach copy of the urban renewal plan amendment to this resolution.)**

**EXHIBIT A**  
**Legal Description**  
**Expanded Osmium Urban Renewal Area**  
**(2018 Addition)**

A PARCEL OF LAND LOCATED IN A PORTION OF THE SE1/4 OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., IN WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS;

COMMENCING AT THE E1/4 CORNER OF SAID SECTION 6, THENCE S00°38'37"E ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 6 A DISTANCE OF 1353.33', TO THE POINT OF BEGINNING, THENCE S00°38'37"E ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 6 A DISTANCE OF 315.00', THENCE S89°20'56"W A DISTANCE OF 33.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF 50th STREET, THENCE N45°34'45"W A DISTANCE OF 106.19', THENCE S89°28'55"W A DISTANCE OF 1236.20', THENCE S82°40'44"W A DISTANCE OF 1203.00' TO A POINT ON THE EAST RIGHT OF WAY LINE OF INTERSTATE #35, THENCE N00°06'43"W ALONG THE EAST RIGHT OF WAY LINE OF INTERSTATE #35 A DISTANCE OF 457.57', THENCE S83°20'40"E A DISTANCE OF 1201.64', THENCE N89°28'55"E A DISTANCE OF 1234.89', THENCE N44°25'14"E A DISTANCE OF 105.95' TO A POINT ON THE WEST RIGHT OF WAY LINE OF 50th STREET, THENCE N89°21'01"E A DISTANCE OF 33.00' TO THE POINT OF BEGINNING, CONTAINING 13.86 ACRES SUBJECT TO ANY EASEMENTS OF RECORD.

CITY OF WEST DES MOINES, IOWA

URBAN RENEWAL PLAN AMENDMENT NO. 1  
OSMIUM URBAN RENEWAL

March, 2018

The Urban Renewal Plan (the "Plan") for the Osmium Urban Renewal Area (the "Urban Renewal Area") is being amended for the purpose of adding property to the Urban Renewal Area.

**1) Addition of Property.** The real property (the "Property") legally described on Exhibit A hereto is, by virtue of this Amendment, being added as the March, 2018 Addition to the Urban Renewal Area. With the adoption of this Amendment, the City will designate the Property as an economic development area. The Property will become subject to the provisions of the Plan for the Urban Renewal Area.

**2) Required Financial Information.** The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Constitutional debt limit of the City as of July 1, 2017	<u>\$359,449,675</u>
Outstanding general obligation debt of the City:	<u>\$132,715,000</u>
Proposed debt to be incurred under the March, 2018 Amendment*:	<u>\$0**</u>

\*It is anticipated that some or all of the debt incurred hereunder will be subject to annual appropriation by the City Council.

\*\*Unchanged from original Plan

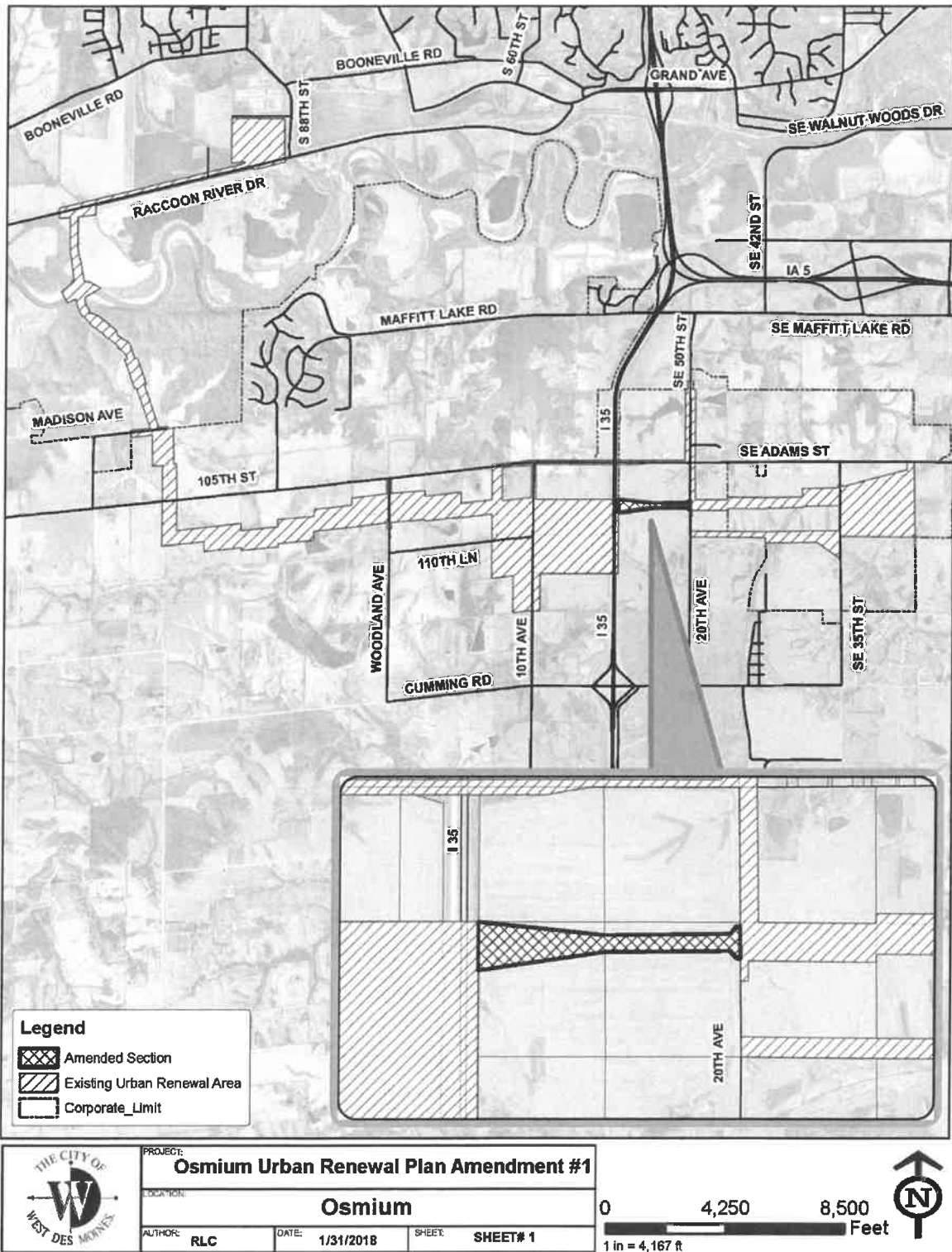
**EXHIBIT A**  
Legal Description  
Osmium Urban Renewal Amendment No. 1  
(March, 2018 Addition)

A PARCEL OF LAND LOCATED IN A PORTION OF THE SE1/4 OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., IN WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS;

COMMENCING AT THE E1/4 CORNER OF SAID SECTION 6, THENCE S00°38'37"E ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 6 A DISTANCE OF 1353.33', TO THE POINT OF BEGINNING, THENCE S00°38'37"E ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 6 A DISTANCE OF 315.00', THENCE S89°20'56"W A DISTANCE OF 33.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF 50th STREET, THENCE N45°34'45"W A DISTANCE OF 106.19', THENCE S89°28'55"W A DISTANCE OF 1236.20', THENCE S82°40'44"W A DISTANCE OF 1203.00' TO A POINT ON THE EAST RIGHT OF WAY LINE OF INTERSTATE #35, THENCE N00°06'43"W ALONG THE EAST RIGHT OF WAY LINE OF INTERSTATE #35 A DISTANCE OF 457.57', THENCE S83°20'40"E A DISTANCE OF 1201.64', THENCE N89°28'55"E A DISTANCE OF 1234.89', THENCE N44°25'14"E A DISTANCE OF 105.95' TO A POINT ON THE WEST RIGHT OF WAY LINE OF 50th STREET, THENCE N89°21'01"E A DISTANCE OF 33.00' TO THE POINT OF BEGINNING, CONTAINING 13.86 ACRES SUBJECT TO ANY EASEMENTS OF RECORD.

### EXHIBIT B

Depiction of Area being ADDED by Osmium Urban Renewal Amendment No. 1  
(March, 2018 Addition)



STATE OF IOWA

COUNTIES OF DALLAS, MADISON, POLK AND WARREN SS:

CITY OF WEST DES MOINES

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of West Des Moines, and that as such I have in my possession or have access to the complete corporate records of the City and of its officers; and that I have carefully compared the transcript hereto attached with the aforesaid records and that the attached is a true, correct and complete copy of the corporate records relating to the action taken by the City Council preliminary to and in connection with designating the expanded Osmium Urban Renewal Area for the City and on an urban renewal plan amendment.

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2018.

---

City Clerk

CITY OF WEST DES MOINES, IOWA

URBAN RENEWAL PLAN AMENDMENT NO. 1  
OSMIUM URBAN RENEWAL

March, 2018

The Urban Renewal Plan (the "Plan") for the Osmium Urban Renewal Area (the "Urban Renewal Area") is being amended for the purpose of adding property to the Urban Renewal Area.

**1) Addition of Property.** The real property (the "Property") legally described on Exhibit A hereto is, by virtue of this Amendment, being added as the March, 2018 Addition to the Urban Renewal Area. With the adoption of this Amendment, the City will designate the Property as an economic development area. The Property will become subject to the provisions of the Plan for the Urban Renewal Area.

**2) Required Financial Information.** The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Constitutional debt limit of the City as of July 1, 2017	<u>\$359,449,675</u>
Outstanding general obligation debt of the City:	<u>\$132,715,000</u>
Proposed debt to be incurred under the March, 2018 Amendment*:	<u>\$0**</u>

\*It is anticipated that some or all of the debt incurred hereunder will be subject to annual appropriation by the City Council.

\*\*Unchanged from original Plan



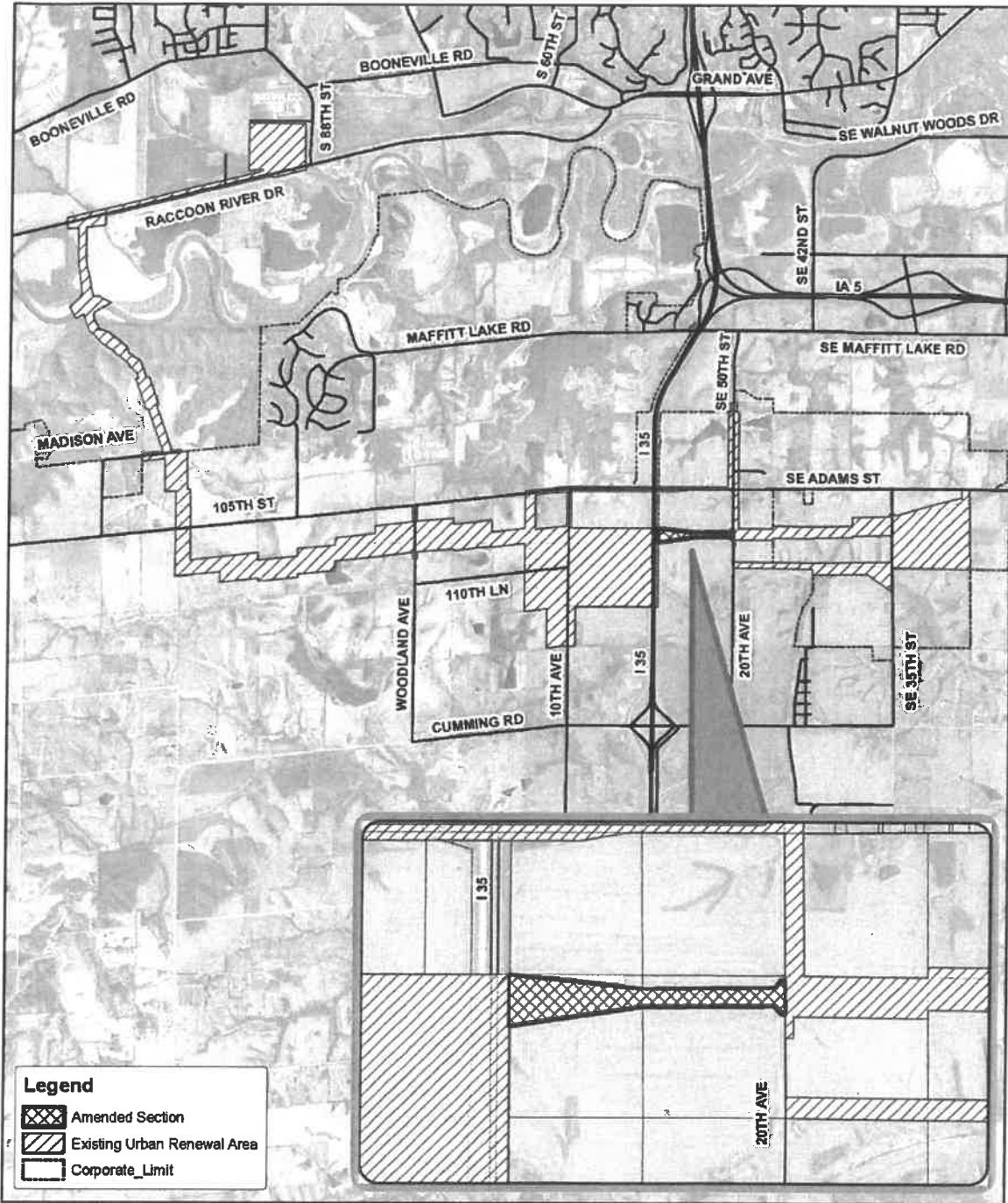
**EXHIBIT A**  
Legal Description  
Osmium Urban Renewal Amendment No. 1  
(March, 2018 Addition)

A PARCEL OF LAND LOCATED IN A PORTION OF THE SE1/4 OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., IN WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS;

COMMENCING AT THE E1/4 CORNER OF SAID SECTION 6, THENCE S00°38'37"E ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 6 A DISTANCE OF 1353.33', TO THE POINT OF BEGINNING, THENCE S00°38'37"E ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 6 A DISTANCE OF 315.00', THENCE S89°20'56"W A DISTANCE OF 33.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF 50th STREET, THENCE N45°34'45"W A DISTANCE OF 106.19', THENCE S89°28'55"W A DISTANCE OF 1236.20', THENCE S82°40'44"W A DISTANCE OF 1203.00' TO A POINT ON THE EAST RIGHT OF WAY LINE OF INTERSTATE #35, THENCE N00°06'43"W ALONG THE EAST RIGHT OF WAY LINE OF INTERSTATE #35 A DISTANCE OF 457.57', THENCE S83°20'40"E A DISTANCE OF 1201.64', THENCE N89°28'55"E A DISTANCE OF 1234.89', THENCE N44°25'14"E A DISTANCE OF 105.95' TO A POINT ON THE WEST RIGHT OF WAY LINE OF 50th STREET, THENCE N89°21'01"E A DISTANCE OF 33.00' TO THE POINT OF BEGINNING, CONTAINING 13.86 ACRES SUBJECT TO ANY EASEMENTS OF RECORD.

**EXHIBIT B**

**Depiction of Area being ADDED by Osmium Urban Renewal Amendment No. 1  
(March, 2018 Addition)**



	PROJECT: <b>Osmium Urban Renewal Plan Amendment #1</b>		
	LOCATION: <b>Osmium</b>		
	AUTHOR: <b>RLC</b>	DATE: <b>1/31/2018</b>	SHEET: <b>SHEET# 1</b>



## CITY OF WEST DES MOINES CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Public Hearing  
FY 2018-19 Operating and Capital Budgets

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** The FY 2018-19 fiscal budgets are comprised of basic operating expenditures totaling \$75,022,511, business/proprietary expenses of \$36,581,532, debt service expenditures of \$24,370,024, and capital improvement expenditures of \$35,964,250, for a total budget of \$171,938,317.

**BACKGROUND:** FY 2018-19 Operating and Capital Budgets, as proposed, are a product of numerous meetings between citizens, elected officials, and staff, during which revenues, expenditures, and projects have been reviewed. Included in the list of meetings was a full-Council workshop held on Saturday, January 27, 2018. The budgets as proposed consist of several initiatives designed to maintain service levels.

### *FY 2018-19 Budget Highlights*

- The proposed budget reduces the current property tax rate from \$12.00 per thousand dollars of taxable valuation to \$11.79. This reduction is due in large part to the anticipated revenue from the Local Option Sales Tax implemented in Dallas County beginning July 1, 2018.
- Seventeen (17) new positions are being recommended in the proposed budget.
  - The Fire Department will add 2 firefighters in order to better meet coverage at all 5 city fire stations. These firefighters will start employment no earlier than September 1, 2018.
  - The Police Department will add 7 positions – 6 Police Officers and 1 Police Sergeant – in order to meet ever increasing demands. Council will recall a Police Department assessment was completed in 2017 and the results indicated a need for several new officers. Adding these officers represents a step towards that goal. These police officers will start no earlier than September 1, 2018.
  - Westcom will add a total of 3 positions – 1 Dispatcher, 1 Training Coordinator, and 1 Public Safety IT Applications Specialist. The Dispatcher will alleviate the current means of filling empty shifts, which is either by using part-time staff (which are proving difficult to hire and retain) and overtime (which can deteriorate morale over time). The Training Coordinator will be responsible for training classes, materials and documentation, a critical need because best practices in 911 center operations are rapidly and constantly evolving. The Applications Specialist will oversee all and direct the technology needs of the dispatch center. The Westcom positions were approved by the Westcom Management Committee, a group which consists of representatives from all the Westcom Cities.
  - Public Services will add a total of 3 positions – 2 Public Services Workers and 1 Mechanic. The Public Services Worker positions are needed to accommodate the significant growth of the City's infrastructure over the past several years. The mechanic position will be able to repair equipment in house in a timely fashion and at a more cost effective rate. This position will also allow a mechanic to specialize in public safety apparatus.
  - The Library will add 1 Floating Paraprofessional who will be tasked with managing a variety of the customer service desks within the Library, allowing for greater customer service coverage during their hours of business.

- Parks and Recreation will add 1 Recreation Coordinator which will start in January 2019. This position will allow greater coverage in managing the City's two Aquatic Centers, as well as taking on positional duties which will allow staff to manage the City's amphitheater maintenance and programming.
- Staff and Council continued to focus on long-term financial planning. The recently-completed FY 2018-19 budget processes also included preliminary projections for FY 2019-20, which includes several CIP projects spanning multiple years.
- Recommended budget for staff positions consists of 251.50 employees covered under bargaining unit agreements and 204.25 full-time equivalent non-union employees. Continuing a policy implemented in 2010, newly-hired full-time employees continue to be enrolled in the two health plans added at that time. Some bargaining unit employees can enroll in the City's health plan, but those employees contribute at a higher percentage. Pension benefits remain under purview of the State.
- One of the employee bargaining units is under contract into FY 2018-19. Terms of this contract have been factored into the City's budgeted personnel costs as follows:

**Bargaining Unit**

ASFCME

**Wage and Salary Adjustment**

2.75% on July 1, 2018

In addition to these adjustments, a number of bargaining unit employees are eligible to receive increases (dependent upon performance and employee classification). The effect of these adjustments is included. Non-union employees who have not reached their maximum pay level may be eligible to receive an increase based on job performance.

- The proposed budget reflects an increase in the contribution rate for the Municipal Fire and Police Retirement System of Iowa (MFPRSI). The City's contribution rate of covered wages for FY 2018-19 will be 26.02% as compared to 25.6% for FY 2017-18. The increased rate amounts to an increase of \$36,620 in annual pension costs. The proposed budget also reflects a change in the contribution rate for Iowa Public Employees Retirement System (IPERS). The City's contribution rate for IPERS will be 9.44% for FY 2018-19 as compared to 8.93% for FY 2017-18. Nearly all pension guidelines are under the purview of the State.
- The budget assumes that the City will receive approximately \$7.6 million dollars in Road Use Tax Funds during FY 2018-19. Approximately \$6.6 million of the Road Use Tax Funds are being utilized for street related expenditures (CIP and operating), and the remaining funds are planned to be used to cover street lighting costs and repayment of debt related to Iowa Highway 5 construction.
- The FY 2018-19 Capital Improvement Plan includes the following major projects:
  - West Public Services Facility
  - Traffic Signal Preemption System
  - Booneville Road west of S. 88<sup>th</sup> Street
  - Ashworth Road From Jordan Creek Parkway to 98<sup>th</sup> Street
  - E.P. True Parkway from Jordan Creek Parkway to 81<sup>st</sup> Street
  - Valley View Park Roadway
  - Grand Avenue from 1<sup>st</sup> Street to 6<sup>th</sup> Street

- Walnut Creek Outfall & Pump Station
- Osmium and Coachlight Urban Renewal Area Roadways
- Fiver Waters Project Planning
- The proposed budget reflects the carryover of cash to ensure that the City maintains prudent general fund balance reserves. With total revenues of \$71,414,519 and total expenditures of \$73,943,629, the City's General Fund balance on June 30, 2019, will be \$29,793,771, or 44.55% of annual operating expenditures.

*Outlook for FY 2018-19 and Beyond*

The starting point for all projections was a desire to deliver comparable levels of to residents, utilize responsible revenue assumptions, and to maintain adequate reserves. In addition, the City Council has indicated that maintaining the current general fund tax rate is an equal priority to maintaining prudent fund balances and providing quality services.

Major areas which staff remains concerned include: a very likely reduction or elimination of the commercial tax rollback backfill from the State of Iowa, a continued reduction in tax revenues from multi-family properties, costs of mandated pension contributions, and escalating health insurance costs and related, mandated Federal requirements. Important variables going forward are modifications to calculating commercial and multi-family residential property taxes as well as possible changes to laws concerning Tax Increment Financing.

Various documents detailing the FY 2018-19 proposed operating and capital budgets are included with this item.

**RECOMMENDATION:**

1. Conduct Public Hearing
2. Motion to adopt Resolution approving the FY 2018-19 Operating and Capital Budgets and direct staff to make the necessary filings with the auditors of Polk, Dallas, Warren, and Madison Counties

**Lead Staff Member:** Chris Hamlett, Budget Analyst *CH*

**STAFF REVIEWS**

Department Director	Tim Stiles, Finance Director	<i>TS</i>
Appropriations/Finance		
Legal		
Agenda Acceptance	<i>CH</i>	

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

Published In	The Des Moines Register
Dates(s) Published	February 16, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Council Workshop		
Date Reviewed	January 27, 2018		
Recommendation	<u>Yes</u>	No	Split

## RESOLUTION

### **A RESOLUTION ADOPTING PROPOSED ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2019.**

**WHEREAS**, the provisions of Chapter 384, Code of Iowa require a public hearing on the budget estimates for the proposed expenditures, income and tax levies for the fiscal year ending June 30, 2019, before the final certification date; and

**WHEREAS**, on February 20, 2018 the City Council set the public hearing to consider the City's proposed annual budget for the fiscal year ending June 30, 2019 for March 5, 2018 at 5:35 P.M. in the Council Chambers of West Des Moines City Hall and public notice of such hearing has been published as provided by law in the Des Moines Register on February 16, 2018; and

**WHEREAS**, those residents and taxpayers of the City interested in the City's proposed annual budget for the fiscal year ending June 30, 2019, have been given an opportunity to present to the City Council objections to any part of the amendment budget and arguments in favor of any part of the amendment budget at this public meeting.

**NOW THEREFORE, BE IT RESOLVED** that upon due consideration of all views and comments presented by City residents and taxpayers, the public hearing on the City of West Des Moines proposed annual budget for the fiscal year ending June 30, 2019 is hereby closed.

**PASSED AND APPROVED** this 5th day of March, 2018.

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

ATTEST:

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

## NOTICE OF PUBLIC HEARING BUDGET ESTIMATE

FISCAL YEAR BEGINNING JULY 1, 2018 - ENDING JUNE 30, 2019

City of West Des Moines, Iowa

The City Council will conduct a public hearing on the proposed Budget at Council Chambers at City Hall  
on 3/5/2018 at 5:35 PM  
*(Date) xx/xx/xx (hour)*

The Budget Estimate Summary of proposed receipts and expenditures is shown below.  
Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor,  
City Clerk, and at the Library.

The estimated Total tax levy rate per \$1000 valuation on regular property . . . . . \$ 11.79000  
The estimated tax levy rate per \$1000 valuation on Agricultural land is . . . . . \$ 3.00375

At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.

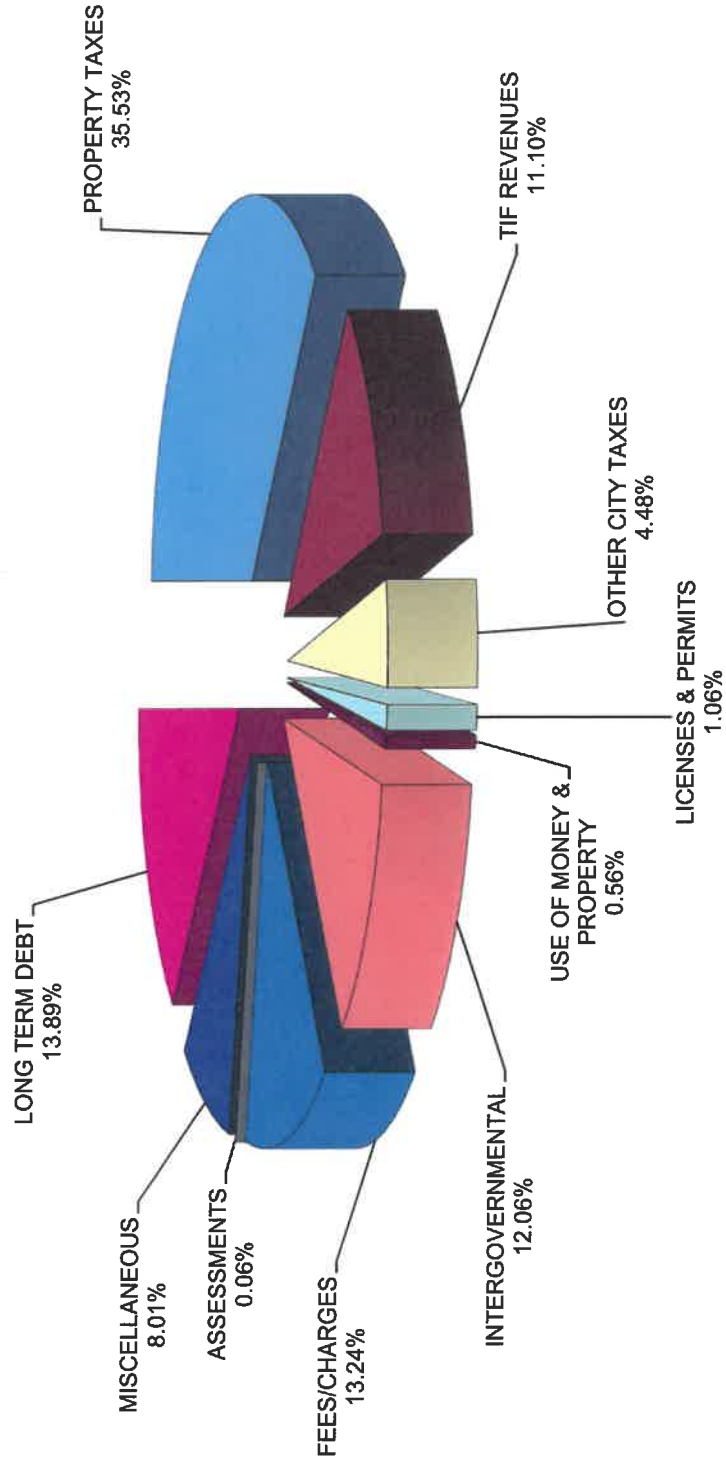
515-222-3600  
phone number

Tim Stiles  
City Clerk/Finance Officer's NAME

		Budget FY 2019	Re-estimated FY 2018	Actual FY 2017
		(a)	(b)	(c)
<b>Revenues &amp; Other Financing Sources</b>				
Taxes Levied on Property	1	57,066,411	54,096,896	52,108,964
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
<b>Net Current Property Taxes</b>	<b>3</b>	<b>57,066,411</b>	<b>54,096,896</b>	<b>52,108,964</b>
Delinquent Property Taxes	4	0	0	9,940
TIF Revenues	5	17,822,026	13,498,069	12,183,281
Other City Taxes	6	7,201,884	4,901,803	5,070,013
Licenses & Permits	7	1,700,800	1,806,671	1,980,884
Use of Money and Property	8	906,450	578,000	931,497
Intergovernmental	9	19,376,813	24,146,233	23,240,446
Charges for Fees & Service	10	21,265,470	19,972,275	21,058,137
Special Assessments	11	100,000	150,000	200,558
Miscellaneous	12	12,866,800	13,417,696	11,772,217
Other Financing Sources	13	22,305,000	101,867,600	19,723,108
Transfers In	14	70,894,716	143,773,591	57,065,624
<b>Total Revenues and Other Sources</b>	<b>15</b>	<b>231,506,370</b>	<b>378,208,834</b>	<b>205,344,669</b>
<b>Expenditures &amp; Other Financing Uses</b>				
Public Safety	16	34,395,188	31,813,184	29,411,019
Public Works	17	10,914,333	10,670,100	9,363,033
Health and Social Services	18	1,319,541	1,236,476	1,104,051
Culture and Recreation	19	9,931,866	9,456,853	7,955,071
Community and Economic Development	20	8,211,601	12,359,507	6,870,186
General Government	21	9,948,337	9,185,482	7,744,565
Debt Service	22	24,671,669	26,036,230	22,426,438
Capital Projects	23	35,964,250	143,811,083	36,900,175
<b>Total Government Activities Expenditures</b>	<b>24</b>	<b>135,356,785</b>	<b>244,568,915</b>	<b>121,774,538</b>
Business Type / Enterprises	25	36,581,532	45,502,729	19,982,360
<b>Total ALL Expenditures</b>	<b>26</b>	<b>171,938,317</b>	<b>290,071,644</b>	<b>141,756,898</b>
Transfers Out	27	70,894,716	143,773,591	57,065,624
<b>Total ALL Expenditures/Transfers Out</b>	<b>28</b>	<b>242,833,033</b>	<b>433,845,235</b>	<b>198,822,522</b>
<b>Excess Revenues &amp; Other Sources Over (Under) Expenditures/Transfers Out</b>	<b>29</b>	<b>-11,326,663</b>	<b>-55,636,401</b>	<b>6,522,147</b>
Beginning Fund Balance July 1	30	195,233,313	250,869,714	244,347,567
<b>Ending Fund Balance June 30</b>	<b>31</b>	<b>183,906,650</b>	<b>195,233,313</b>	<b>250,869,714</b>

# CITY OF WEST DES MOINES

## 2018-19 FY REVENUES





CITY OF

West Des Moines

The last two columns will fill in once the Re-Est forms are completed

REVENUES DETAIL  
Fiscal Year Ending

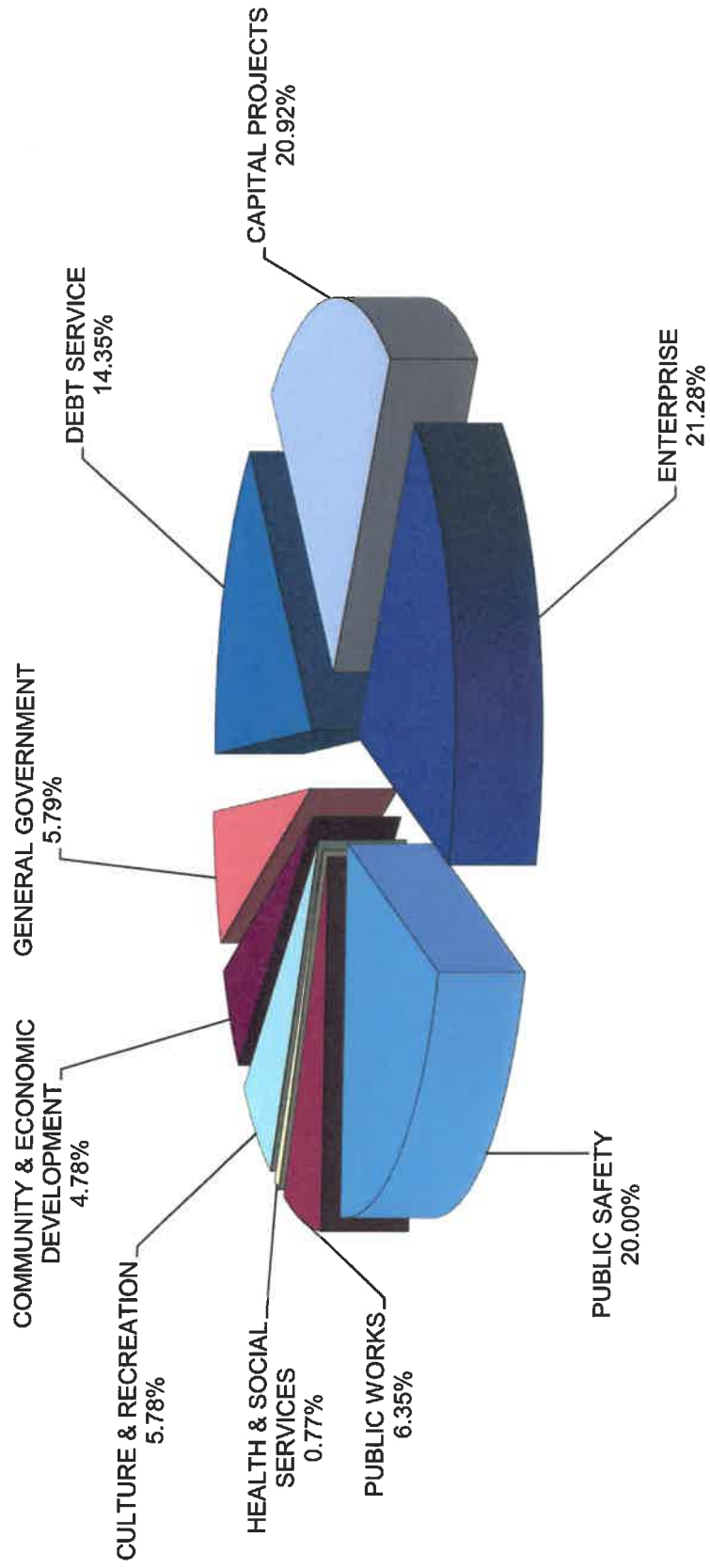
2019

Fiscal Years

(A)	(B)	GENERAL (C)	SPECIAL REVENUES (D)	SPECIAL REVENUES (E)	DEBT SERVICE (F)	CAPITAL PROJECTS (G)	PERMANENT (H)	PROPRIETARY (I)	BUDGET 2019 (J)	RE-ESTIMATED 2018 (K)	ACTUAL 2017 (L)
<b>REVENUES &amp; OTHER FINANCING SOURCES</b>											
Taxes Levied on Property	1	39,146,106	7,457,031		10,463,274	0			57,066,411	54,096,896	52,108,964
Less: Uncollected Property Taxes - Levy Year	2								0	0	0
Net Current Property Taxes (line 1 minus line 2)	3	39,146,106	7,457,031		10,463,274	0			57,066,411	54,096,896	52,108,964
Delinquent Property Taxes	4								0	0	9,940
TIF Revenues	5			17,822,026					17,822,026	13,488,069	12,183,281
Other City Taxes:											
Utility Tax Replacement Excise Taxes	6	430,054	81,997		101,469	0			613,520	624,903	657,669
Utility franchise tax (Iowa Code Chapter 364.2)	7	263,000							263,000	273,000	266,724
Parimutual wager tax	8								0	0	0
Gaming wager tax	9								0	0	0
Mobile Home Taxes	10								0	0	0
Hotel/Motel Taxes	11	4,300,000							4,300,000	4,000,000	4,142,184
Other Local Option Taxes	12		2,025,364						2,025,364	3,900	3,416
Subtotal - Other City Taxes (lines 6 thru 12)	13	4,993,054	2,107,361		101,469	0			7,201,884	4,901,803	5,070,013
Licenses & Permits	14	1,700,800							1,700,800	1,806,671	1,980,884
Use of Money & Property	15	581,000	2,450					323,000	906,450	578,000	931,497
Intergovernmental:											
Federal Grants & Reimbursements	16	17,000	382,241						399,241	800,816	522,675
Road Use Taxes	17		7,624,920						7,624,920	7,487,838	7,286,883
Other State Grants & Reimbursements	18	1,845,262	613,799		484,603	0		0	3,470,856	8,980,715	6,825,677
Local Grants & Reimbursements	19	6,106,489	1,762,307					13,000	7,881,796	6,866,864	8,595,231
Subtotal - Intergovernmental (lines 16 thru 19)	20	7,968,751	10,383,267	527,192	484,603	0		13,000	19,376,813	24,146,233	23,240,446
Charges for Fees & Service:											
Water Utility	21							11,236,820	0	10,345,500	10,889,405
Sewer Utility	22							0	11,236,820	0	0
Electric Utility	23							0	0	0	0
Gas Utility	24							0	0	0	0
Parking	25							0	0	0	0
Airport	26							0	0	0	0
Landfill/Garbage	27							0	0	0	0
Hospital	28							0	0	0	0
Transit	29							0	0	0	0
Cable TV, Internet & Telephone	30							0	0	0	0
Housing Authority	31							0	0	0	0
Storm Water Utility	32							0	0	0	0
Other Fees & Charges for Service	33	5,558,200	30,000					2,540,150	2,540,150	2,289,225	2,360,047
Subtotal - Charges for Service (lines 21 thru 33)	34	5,558,200	30,000		0	0		15,677,270	21,265,470	19,972,275	21,058,137
Special Assessments	35					100,000			100,000	150,000	200,558
Miscellaneous	36	799,600	247,100			1,487,000		10,333,100	12,866,800	13,417,696	11,772,217
Other Financing Sources:											
Regular Operating Transfers In	37	10,341,452	170,000		1,540,650	32,502,250		10,715,000	55,269,352	53,048,039	43,657,935
Internal TIF Loan Transfers In	38				13,064,631	1,975,000		10,715,000	15,625,364	90,725,562	13,407,689
Subtotal ALL Operating Transfers In	39	10,341,452	170,000		14,605,281	34,477,250		10,715,000	70,894,716	143,773,591	57,065,624
Proceeds of Debt (Excluding TIF Internal Borrowing)	40					22,280,000			22,280,000	101,857,100	19,605,297
Proceeds of Capital Asset Sales	41	25,000							25,000	10,500	11,811
Subtotal-Other Financing Sources (lines 38 thru 40)	42	10,366,452	170,000	585,733	14,605,281	56,757,250		10,715,000	93,199,716	245,641,191	76,788,732
Total Revenues except for beginning fund balance (lines 3, 4, 5, 13, 14, 15, 20, 24, 35, 36, & 41)	43	71,113,963	20,397,209	18,934,851	25,654,627	58,344,250		37,061,370	231,506,370	378,208,834	205,344,669
Beginning Fund Balance July 1	44	32,807,995	12,974,123	5,228,318	-2,277,442	-5,220,454		151,720,773	195,233,313	250,869,714	244,347,567
TOTAL REVENUES & BEGIN BALANCE (lines 42-43)	45	103,921,958	33,371,332	24,163,269	23,377,185	53,123,796		188,782,143	426,739,683	629,078,548	449,692,236

# CITY OF WEST DES MOINES

## 2018-19 FY EXPENDITURES



EXPENDITURES SCHEDULE PAGE 1

Fiscal Year Ending 2019

Fiscal Years

GOVERNMENT ACTIVITIES (A)	(B)	GENERAL (C)	SPECIAL REVENUES (D)	TIF			CAPITAL PROJECTS (G)	PERMANENT (H)	PROPRIETARY (I)	BUDGET 2019 (J)	RE-ESTIMATED 2018 (K)	ACTUAL 2017 (L)
				SPECIAL REVENUES (E)	DEBT SERVICE (F)							
<b>PUBLIC SAFETY</b>												
Police Department/Crime Prevention	1	10,459,183	1,544,330							12,003,513	11,135,620	10,102,537
Jail	2									0	0	0
Emergency Management	3	37,100								37,100	35,100	36,507
Flood Control	4	51,000								51,000	43,580	38,453
Fire Department	5	8,730,039	1,298,455							10,028,494	9,704,027	8,935,690
Ambulance	6	5,606,281								5,606,281	5,136,815	4,808,228
Building Inspections	7	1,114,817								1,114,817	1,090,617	1,014,873
Miscellaneous Protective Services	8									0	0	35,825
Animal Control	9	383,995								383,995	408,005	290,145
Other Public Safety	10	3,868,136	1,301,852							5,169,988	4,259,420	4,148,761
TOTAL (lines 1 - 10)	11	30,250,551	4,144,637					0		34,395,188	31,813,184	29,411,019
<b>PUBLIC WORKS</b>												
Roads, Bridges, & Sidewalks	12	3,084,290								3,084,290	2,880,440	3,515,288
Parking - Meter and Off-Street	13									0	0	0
Street Lighting	14		810,000							810,000	820,000	771,982
Traffic Control and Safety	15	1,503,217								1,503,217	1,421,115	1,283,169
Snow Removal	16									0	0	4,785
Highway Engineering	17	2,490,800								2,490,800	2,457,395	2,276,294
Street Cleaning	18	103,907								103,907	100,025	97,588
Airport (if not Enterprise)	19									0	0	0
Garbage (if not Enterprise)	20									0	0	0
Other Public Works	21	2,922,119	810,000							2,922,119	2,991,125	1,413,927
TOTAL (lines 12 - 21)	22	10,104,333	810,000					0		10,914,333	10,670,100	9,363,033
<b>HEALTH &amp; SOCIAL SERVICES</b>												
Welfare Assistance	23									0	0	0
City Hospital	24									0	0	0
Payments to Private Hospitals	25									0	0	0
Health Regulation and Inspection	26									0	0	0
Water, Air, and Mosquito Control	27									0	0	0
Community Mental Health	28									0	0	0
Other Health and Social Services	29	1,126,961	192,580							1,319,541	1,236,476	1,104,051
TOTAL (lines 23 - 29)	30	1,126,961	192,580					0		1,319,541	1,236,476	1,104,051
<b>CULTURE &amp; RECREATION</b>												
Library Services	31	3,118,930	77,000							3,195,930	2,969,290	2,678,988
Museum, Band and Theater	32									0	0	0
Parks	33	2,782,281	155,100							2,937,381	2,861,805	2,748,847
Recreation	34	3,554,995	15,000							3,569,995	3,446,268	2,213,911
Cemetery	35	12,700								12,700	13,700	9,962
Community Center, Zoo, & Marina	36	157,715								157,715	143,290	144,773
Other Culture and Recreation	37	58,145	247,100							58,145	22,500	156,580
TOTAL (lines 31 - 37)	38	9,684,766	247,100					0		9,931,866	9,456,853	7,955,071

EXPENDITURES SCHEDULE PAGE 2  
Fiscal Year Ending 2019

Fiscal Years

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
GOVERNMENT ACTIVITIES CONT.		GENERAL	SPECIAL	TIF	DEBT	CAPITAL	PERMANENT	PROPRIETARY	BUDGET	RE-ESTIMATED	ACTUAL
		(C)	REVENUES	SPECIAL	SERVICE	PROJECTS	(H)	(I)	2019	2018	2017
		(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
<b>GOVERNMENT ACTIVITIES CONT.</b>											
<b>COMMUNITY &amp; ECONOMIC DEVELOPMENT</b>											
39	Community Beautification	38,060							38,060	13,055	18,287
40	Economic Development	876,695	200,000						1,076,695	1,943,331	3,985,859
41	Housing and Urban Renewal	445,612	643,360						1,088,972	4,524,196	592,130
42	Planning & Zoning	1,319,480							1,319,480	1,377,365	991,297
43	Other Com & Econ Development	3,083,355		1,605,039					4,688,394	4,501,560	1,282,613
44											
45	TOTAL (lines 39 - 44)	5,763,202	843,360	1,605,039			0		8,211,601	12,359,507	6,870,186
<b>GENERAL GOVERNMENT</b>											
46	Mayor, Council, & City Manager	1,258,755							1,258,755	1,132,090	1,076,888
47	Clerk, Treasurer, & Finance Adm.	1,440,153							1,440,153	1,412,053	1,386,297
48	Elections								0	25,000	0
49	Legal Services & City Attorney	841,288							841,288	739,028	763,295
50	City Hall & General Buildings	231,020							231,020	246,240	244,372
51	Tort Liability	600,000							600,000	570,000	487,464
52	Other General Government	5,577,121							5,577,121	5,059,071	3,786,249
53	TOTAL (lines 46 - 52)	9,948,337	0	0			0		9,948,337	9,185,482	7,744,565
54	<b>DEBT SERVICE</b>				24,370,024				24,671,669	26,036,230	22,426,438
55	Gov Capital Projects		301,645						29,714,250	34,951,300	24,718,197
56	TIF Capital Projects					6,250,000			6,250,000	108,859,783	12,181,978
57	TOTAL CAPITAL PROJECTS	0	0	0		35,964,250	0		35,964,250	143,811,083	36,900,175
58	TOTAL Government Activities Expenditures (lines 11+22+30+38+45+53+54+57)	66,878,150	6,539,322	1,605,039	24,370,024	35,964,250	0		135,356,785	244,568,915	121,774,538
<b>BUSINESS TYPE ACTIVITIES</b>											
<b>Proprietary: Enterprise &amp; Budgeted ISF</b>											
59	Water Utility								0	0	0
60	Sewer Utility								0	0	0
61	Electric Utility								10,018,136	9,895,493	7,469,593
62	Gas Utility								0	0	0
63	Airport								0	0	0
64	Landfill/Garbage								0	0	0
65	Transit								2,001,500	2,001,500	1,804,263
66	Cable TV, internet & Telephone								0	0	0
67	Housing Authority								0	0	0
68	Storm Water Utility								0	0	0
69	Other Business Type (city hosp., ISF, parking, etc.)								2,040,596	1,905,328	1,122,408
70	Enterprise DEBT SERVICE								12,081,300	11,280,120	7,919,517
71	Enterprise CAPITAL PROJECTS								0	0	0
72	Enterprise TIF CAPITAL PROJECTS								10,440,000	15,086,448	1,666,579
73	TOTAL Business Type Expenditures (lines 59 - 73)								36,581,532	45,502,729	19,982,360
74	TOTAL ALL EXPENDITURES (lines 58+74)	66,878,150	6,539,322	1,605,039	24,370,024	35,964,250	0		171,938,317	290,071,644	141,756,898
75	Regular Transfers Out	6,764,923	15,830,779		740,650	21,293,000			55,269,352	53,048,039	43,657,935
76	Internal TIF Loan / Repayment Transfers Out			15,625,364					15,625,364	90,725,552	13,407,689
77	Total ALL Transfers Out	6,764,923	15,830,779	15,625,364	740,650	21,293,000	0		70,894,716	143,773,591	57,065,624
78	Total Expenditures & Fund Transfers Out (lines 75+76)	73,643,073	22,370,101	17,230,403	25,110,674	57,257,250	0		242,833,033	433,845,235	188,822,522
79	Ending Fund Balance June 30	30,278,885	11,001,231	6,932,866	-1,733,489	-4,133,454	0	141,560,611	183,906,650	195,233,313	250,869,714

\* A continuing appropriation is the unexpended budgeted amount from a prior year's capital project. The entry is made on the Con Approps page that must accompany the budget forms if used. SEE INSTRUCTIONS FOR USE.

LONG TERM DEBT SCHEDULE  
GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

City Name: **West Des Moines**

Fiscal Year  
2019

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Debt Name	Amount of Issue	Type of Debt Obligation	Date Certified to County Auditor	Debt Resolution Number	Principal Due FY 2019	Interest Due FY 2019	Bond Reg./ Paying Agent Fees Due FY 2019	Total Obligation Due FY 2019	Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
(1) Registration Costs (total)		GO					10,000	10,000		10,000
(2) G.O. Bonds 2010A - ECP	6,050,000	GO	February 2010	10-02-08-16	750,000	65,025		815,025		815,025
(3) G.O. Bonds 2010A - ECP (Jordan Creek abated) Refinance	25,400,000	GO	February 2010	10-02-08-16	3,390,000	144,075		3,534,075	3,049,472	484,603
(4) G.O. Bonds 2010C - ECP	7,000,000	GO	June 2010	10-06-01-08	815,000	49,800		864,800		864,800
(5) G.O. Bonds 2011A - ECP	6,900,000	GO	July 2011	11-07-25-09	415,000	102,369		517,369		517,369
(6) G.O. Bonds 2012B - ECP	11,355,000	GO	April 2012	12-04-02-11	1,445,000	143,750		1,588,750		1,588,750
(7) G.O. Bonds 2012D - ECP	7,520,000	GO	June 2012	12-06-11-12	535,000	141,750		676,750		676,750
(8) G.O. Bonds 2013A - ECP	4,385,000	GO	August 2013	13-08-05-10	270,000	52,360		322,360		322,360
(9) G.O. Bonds 2014A - ECP	12,250,000	GO	August 2014	14-08-25-17	805,000	246,638		1,051,638		1,051,638
(10) G.O. Bonds 2014A - ECP (Jordan Creek abated)	1,125,000	GO	August 2014	14-08-25-17	250,000	5,000		255,000	255,000	0
(11) G.O. Bonds 2015A - ECP (Alluvion abated)	21,715,000	GO	March 2015	15-03-23-14	1,680,000	583,613		2,263,613	2,263,613	0
(12) G.O. Bonds 2015B - ECP (Alluvion)	3,410,000	GO	March 2015	15-03-23-14	1,445,000	257,948		1,702,948	1,702,948	0
(13) G.O. Bonds 2015C - ECP (Advance Refunding)	9,225,000	GO	March 2015	15-03-23-14	955,000	31,400		986,400		986,400
(14) G.O. Bonds 2016A - ECP	7,200,000	GO	June 2016	16-5-31-21	675,000	145,200		820,200		820,200
(15) G.O. Bonds 2016B - ECP (Mills/Microsoft Abated)	13,855,000	GO	June 2016	16-5-31-23	1,170,000	502,975		1,672,975	1,672,975	0
(16) G.O. Bonds 2016C - ECP	7,200,000	GO	November 2016	16-10-31-16	755,000	174,350		929,350		929,350
(17) G.O. Bonds 2016D - Alluvion	10,700,000	GO	November 2016	16-10-31-18	735,000	321,850		1,056,850	1,056,850	0
(18) G.O. Bonds 2017A - ECP	7,650,000	GO	August 2017	17-08-07-17	435,000	118,738		553,738		553,738
(19) G.O. Bonds 2017B - ECP (Mills)	4,685,000	GO	August 2017	17-08-07-19	615,000	140,700		755,700	755,700	0
(20) G.O. Bonds 2017C - ECP (Alluvion)	9,130,000	GO	August 2017	17-08-07-21	815,000	337,844		1,152,844	337,844	0
(21) G.O. Bonds 2017D - ECP (Advance Refunding)	25,555,000	GO	August 2017	17-08-07-23	866,013	866,013		1,732,026	866,013	0
(22) G.O. Bonds 2017E - ECP (Advance Refunding)	3,470,000	GO	August 2017	17-08-07-25	240,000	133,863		373,863	373,863	0
(23) G.O. Bonds 2018 - ECP (Pre-Levy)	8,600,000	GO	March 2018			2,414,763		2,414,763		2,414,763
(24) FY 18-19 Commercial & Industrial Replacement		NO SELECTION						0	484,603	-484,603
(25)		NO SELECTION						0		0
(26)		NO SELECTION						0		0
(27)		NO SELECTION						0		0
(28)		NO SELECTION						0		0
(29)		NO SELECTION						0		0
(30)		NO SELECTION						0		0
<b>TOTALS</b>					17,380,000	6,980,024	10,000	24,370,024	13,805,261	10,564,743

# Distribution of Property Tax Dollars for a \$ 200,000 West Des Moines Residence

## Polk County – WDM Schools

School ..... \$13.27  
 County ..... 7.31  
 RTA ..... 0.78  
 Other ..... 3.76  
 City ..... 12.00

**FY 17-18 Levy ..... \$37.12**

## Dallas County – Waukee Schools

School ..... \$17.86  
 County ..... 3.91  
 RTA ..... 0.78  
 Other ..... 1.56  
 City ..... 12.00

**FY 17-18 Levy ..... \$36.11**



	Actual FY 2016-17	Actual FY 2017-18	Budget FY 2018-19
<b>Property Tax Calculation</b>			
Assessed Valuation	\$ 200,000	\$ 200,000	\$ 200,000
Rollback Percentage	55.63%	56.94%	55.62%
Taxable Value	\$ 111,260	\$ 113,880	\$ 111,240
City Tax Rate per \$ 1,000 of Valuation	12.00	12.00	11.79
Gross City Tax	\$ 1,335	\$ 1,367	\$ 1,311
Less City Share of Homestead Tax Credit	(58)	(58)	(58)
<b>Total City Property Tax</b>	<b>\$ 1,277</b>	<b>\$ 1,309</b>	<b>\$ 1,253</b>

# Distribution of Property Tax Dollars for a \$ 1,000,000 West Des Moines Commercial Property

Polk County – WDM Schools	
School .....	\$13.27
County.....	7.31
RTA .....	0.78
Other .....	3.76
City .....	<b>12.00</b>
<b>FY 17-18 Levy .....</b>	<b><u>\$37.12</u></b>

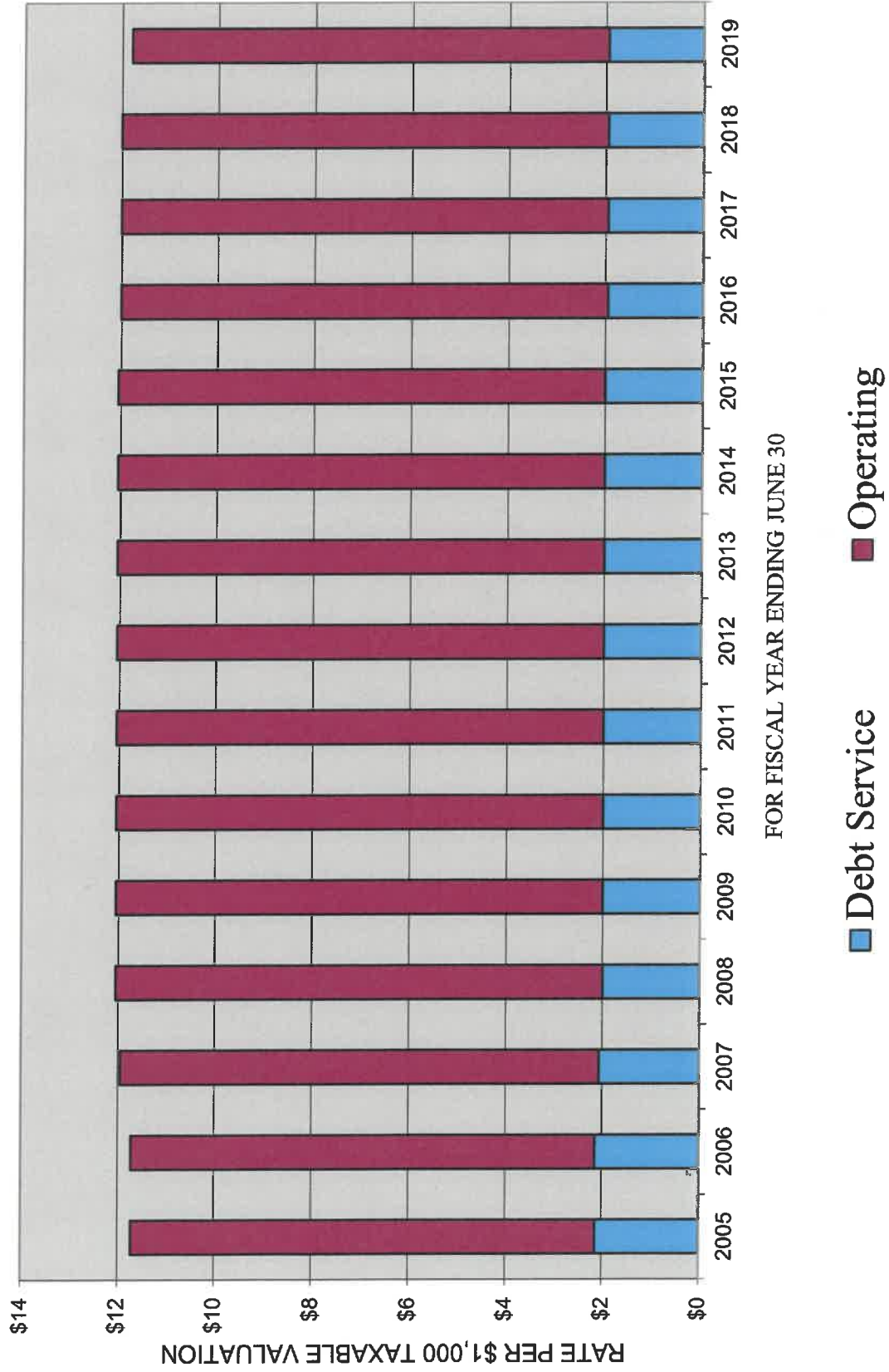
Dallas County – Waukee Schools	
School .....	\$17.86
County.....	3.91
RTA .....	0.78
Other .....	1.56
City .....	<b>12.00</b>
<b>FY 17-18 Levy .....</b>	<b><u>\$36.11</u></b>



	Actual FY 2016-17	Actual FY 2017-18	Budget FY 2018-19
<b>Property Tax Calculation</b>			
Assessed Valuation	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Rollback Percentage	90.00%	90.00%	90.00%
Taxable Value	\$ 900,000	\$ 900,000	\$ 900,000
City Tax Rate per \$ 1,000 of Valuation	12.00	12.00	11.79
<b>Total City Property Tax</b>	<b>\$ 10,800</b>	<b>\$ 10,800</b>	<b>\$ 10,611</b>

# CITY OF WEST DES MOINES

## PROPERTY TAX RATES

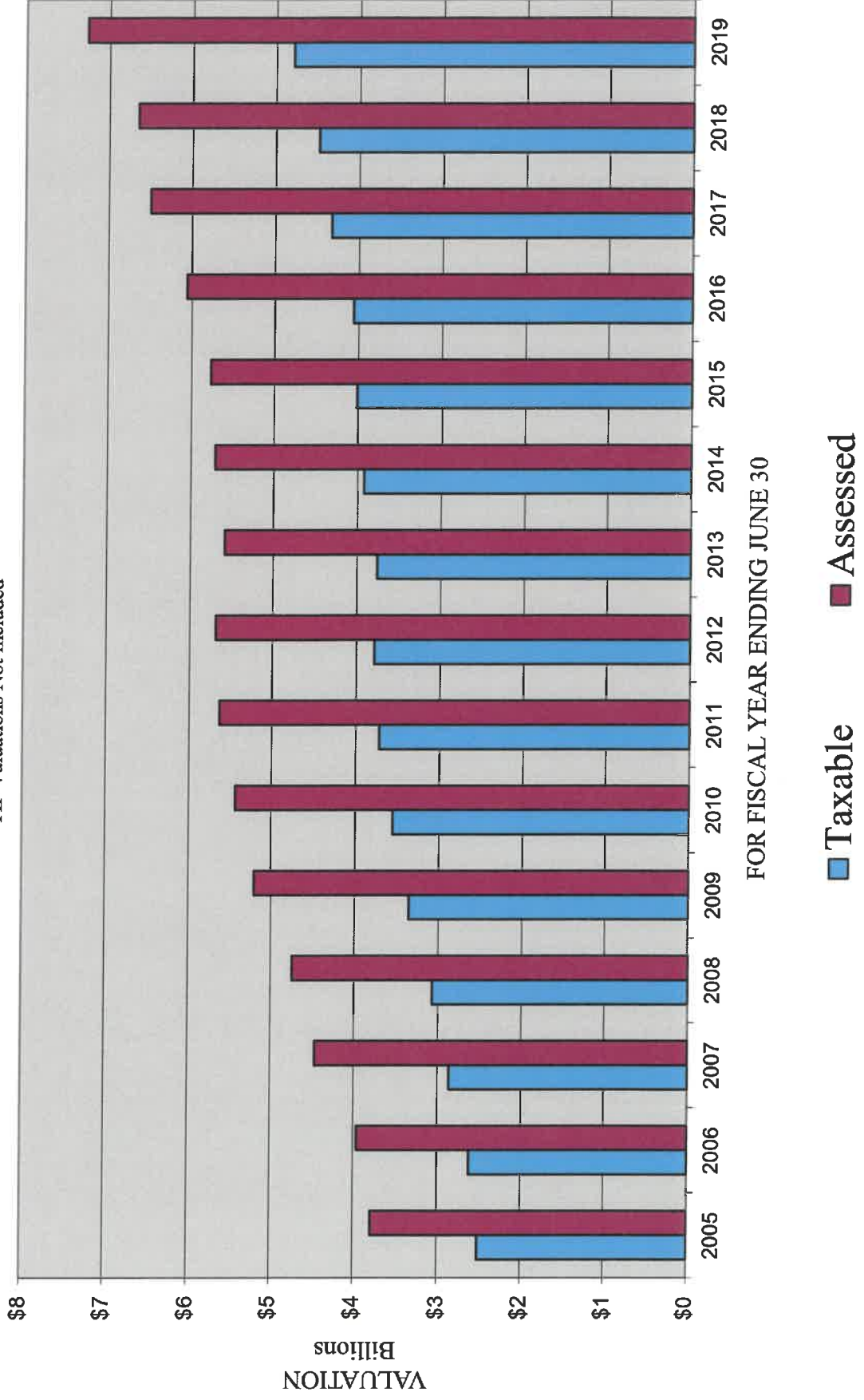




# CITY OF WEST DES MOINES

## PROPERTY VALUATIONS

TIF Valuations Not Included



**CITY OF WEST DES MOINES, IOWA  
FY 2018-19**

TAXABLE VALUATION	(January 1, 2017: for the 2018-19 FY)				(January 1, 2017: for the 2018-19 FY)						
	POLK	DALLAS	WARREN	MADISON	TOTAL	ACTUAL VALUATION	POLK	DALLAS	WARREN	MADISON	TOTAL
RESIDENTIAL	1,795,200,812	707,088,079	9,581,455	21,892	2,511,899,038	RESIDENTIAL	3,228,686,150	1,380,707,566	17,226,400	39,000	4,628,659,116
MULTI-RESIDENTIAL	212,265,105	79,706,132	-	-	291,971,237	MULTI-RESIDENTIAL	269,061,235	103,887,331	-	-	372,948,566
COMMERCIAL	1,011,072,784	872,197,464	329,580	-	1,889,599,828	COMMERCIAL	1,127,062,415	991,502,632	366,200	-	2,118,931,247
INDUSTRIAL	37,729,233	-	-	-	37,729,233	INDUSTRIAL	41,917,851	-	-	-	41,917,851
RAILROADS	4,663,555	-	-	-	4,663,555	RAILROADS	5,253,707	-	-	-	5,253,707
UTILITIES - GAS/ELECTRIC	51,835,517	199,003	-	-	52,034,520	UTILITIES - GAS/ELECTRIC	88,867,686	328,836	-	-	89,196,522
UTILITIES - OTHER	6,088,248	1,286,071	-	14,793	7,368,012	UTILITIES - OTHER	6,318,361	1,286,071	172,694	14,793	7,791,919
OTHER	-	-	-	-	-	OTHER	-	-	-	-	-
SUB-TOTAL	3,118,855,254	1,660,477,749	10,083,729	36,485	4,789,453,217	SUB-TOTAL	4,767,167,405	2,477,712,436	17,765,294	53,793	7,262,698,928
LESS MILITARY	2,737,256	713,020	7,408	-	3,457,684	LESS MILITARY	2,607,616	713,020	7,408	-	3,328,044
<b>TOTAL REGULAR</b>	<b>3,116,117,998</b>	<b>1,659,764,729</b>	<b>10,076,321</b>	<b>36,485</b>	<b>4,785,995,533</b>	<b>TOTAL REGULAR</b>	<b>4,764,559,789</b>	<b>2,476,999,416</b>	<b>17,757,886</b>	<b>53,793</b>	<b>7,259,370,884</b>
<b>TAX INCREMENTAL DISTRICTS</b>						<b>TAX INCREMENTAL DISTRICTS</b>					
Valley Junction 2009	-	-	-	-	-	Valley Junction 2009	-	-	-	-	-
Historic WDM	-	-	-	-	-	Historic WDM	-	-	-	-	-
4125 Westown	3,759,299	-	-	-	3,759,299	4125 Westown	-	-	-	-	-
Westown V	13,903,400	-	-	-	13,903,400	Westown V	-	-	-	-	-
Microsoft (Mills Sub 7)	18,648,880	-	-	-	18,648,880	Microsoft (Mills Sub 7)	-	-	-	-	-
Aviva ( Mills Sub 6)	43,409,776	-	-	-	43,409,776	Aviva ( Mills Sub 6)	-	-	-	-	-
Mills Parkway	51,086,403	-	-	-	51,086,403	Mills Parkway	-	-	-	-	-
Globia Aviation	47,650,259	-	-	-	47,650,259	Globia Aviation	-	-	-	-	-
Jordan Creek	-	-	-	-	-	Jordan Creek	-	-	-	-	-
Ashworth Road	186,252,184	-	-	-	186,252,184	Ashworth Road	-	-	-	-	-
Fuller Road	38,318,600	-	-	-	38,318,600	Fuller Road	-	-	-	-	-
Woodland Hills	-	-	-	-	-	Woodland Hills	-	-	-	-	-
Val-Gate	57,631,258	-	-	-	57,631,258	Val-Gate	-	-	-	-	-
Mills Crossing/Glennan Sq	-	-	-	-	-	Mills Crossing/Glennan Sq	-	-	-	-	-
Midtown	1,565,990	-	-	-	1,565,990	Midtown	-	-	-	-	-
Alluvion	169,594,690	-	-	-	169,594,690	Alluvion	-	-	-	-	-
<b>TOTAL TIF DISTRICTS</b>	<b>188,823,379</b>	<b>442,897,360</b>	<b>-</b>	<b>-</b>	<b>631,820,739</b>	<b>TOTAL TIF DISTRICTS</b>	<b>205,487,579</b>	<b>453,509,011</b>	<b>-</b>	<b>-</b>	<b>658,996,590</b>
<b>TOTAL FOR DEBT SERVICE</b>	<b>3,304,941,377</b>	<b>2,102,762,089</b>	<b>10,076,321</b>	<b>36,485</b>	<b>5,417,816,272</b>	<b>DEBT SVC TOT</b>	<b>4,970,047,368</b>	<b>2,930,508,427</b>	<b>17,757,886</b>	<b>53,793</b>	<b>7,918,367,474</b>
TOTAL AG	1,715,757	4,156,354	995,306	110,476	6,977,893	TOTAL AG	3,151,180	7,635,168	1,828,000	202,900	12,817,248
<b>GRAND TOTAL</b>	<b>3,306,657,134</b>	<b>2,106,918,443</b>	<b>11,071,627</b>	<b>146,961</b>	<b>5,424,794,165</b>	<b>GRAND TOTAL</b>	<b>4,973,198,548</b>	<b>2,938,143,595</b>	<b>19,585,886</b>	<b>256,693</b>	<b>7,931,184,722</b>
			Population (2016 Estimate)	64,560		Population (2016 Estimate)	64,560				
			Taxable Valuation per Capita	84,027		Total Valuation Per Capita	122,850				
REGULAR TAX RATE	11.79000	47.094,196				<b>HOMESTEADS</b>					
		10,564,742	200	200	1.95000						
		287,160	190	190	0.08000						
		2,460,256	400	400	0.51405						
		4,791,812	495	495	1.00117				10,266		
		788,636	150	150	0.16478				3,370		
		38,766,564	100	100	8.10000				43		
					<b>11.79000</b>	<b>Total Homesteads</b>	<b>13,679</b>				
AG LAND TAX RATE	3.00375	20.960									
TOTAL PROPERTY TAXES LEVIED		57,679,929									
EACH ADDITIONAL \$ .10 TO THE TAX RATE WILL YIELD					478,600						

CONSTITUTIONAL DEBT LIMIT (5% of Actual Property Value)  
 396,559,236  
 114,130,000  
 OUTSTANDING GO DEBT (6/30/17)  
 28.78%

**Employee Complement**  
*City of West Des Moines Personnel by Cluster and Department*

Positions Stated in Full-time Equivalents (FTE)	Budget FY 2015-16	Budget FY 2016-17	Budget FY 2017-18	Budget FY 2018-19	Change From FY 2017-18	% Inc (Dec)
<b>Authorized Personnel by Department</b>						
<b>Community Enrichment Cluster</b>						
Human Services	13.25	13.75	13.75	13.75	0.00	0.0%
Library	25.25	26.50	26.50	27.50	1.00	3.8%
Parks & Recreation	26.00	16.00	16.00	17.00	1.00	6.3%
<b>Sub-total Community Enrichment Cluster</b>	<b>64.50</b>	<b>56.25</b>	<b>56.25</b>	<b>58.25</b>	<b>2.00</b>	<b>3.6%</b>
<b>Public Safety Cluster</b>						
Emergency Medical Services	40.75	41.50	44.70	44.70	0.00	0.0%
Fire	66.00	68.50	70.50	72.50	2.00	2.8%
Police	86.50	86.00	86.00	93.00	7.00	8.1%
Westcom Dispatch	26.00	28.75	28.55	31.55	3.00	10.5%
WestPet Animal Control	4.33	4.33	4.00	4.00	0.00	0.0%
<b>Sub-total Public Safety Cluster</b>	<b>223.58</b>	<b>229.08</b>	<b>233.75</b>	<b>245.75</b>	<b>12.00</b>	<b>5.1%</b>
<b>Public Services Cluster</b>						
Community & Economic Development	4.50	4.50	5.00	5.00	0.00	0.0%
Development Services	20.50	20.50	20.50	20.50	0.00	0.0%
Engineering Services	9.00	19.00	19.00	19.00	0.00	0.0%
Public Services	62.00	65.00	64.00	67.00	3.00	4.7%
<b>Sub-total Public Services Cluster</b>	<b>96.00</b>	<b>109.00</b>	<b>108.50</b>	<b>111.50</b>	<b>3.00</b>	<b>2.8%</b>
<b>Support Services Cluster</b>						
City Manager's Office	4.00	4.00	5.00	5.00	0.00	0.0%
City Clerk	1.33	1.33	1.33	1.33	0.00	0.0%
Finance	9.09	9.09	9.42	9.42	0.00	0.0%
Human Resources	4.50	5.50	6.50	6.50	0.00	0.0%
Information Services	11.00	12.00	13.00	13.00	0.00	0.0%
Legal	4.00	4.00	5.00	5.00	0.00	0.0%
<b>Sub-total Support Services Cluster</b>	<b>33.92</b>	<b>35.92</b>	<b>40.25</b>	<b>40.25</b>	<b>0.00</b>	<b>0.0%</b>
<b>Total Authorized Personnel</b>	<b>418.00</b>	<b>430.25</b>	<b>438.75</b>	<b>455.75</b>	<b>17.00</b>	<b>4.1%</b>
<b>Authorized Personnel by Fund</b>						
General Fund	401.41	415.10	421.41	438.41	17.00	4.2%
Special Revenue Fund	1.19	1.25	1.44	1.44	0.00	0.0%
Enterprise Fund	15.40	13.90	15.90	15.90	0.00	0.0%
<b>Total Authorized Personnel</b>	<b>418.00</b>	<b>430.25</b>	<b>438.75</b>	<b>455.75</b>	<b>17.00</b>	<b>4.1%</b>



CITY OF WEST DES MOINES  
4200 MILLS CIVIC PKWY  
WEST DES MOINES, IA 50265

## AFFIDAVIT OF PUBLICATION

**State of Wisconsin**

**County of Brown, ss.:**

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

### THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

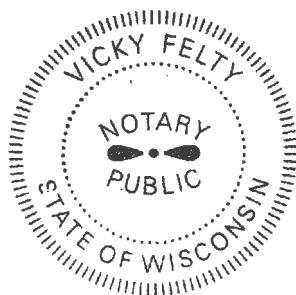
Ad No.	Start Date:	Run Dates:	Cost:
9000619073	02/16/18	02/16/18	\$139.61

Copy of Advertisement  
Exhibit "A"

*Kezma Young*  
Staff member Register Media

Subscribed and sworn to before me by said affiant this

16th day of February, 2018



*Vicky Felty 9-19-21*  
Notary Public

**NOTICE OF PUBLIC HEARING  
BUDGET ESTIMATE**

FISCAL YEAR BEGINNING JULY 1, 2018 - ENDING JUNE 30, 2019

City of West Des Moines, Iowa

The City Council will conduct a public hearing on the proposed Budget at Council Chambers at City Hall  
on 3/5/18 at 5:35 PM

The Budget Estimate Summary of proposed receipts and expenditures is shown below.

Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor, City Clerk, and at the Library.

The estimated Total tax levy rate per \$1000 valuation on regular property . . . 11.79000  
The estimated tax levy rate per \$1000 valuation on Agricultural land is . . . . 3.00375

At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.

515-222-3600

Tim Stiles

*phone number*

*City Clerk/Finance Officer's NAME*

		<b>Budget FY 2019</b>	<b>Re-est: FY 2018</b>	<b>Actual FY 2017</b>
		(a)	(b)	(c)
<b>Revenues &amp; Other Financing Sources</b>				
Taxes Levied on Property	1	57,066,411	54,096,896	52,108,964
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
<b>Net Current Property Taxes</b>	<b>3</b>	<b>57,066,411</b>	<b>54,096,896</b>	<b>52,108,964</b>
Delinquent Property Taxes	4	0	0	9,940
TIF Revenues	5	31,694,645	13,498,069	12,183,281
Other City Taxes	6	7,201,884	4,901,803	5,070,013
Licenses & Permits	7	1,700,800	1,806,671	1,980,884
Use of Money and Property	8	906,450	578,000	931,497
Intergovernmental	9	19,376,813	24,146,233	23,240,446
Charges for Services	10	21,265,470	19,972,275	21,058,137
Special Assessments	11	100,000	150,000	200,558
Miscellaneous	12	12,866,800	13,417,696	11,772,217
Other Financing Sources	13	22,305,000	101,867,600	19,723,108
Transfers In	14	70,894,716	143,773,591	57,065,624
<b>Total Revenues and Other Sources</b>	<b>15</b>	<b>245,378,989</b>	<b>378,208,834</b>	<b>205,344,669</b>
<b>Expenditures &amp; Other Financing Uses</b>				
Public Safety	16	34,395,188	31,813,184	29,411,019
Public Works	17	10,914,333	10,670,100	9,363,033
Health and Social Services	18	1,319,541	1,236,476	1,104,051
Culture and Recreation	19	9,931,866	9,456,853	7,955,071
Community and Economic Development	20	8,211,601	12,359,507	6,870,186
General Government	21	9,948,337	9,185,482	7,744,565
Debt Service	22	24,671,669	26,036,230	22,426,438
Capital Projects	23	35,964,250	143,811,083	36,900,175
<b>Total Government Activities Expenditures</b>	<b>24</b>	<b>135,356,785</b>	<b>244,568,915</b>	<b>121,774,538</b>
Business Type / Enterprises	25	36,581,532	45,502,729	19,982,360
<b>Total ALL Expenditures</b>	<b>26</b>	<b>171,938,317</b>	<b>290,071,644</b>	<b>141,756,898</b>
Transfers Out	27	70,894,716	143,773,591	57,065,624
<b>Total Expenditures/Transfers Out</b>	<b>28</b>	<b>242,833,033</b>	<b>433,845,235</b>	<b>198,822,522</b>
<b>Excess Revenues &amp; Other Sources Over (Under) Expenditures/Transfers Out</b>	<b>29</b>	<b>2,545,956</b>	<b>-55,636,401</b>	<b>6,522,147</b>
Beginning Fund Balance July 1	30	195,233,313	250,869,714	244,347,567
<b>Ending Fund Balance June 30</b>	<b>31</b>	<b>197,779,269</b>	<b>195,233,313</b>	<b>250,869,714</b>

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

**ITEM:** Public Hearing for the Issuance of Not to Exceed  
\$13,000,000 General Obligation Urban Renewal Bonds  
(Ashworth Corridor Urban Renewal Area)

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) not known, pending sale date and interest rate charged. It is expected that these bonds will close before June 30, 2018, and the costs associated with this proposed issuance appear in the FY 2017-18 budget as amended. This issuance will not affect the City's debt service levy rate of \$1.95 per \$1,000 of taxable valuation as all underlying debt will be back by incremental tax revenues produced by projects within the area. Repayment funds will be generated through the Ashworth Corridor Urban Renewal Area and bond payments have been considered when projecting future cash flow needs for this URA. Issuance of bonds is dependent on a development agreement between the City and the developer and/or property tenants which will include a minimum assessment to allow for incremental taxable valuation.

**BACKGROUND:** This public hearing will consider the future sale of not to exceed \$13.0 million General Obligation Urban Renewal Bonds to partially defray the costs of constructing projects in the Ashworth Corridor Urban Renewal Area, primarily widening Ashworth Road west of Jordan Creek Parkway, along with the accompanying water, sewer, and other necessary infrastructure improvements to bring the street up to city standards.


With this item, the Council is asked to adopt a resolution directing that the City's current and future budgets include the proper amount of revenue needed to meet the debt service requirements of these issuances. This will allow the City to institute proceedings needed to issue the bonds and also collect revenue through Urban Renewal Area tax revenues in amounts needed to repay the bonds.

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

**RECOMMENDATION:** Conduct the Public Hearing and Adopt the Resolution which authorizes the future issuance of not to exceed \$13,000,000 General Obligation Urban Renewal Bonds.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Dates(s) Published	February 16, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

MINUTES TO HOLD HEARING AND  
TAKE ADDITIONAL ACTION ON A  
GENERAL OBLIGATION LOAN  
AGREEMENT

506229-3

West Des Moines, Iowa

March 5, 2018

The City Council of the City of West Des Moines, Iowa, met on March 5, 2018, at 5:30 p.m., at the Council Chambers, City Hall, West Des Moines, Iowa.

The meeting was called to order by the Mayor, and the roll being called, the following named Council Members were present and absent:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

This being the time and place specified for taking action on the proposal to enter into a General Obligation Corporate Purpose Loan Agreement in a principal amount not to exceed \$13,000,000, the City Clerk announced that no written objections had been placed on file. Whereupon, the Mayor called for any written or oral objections, and there being none, the Mayor closed the public hearing.

After due consideration and discussion, Council Member \_\_\_\_\_ introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member \_\_\_\_\_. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

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

Resolution Taking Additional Action on Proposal to Enter into a General Obligation Corporate Purpose Loan Agreement

WHEREAS, the City of West Des Moines (the "City"), in Dallas, Madison, Polk and Warren Counties, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, heretofore proposed to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$13,000,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water drainage and sidewalk improvements; and installing street lighting, signage and signalization improvements; and pursuant to law and duly published notice of the proposed action has held a hearing thereon on March 5, 2018; and

WHEREAS, it is now necessary to take additional action with respect to the proposal to enter into the Loan Agreement;

NOW, THEREFORE, Be It Resolved by the City Council of the City of West Des Moines, Iowa, as follows:

Section 1. The City Council hereby determines to enter into the Loan Agreement in the future and orders that General Obligation Bonds be issued at such time, in evidence thereof. The City Council further declares that this resolution constitutes the "additional action" required by Section 384.24A of the Code of Iowa.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 5, 2018.

\_\_\_\_\_  
Mayor

Attest:

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



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On motion and vote, the meeting adjourned.

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Mayor

Attest:

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City Clerk

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

**ITEM:** Public Hearing for the issuance of Not to Exceed  
\$6,100,000 Essential Corporate Purpose  
General Obligation Bonds (ECP)  
(Continued from February 20, 2018)

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged. Projected costs will be included in the fiscal year 2017-18 budget because it is expected that the bonds will be sold prior to June 30, 2018. However, issuance proceeds are calculated to maintain overall debt service (principal and interest) levy for FY 2018-19 at the Council-established ideal rate of \$1.95/\$1,000. The upcoming issuance will be structured to accommodate future annual borrowings at a borrowing level of approximately \$8.0 million in future years. Total tax revenue to be received in FY 2018-19 through the Debt Service Levy is approximately \$10,560,000.

**BACKGROUND:** This public hearing will allow the sale of not to exceed \$6.1 million General Obligation Bonds to partially defray the costs of constructing a number of CIP projects included in prior, current, and future fiscal year budgets. A listing of the proposed projects is attached with this item. The anticipated borrowings for FY 2017-18 are separated into five (5) separate series in order to comply with rules associated with GCP bonds, which do not permit an individual issuance of greater than \$700,000.

It is expected that these bonds will close prior to June 30, 2018, so staff has factored the issuance costs into the FY 2017-18 Capital and Operating Budgets. Staff will also factor these funds into the total amount of funds available for the CIP program – it is expected that a majority of the proceeds will be expended in FY 2018-19, on projects budgeted in that year’s program.

Following the issuance, the City’s debt service levy will remain at \$1.95 per \$1,000 of taxable valuation. Analysis of future borrowing needs has been projected by the City’s Financial Advisory Firm, Public Financial Management with the assumption that in the future the typical annual general obligation borrowing limit will be approximately \$8.0 million. The recommended action will establish authorization for the City to receive bids on the sale of the bonds any time after the certification of the FY 2018-19 budgets.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to take additional actions on the issuance of not to exceed \$6,100,000 (total) ECP General Obligation Bonds.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Dates(s) Published	February 16, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

Resolution authorizing and combining Loan Agreements, approving the future issuance of General Obligation Corporate Purpose Bonds and providing for the levy of taxes to pay the same

WHEREAS, the City of West Des Moines (the “City”), in Dallas, Madison, Polk and Warren Counties, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, heretofore proposed to enter into a loan agreement (the “Essential Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$6,100,000 for the purpose of paying the costs, to that extent, of (1) constructing street, alley, sanitary sewer system, storm water drainage and sidewalk improvements; (2) acquiring and installing street lighting and signalization improvements; (3) improving and equipping existing municipal parks; and (4) planning public improvements and land use elements for Valley Junction, and has published notice of the proposed action and has held a hearing thereon on March 5, 2018; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$675,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing improvements to the Law Enforcement Center; and (2) effecting fueling system modifications at the Public Services Facility, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #2”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system and HVAC system improvements at the municipal library; (2) installing HVAC improvements at the Nature Lodge; (3) constructing roof improvements at the Valley View Aquatic Center; and (4) designing and installing City entrance signage, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #3”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system improvements at Fire/EMS Station #21; and (2) constructing recreation trail improvements, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #3 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #4”) (collectively, the Essential Purpose Loan Agreement, the General Purpose Loan Agreement #1, the General Purpose Loan Agreement #2, the General Purpose Loan Agreement #3 and the General Purpose Loan Agreement #4 are sometimes referred to hereinafter as the “Loan Agreements”) and to borrow money thereunder in a principal amount not to exceed \$500,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of improving and equipping new City parks, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #4 be submitted to the registered voters of the City; and

WHEREAS, the City intends to combine the Loan Agreements into a single loan agreement (the “Loan Agreement”) and to enter into the Loan Agreement in the future and to issue General Obligation Corporate Purpose Bonds (the “Bonds”) in evidence of its obligation thereunder and anticipates that principal and/or interest will come due on the Bonds before July 1, 2018; and

WHEREAS, it is now necessary to make provision for the levy of a debt service property tax in the 2018-2019 fiscal year for the payment of such principal and interest;

NOW, THEREFORE, Be It Resolved by the City Council of the City of West Des Moines, Iowa, as follows:

Section 1. The City hereby combines the Loan Agreements into the Loan Agreement pursuant to Section 384.28 of the Code of Iowa.

Section 2. The City Council hereby determines to enter into the Loan Agreement in the future and orders that the Bonds shall be issued in a principal amount not to exceed \$8,675,000 at such time, in evidence thereof. The City Council further declares that this constitutes the “additional action” required by Section 384.24A of the Code of Iowa.

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the City the following direct annual tax:

For collection in the fiscal year beginning July 1, 2018,  
sufficient to produce the net annual sum of \$2,414,763;

provided, however, that at the time the Bonds are issued, the actual tax levy amounts required to pay the principal of and interest on the Bonds in each year shall be determined based upon the interest rate or rates at which the Bonds are issued, and this resolution shall be supplemented by resolution of the City Council to provide for such actual and necessary tax levy amounts.

Section 4. A certified copy of this resolution shall be filed with the County Auditors of Dallas, Madison, Polk and Warren Counties, and said Auditors are hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for

collection, the County Auditors shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Section 5. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 5, 2018.

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Mayor

Attest:

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City Clerk

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On motion and vote, the meeting adjourned.

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Mayor

Attest:

---

City Clerk

FY 18-19 CIP by Funding Source

GO Bond Funds		18-19	19-20	21,22,23	Total
Project Name		Proposed	Potential	Future Years	
VALLEY JUNCTION TRAIL CONNECTION	Design/Construction	400,000	0	0	400,000
VALLEY VIEW PARK	Central Site Grading, Utilities & North Roadway	300,000	1,300,000	1,300,000	2,900,000
HIDDEN POINT PARK	Playground, Sidewalks, Grading	292,000	292,000	0	584,000
WHISPER POINT PARK	Park Improvements - Playground and Sidewalks	196,000	196,000	0	392,000
RACCOON RIVER PARK	Softball Complex Drainage, Electrical, Dugout Repairs	150,000	0	0	150,000
AMERICAN LEGION PARK	Tennis Court Lighting Upgrade (LED)	100,000	0	0	100,000
KIWANIS PARK	Shelter Replacement	80,000	0	0	80,000
RACCOON RIVER PARK	East Entrance Trail Renovation	70,000	0	0	70,000
RACCOON RIVER PARK	Lighting Upgrade	60,000	350,000	0	410,000
HOLIDAY PARK - GIRLS SOFTBALL	Field Improvements	50,000	100,000	100,000	250,000
PLAY EQUIPMENT REPLACEMENT	Peony, Scenic Valley, Willow Springs Parks	0	600,000	0	600,000
WHISPER POINT PARK	Park Improvements - Shelter, Restroom, BB Court	0	450,000	0	450,000
HIDDEN POINT PARK	Shelter, Restroom, BB Court, Trails	0	350,000	0	350,000
WINDSOR HEIGHTS TRAIL CONNECTION	Trail Connection Construction	0	200,000	200,000	400,000
SCENIC VALLEY PARK	Tennis Court	0	160,000	0	160,000
WILD ROSE PARK	Tennis Court	0	160,000	0	160,000
FAIRMEADOWS PARK	Bocce ball court and sidewalks	0	50,000	0	50,000
HOLIDAY PARK - GIRLS SOFTBALL	Dumpster Enclosure	0	50,000	0	50,000
SOUTHWOODS PARK	Single Track Trails	0	50,000	0	50,000
VALLEY VIEW PARK	South Roadway & Trail	0	0	1,900,000	1,900,000
PLAY EQUIPMENT REPLACEMENT	Ashawa, Crossroads, Jaycee, Kiwanis, Wild Rose Parks	0	0	1,010,000	1,010,000
CROSSROADS PARK	Tennis Court Reconstruction	0	0	500,000	500,000
RACCOON RIVER PARK	Play Equipment Replacement	0	0	500,000	500,000
CROSSROADS PARK	Parking Lot Reconstruction	0	0	350,000	350,000
CROSSROADS PARK	Tennis Court Lighting	0	0	300,000	300,000
RACCOON RIVER PARK	Softball Complex Play Equipment Replacement	0	0	200,000	200,000
AMERICAN LEGION PARK	Skate Facility Replacement	0	0	150,000	150,000
RACCOON RIVER PARK	Sprayground / Ship Structure Demo	0	0	50,000	50,000
EP True Parkway Widening - 81st St to Jordan Creek Parkway		1,000,000	0	0	1,000,000
Traffic Signal Preemption System		850,000	0	0	850,000
Grand Avenue Reconstruction - 1st to 6th		500,000	2,927,450	0	3,427,450
LEC - Lower Level Remodel Phase 3		450,000	0	0	450,000
Traffic Signal Installation - New Signals (Grand & Raccoon River Park)		400,000	0	0	400,000
S. 33rd & Fuller Retaining Wall Repair		365,000	0	0	365,000
Jordan Creek Parkway & Ashworth Road Intersection Improvements		305,000	0	0	305,000
Valley Junction Alleys		300,000	300,000	1,200,000	1,800,000
Fire/EMS Station #21 - Generator Replacement & Electric Service Update		270,000	0	0	270,000
Public Services Facility (Existing) - Fueling Facility Modifications		215,000	0	0	215,000
Library - Generator Replacement		210,000	0	0	210,000
Library - Air Handler Replacements		185,000	0	0	185,000
Library - HVAC Control System		150,000	0	0	150,000
1st & Ashworth Intersection Improvements		125,000	0	0	125,000
1st & Railroad Intersection Improvements - Bicycle Advisory Commission		125,000	0	0	125,000
Grand Avenue - Reconstruction East of I-35 & Trail West of I-35		115,000	845,000	0	960,000
Mills Civic Parkway & S. 51st Intersection Improvements		115,000	0	0	115,000
Valley Junction Master Plan		100,000	0	0	100,000
City Entrance Enhancements (Level 1) - 5 Locations		60,000	500,000	0	560,000
Valley View Aquatic Center - Partial Roof Replacement		55,000	0	0	55,000
Nature Lodge - HVAC Replacement		20,000	145,000	0	165,000
S. Grand Prairie Parkway - Stagecoach to Mills Civic Parkway		0	5,700,000	0	5,700,000

FY 18-19 CIP by Funding Source

<b>GO Bond Funds</b>				
<b>Project Name</b>	<b>18-19 Proposed</b>	<b>19-20 Potential</b>	<b>21,22,23 Future Years</b>	<b>Total</b>
Fire/EMS Station #21 - Roof Replacement	0	435,000	0	435,000
Traffic Signal Installation - New Signals (S. 50th & Hawthorne)	0	400,000	0	400,000
Library - Carpet Replacement	0	350,000	0	350,000
Fire/EMS Station #22 - Roof Replacement	0	330,000	0	330,000
Fire/EMS Station #17 - Generator Replacement	0	210,000	0	210,000
Fire/EMS Station #22 - Generator Replacement	0	210,000	0	210,000
City-Wide Facility Energy Saving Measures	0	120,000	0	120,000
Library - Wall Repair & Painting	0	100,000	0	100,000
City Entrance Enhancements (Level 2) - 10 Locations	0	75,000	700,000	775,000
Parks Maintenance Facility - Sewer Service	0	75,000	0	75,000
Nature Lodge - Flat Roof Replacement	0	70,000	0	70,000
Library - Repurposing Café	0	60,000	0	60,000
Fire/EMS Station #22 - ERU Replacement	0	55,000	0	55,000
Historic Valley Junction City Hall - Water Infiltration Study	0	45,000	0	45,000
Nature Lodge - Water Infiltration Study	0	35,000	0	35,000
Raccoon River Park Concessions - Exhaust Hood Fire Suppression	0	15,000	0	15,000
Mills Civic Parkway - S. 91st to S. Tiburon Cove	0	0	3,670,000	3,670,000
Mills Civic Parkway - S. Tiburon Cove to S. Grand Prairie Parkway	0	0	3,600,000	3,600,000
Mills Civic Parkway - S. 81st to S. 88th	0	0	3,485,000	3,485,000
S. 88th Street Reconstruction - Cascade Avenue to Mills Civic Parkway	0	0	2,280,000	2,280,000
S. 35th Street - Grand Avenue to Plumwood Drive	0	0	2,100,000	2,100,000
92nd Street - Ashworth Road to Westown Parkway	0	0	1,880,000	1,880,000
Mills Civic Parkway - S. 88th to S. 91st	0	0	1,795,000	1,795,000
S. 88th Street - Mills Civic Parkway to Coachlight Drive	0	0	1,335,000	1,335,000
S. 50th Street Widening - Park Drive to Mills Civic Parkway	0	0	1,145,000	1,145,000
Jordan Creek Parkway & University Avenue Intersection Improvements	0	0	1,090,000	1,090,000
5th Street - Locust to Vine	0	0	700,000	700,000
Fire/EMS Station #19 - HVAC Study (Atrium)	0	0	600,000	600,000
Jordan Creek Parkway & Westown Parkway Intersection Improvements	0	0	550,000	550,000
Jordan Creek Parkway & I-80 North Ramp Improvements	0	0	520,000	520,000
LEC - Garages/Storage Structure Project Reduced	0	0	500,000	500,000
Traffic Signal Installation - New Signals (S. 35th & Mills Civic)	0	0	400,000	400,000
Traffic Signal Installation - New Signals (S. 81st & Bridgewood)	0	0	400,000	400,000
Library - Duct Encapsulation	0	0	60,000	60,000
Fire/EMS Station #19 - Air Handler Replacement	0	0	50,000	50,000
Fire/EMS Station #19 - Boiler Replacement	0	0	50,000	50,000
Fire/EMS Station #17 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
Fire/EMS Station #22 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
	<b>7,613,000</b>	<b>17,310,450</b>	<b>34,750,000</b>	<b>59,673,450</b>



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

**ITEM:** Public Hearing for the issuance of Not to Exceed  
\$675,000 General Corporate Purpose  
General Obligation Bonds (GCP-1)  
(Continued from February 20, 2018)

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged. Projected costs will be included in the fiscal year 2017-18 budget because it is expected that the bonds will be sold prior to June 30, 2018. However, issuance proceeds are calculated to maintain overall debt service (principal and interest) levy for FY 2018-19 at the Council-established ideal rate of \$1.95/\$1,000. The upcoming issuance will be structured to accommodate future annual borrowings at a borrowing level of approximately \$8.0 million in future years. Total tax revenue to be received in FY 2018-19 through the Debt Service Levy is approximately \$10,560,000.

**BACKGROUND:** This public hearing will allow the sale of not to exceed \$675,000 General Obligation Bonds to partially defray the costs of constructing a number of CIP projects included in prior, current, and future fiscal year budgets. A listing of the proposed projects is attached with this item. The anticipated borrowings for FY 2017-18 are separated into five (5) separate series in order to comply with rules associated with GCP bonds, which do not permit an individual issuance of greater than \$700,000.

It is expected that these bonds will close prior to June 30, 2018, so staff has factored the issuance costs into the FY 2017-18 Capital and Operating Budgets. Staff will also factor these funds into the total amount of funds available for the CIP program – it is expected that a majority of the proceeds will be expended in FY 2018-19, on projects budgeted in that year’s program.


Following the issuance, the City’s debt service levy will remain at \$1.95 per \$1,000 of taxable valuation. Analysis of future borrowing needs has been projected by the City’s Financial Advisory Firm, Public Financial Management with the assumption that in the future the typical annual general obligation borrowing limit will be approximately \$8.0 million. The recommended action will establish authorization for the City to receive bids on the sale of the bonds any time after the certification of the FY 2018-19 budgets.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to take additional actions on the issuance of not to exceed \$675,000 (total) GCP General Obligation Bonds.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Dates(s) Published	February 16, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

Resolution authorizing and combining Loan Agreements, approving the future issuance of General Obligation Corporate Purpose Bonds and providing for the levy of taxes to pay the same

WHEREAS, the City of West Des Moines (the “City”), in Dallas, Madison, Polk and Warren Counties, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, heretofore proposed to enter into a loan agreement (the “Essential Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$6,100,000 for the purpose of paying the costs, to that extent, of (1) constructing street, alley, sanitary sewer system, storm water drainage and sidewalk improvements; (2) acquiring and installing street lighting and signalization improvements; (3) improving and equipping existing municipal parks; and (4) planning public improvements and land use elements for Valley Junction, and has published notice of the proposed action and has held a hearing thereon on March 5, 2018; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$675,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing improvements to the Law Enforcement Center; and (2) effecting fueling system modifications at the Public Services Facility, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #2”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system and HVAC system improvements at the municipal library; (2) installing HVAC improvements at the Nature Lodge; (3) constructing roof improvements at the Valley View Aquatic Center; and (4) designing and installing City entrance signage, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #3”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system improvements at Fire/EMS Station #21; and (2) constructing recreation trail improvements, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #3 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #4”) (collectively, the Essential Purpose Loan Agreement, the General Purpose Loan Agreement #1, the General Purpose Loan Agreement #2, the General Purpose Loan Agreement #3 and the General Purpose Loan Agreement #4 are sometimes referred to hereinafter as the “Loan Agreements”) and to borrow money thereunder in a principal amount not to exceed \$500,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of improving and equipping new City parks, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #4 be submitted to the registered voters of the City; and

WHEREAS, the City intends to combine the Loan Agreements into a single loan agreement (the “Loan Agreement”) and to enter into the Loan Agreement in the future and to issue General Obligation Corporate Purpose Bonds (the “Bonds”) in evidence of its obligation thereunder and anticipates that principal and/or interest will come due on the Bonds before July 1, 2018; and

WHEREAS, it is now necessary to make provision for the levy of a debt service property tax in the 2018-2019 fiscal year for the payment of such principal and interest;

NOW, THEREFORE, Be It Resolved by the City Council of the City of West Des Moines, Iowa, as follows:

Section 1. The City hereby combines the Loan Agreements into the Loan Agreement pursuant to Section 384.28 of the Code of Iowa.

Section 2. The City Council hereby determines to enter into the Loan Agreement in the future and orders that the Bonds shall be issued in a principal amount not to exceed \$8,675,000 at such time, in evidence thereof. The City Council further declares that this constitutes the “additional action” required by Section 384.24A of the Code of Iowa.

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the City the following direct annual tax:

For collection in the fiscal year beginning July 1, 2018,  
sufficient to produce the net annual sum of \$2,414,763;

provided, however, that at the time the Bonds are issued, the actual tax levy amounts required to pay the principal of and interest on the Bonds in each year shall be determined based upon the interest rate or rates at which the Bonds are issued, and this resolution shall be supplemented by resolution of the City Council to provide for such actual and necessary tax levy amounts.

Section 4. A certified copy of this resolution shall be filed with the County Auditors of Dallas, Madison, Polk and Warren Counties, and said Auditors are hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for

collection, the County Auditors shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Section 5. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 5, 2018.

\_\_\_\_\_  
Mayor

Attest:

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

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On motion and vote, the meeting adjourned.

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Mayor

Attest:

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City Clerk

FY 18-19 CIP by Funding Source

GO Bond Funds		18-19	19-20	21,22,23	Total
Project Name		Proposed	Potential	Future Years	
VALLEY JUNCTION TRAIL CONNECTION	Design/Construction	400,000	0	0	400,000
VALLEY VIEW PARK	Central Site Grading, Utilities & North Roadway	300,000	1,300,000	1,300,000	2,900,000
HIDDEN POINT PARK	Playground, Sidewalks, Grading	292,000	292,000	0	584,000
WHISPER POINT PARK	Park Improvements - Playground and Sidewalks	196,000	196,000	0	392,000
RACCOON RIVER PARK	Softball Complex Drainage, Electrical, Dugout Repairs	150,000	0	0	150,000
AMERICAN LEGION PARK	Tennis Court Lighting Upgrade (LED)	100,000	0	0	100,000
KIWANIS PARK	Shelter Replacement	80,000	0	0	80,000
RACCOON RIVER PARK	East Entrance Trail Renovation	70,000	0	0	70,000
RACCOON RIVER PARK	Lighting Upgrade	60,000	350,000	0	410,000
HOLIDAY PARK - GIRLS SOFTBALL	Field Improvements	50,000	100,000	100,000	250,000
PLAY EQUIPMENT REPLACEMENT	Peony, Scenic Valley, Willow Springs Parks	0	600,000	0	600,000
WHISPER POINT PARK	Park Improvements - Shelter, Restroom, BB Court	0	450,000	0	450,000
HIDDEN POINT PARK	Shelter, Restroom, BB Court, Trails	0	350,000	0	350,000
WINDSOR HEIGHTS TRAIL CONNECTION	Trail Connection Construction	0	200,000	200,000	400,000
SCENIC VALLEY PARK	Tennis Court	0	160,000	0	160,000
WILD ROSE PARK	Tennis Court	0	160,000	0	160,000
FAIRMEADOWS PARK	Bocce ball court and sidewalks	0	50,000	0	50,000
HOLIDAY PARK - GIRLS SOFTBALL	Dumpster Enclosure	0	50,000	0	50,000
SOUTHWOODS PARK	Single Track Trails	0	50,000	0	50,000
VALLEY VIEW PARK	South Roadway & Trail	0	0	1,900,000	1,900,000
PLAY EQUIPMENT REPLACEMENT	Ashawa, Crossroads, Jaycee, Kiwanis, Wild Rose Parks	0	0	1,010,000	1,010,000
CROSSROADS PARK	Tennis Court Reconstruction	0	0	500,000	500,000
RACCOON RIVER PARK	Play Equipment Replacement	0	0	500,000	500,000
CROSSROADS PARK	Parking Lot Reconstruction	0	0	350,000	350,000
CROSSROADS PARK	Tennis Court Lighting	0	0	300,000	300,000
RACCOON RIVER PARK	Softball Complex Play Equipment Replacement	0	0	200,000	200,000
AMERICAN LEGION PARK	Skate Facility Replacement	0	0	150,000	150,000
RACCOON RIVER PARK	Sprayground / Ship Structure Demo	0	0	50,000	50,000
EP True Parkway Widening - 81st St to Jordan Creek Parkway		1,000,000	0	0	1,000,000
Traffic Signal Preemption System		850,000	0	0	850,000
Grand Avenue Reconstruction - 1st to 6th		500,000	2,927,450	0	3,427,450
LEC - Lower Level Remodel Phase 3		450,000	0	0	450,000
Traffic Signal Installation - New Signals (Grand & Racoon River Park)		400,000	0	0	400,000
S. 33rd & Fuller Retaining Wall Repair		365,000	0	0	365,000
Jordan Creek Parkway & Ashworth Road Intersection Improvements		305,000	0	0	305,000
Valley Junction Alleys		300,000	300,000	1,200,000	1,800,000
Fire/EMS Station #21 - Generator Replacement & Electric Service Update		270,000	0	0	270,000
Public Services Facility (Existing) - Fueling Facility Modifications		215,000	0	0	215,000
Library - Generator Replacement		210,000	0	0	210,000
Library - Air Handler Replacements		185,000	0	0	185,000
Library - HVAC Control System		150,000	0	0	150,000
1st & Ashworth Intersection Improvements		125,000	0	0	125,000
1st & Railroad Intersection Improvements - Bicycle Advisory Commission		125,000	0	0	125,000
Grand Avenue - Reconstruction East of I-35 & Trail West of I-35		115,000	845,000	0	960,000
Mills Civic Parkway & S. 51st Intersection Improvements		115,000	0	0	115,000
Valley Junction Master Plan		100,000	0	0	100,000
City Entrance Enhancements (Level 1) - 5 Locations		60,000	500,000	0	560,000
Valley View Aquatic Center - Partial Roof Replacement		55,000	0	0	55,000
Nature Lodge - HVAC Replacement		20,000	145,000	0	165,000
S. Grand Prairie Parkway - Stagecoach to Mills Civic Parkway		0	5,700,000	0	5,700,000

FY 18-19 CIP by Funding Source

**GO Bond Funds**

<b>Project Name</b>	<b>18-19 Proposed</b>	<b>19-20 Potential</b>	<b>21,22,23 Future Years</b>	<b>Total</b>
Fire/EMS Station #21 - Roof Replacement	0	435,000	0	435,000
Traffic Signal Installation - New Signals (S. 50th & Hawthorne)	0	400,000	0	400,000
Library - Carpet Replacement	0	350,000	0	350,000
Fire/EMS Station #22 - Roof Replacement	0	330,000	0	330,000
Fire/EMS Station #17 - Generator Replacement	0	210,000	0	210,000
Fire/EMS Station #22 - Generator Replacement	0	210,000	0	210,000
City-Wide Facility Energy Saving Measures	0	120,000	0	120,000
Library - Wall Repair & Painting	0	100,000	0	100,000
City Entrance Enhancements (Level 2) - 10 Locations	0	75,000	700,000	775,000
Parks Maintenance Facility - Sewer Service	0	75,000	0	75,000
Nature Lodge - Flat Roof Replacement	0	70,000	0	70,000
Library - Repurposing Café	0	60,000	0	60,000
Fire/EMS Station #22 - ERU Replacement	0	55,000	0	55,000
Historic Valley Junction City Hall - Water Infiltration Study	0	45,000	0	45,000
Nature Lodge - Water Infiltration Study	0	35,000	0	35,000
Raccoon River Park Concessions - Exhaust Hood Fire Suppression	0	15,000	0	15,000
Mills Civic Parkway - S. 91st to S. Tiburon Cove	0	0	3,670,000	3,670,000
Mills Civic Parkway - S. Tiburon Cove to S. Grand Prairie Parkway	0	0	3,600,000	3,600,000
Mills Civic Parkway - S. 81st to S. 88th	0	0	3,485,000	3,485,000
S. 88th Street Reconstruction - Cascade Avenue to Mills Civic Parkway	0	0	2,280,000	2,280,000
S. 35th Street - Grand Avenue to Plumwood Drive	0	0	2,100,000	2,100,000
92nd Street - Ashworth Road to Westown Parkway	0	0	1,880,000	1,880,000
Mills Civic Parkway - S. 88th to S. 91st	0	0	1,795,000	1,795,000
S. 88th Street - Mills Civic Parkway to Coachlight Drive	0	0	1,335,000	1,335,000
S. 50th Street Widening - Park Drive to Mills Civic Parkway	0	0	1,145,000	1,145,000
Jordan Creek Parkway & University Avenue Intersection Improvements	0	0	1,090,000	1,090,000
5th Street - Locust to Vine	0	0	700,000	700,000
Fire/EMS Station #19 - HVAC Study (Atrium)	0	0	600,000	600,000
Jordan Creek Parkway & Westown Parkway Intersection Improvements	0	0	550,000	550,000
Jordan Creek Parkway & I-80 North Ramp Improvements	0	0	520,000	520,000
LEC - Garages/Storage Structure Project Reduced	0	0	500,000	500,000
Traffic Signal Installation - New Signals (S. 35th & Mills Civic)	0	0	400,000	400,000
Traffic Signal Installation - New Signals (S. 81st & Bridgewood)	0	0	400,000	400,000
Library - Duct Encapsulation	0	0	60,000	60,000
Fire/EMS Station #19 - Air Handler Replacement	0	0	50,000	50,000
Fire/EMS Station #19 - Boiler Replacement	0	0	50,000	50,000
Fire/EMS Station #17 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
Fire/EMS Station #22 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
	<b>7,613,000</b>	<b>17,310,450</b>	<b>34,750,000</b>	<b>59,673,450</b>

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

**ITEM:** Public Hearing for the issuance of Not to Exceed  
\$700,000 General Corporate Purpose  
General Obligation Bonds (GCP-2)  
(Continued from February 20, 2018)

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged. Projected costs will be included in the fiscal year 2017-18 budget because it is expected that the bonds will be sold prior to June 30, 2018. However, issuance proceeds are calculated to maintain overall debt service (principal and interest) levy for FY 2018-19 at the Council-established ideal rate of \$1.95/\$1,000. The upcoming issuance will be structured to accommodate future annual borrowings at a borrowing level of approximately \$8.0 million in future years. Total tax revenue to be received in FY 2018-19 through the Debt Service Levy is approximately \$10,560,000.

**BACKGROUND:** This public hearing will allow the sale of not to exceed \$700,000 General Obligation Bonds to partially defray the costs of constructing a number of CIP projects included in prior, current, and future fiscal year budgets. A listing of the proposed projects is attached with this item. The anticipated borrowings for FY 2017-18 are separated into five (5) separate series in order to comply with rules associated with GCP bonds, which do not permit an individual issuance of greater than \$700,000.

It is expected that these bonds will close prior to June 30, 2018, so staff has factored the issuance costs into the FY 2017-18 Capital and Operating Budgets. Staff will also factor these funds into the total amount of funds available for the CIP program – it is expected that a majority of the proceeds will be expended in FY 2018-19, on projects budgeted in that year’s program.


Following the issuance, the City’s debt service levy will remain at \$1.95 per \$1,000 of taxable valuation. Analysis of future borrowing needs has been projected by the City’s Financial Advisory Firm, Public Financial Management with the assumption that in the future the typical annual general obligation borrowing limit will be approximately \$8.0 million. The recommended action will establish authorization for the City to receive bids on the sale of the bonds any time after the certification of the FY 2018-19 budgets.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to take additional actions on the issuance of not to exceed \$700,000 (total) GCP General Obligation Bonds.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Dates(s) Published	February 16, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split



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

Resolution authorizing and combining Loan Agreements, approving the future issuance of General Obligation Corporate Purpose Bonds and providing for the levy of taxes to pay the same

WHEREAS, the City of West Des Moines (the “City”), in Dallas, Madison, Polk and Warren Counties, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, heretofore proposed to enter into a loan agreement (the “Essential Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$6,100,000 for the purpose of paying the costs, to that extent, of (1) constructing street, alley, sanitary sewer system, storm water drainage and sidewalk improvements; (2) acquiring and installing street lighting and signalization improvements; (3) improving and equipping existing municipal parks; and (4) planning public improvements and land use elements for Valley Junction, and has published notice of the proposed action and has held a hearing thereon on March 5, 2018; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$675,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing improvements to the Law Enforcement Center; and (2) effecting fueling system modifications at the Public Services Facility, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #2”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system and HVAC system improvements at the municipal library; (2) installing HVAC improvements at the Nature Lodge; (3) constructing roof improvements at the Valley View Aquatic Center; and (4) designing and installing City entrance signage, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #3”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system improvements at Fire/EMS Station #21; and (2) constructing recreation trail improvements, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #3 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #4”) (collectively, the Essential Purpose Loan Agreement, the General Purpose Loan Agreement #1, the General Purpose Loan Agreement #2, the General Purpose Loan Agreement #3 and the General Purpose Loan Agreement #4 are sometimes referred to hereinafter as the “Loan Agreements”) and to borrow money thereunder in a principal amount not to exceed \$500,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of improving and equipping new City parks, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #4 be submitted to the registered voters of the City; and

WHEREAS, the City intends to combine the Loan Agreements into a single loan agreement (the “Loan Agreement”) and to enter into the Loan Agreement in the future and to issue General Obligation Corporate Purpose Bonds (the “Bonds”) in evidence of its obligation thereunder and anticipates that principal and/or interest will come due on the Bonds before July 1, 2018; and

WHEREAS, it is now necessary to make provision for the levy of a debt service property tax in the 2018-2019 fiscal year for the payment of such principal and interest;

NOW, THEREFORE, Be It Resolved by the City Council of the City of West Des Moines, Iowa, as follows:

Section 1. The City hereby combines the Loan Agreements into the Loan Agreement pursuant to Section 384.28 of the Code of Iowa.

Section 2. The City Council hereby determines to enter into the Loan Agreement in the future and orders that the Bonds shall be issued in a principal amount not to exceed \$8,675,000 at such time, in evidence thereof. The City Council further declares that this constitutes the “additional action” required by Section 384.24A of the Code of Iowa.

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the City the following direct annual tax:

For collection in the fiscal year beginning July 1, 2018,  
sufficient to produce the net annual sum of \$2,414,763;

provided, however, that at the time the Bonds are issued, the actual tax levy amounts required to pay the principal of and interest on the Bonds in each year shall be determined based upon the interest rate or rates at which the Bonds are issued, and this resolution shall be supplemented by resolution of the City Council to provide for such actual and necessary tax levy amounts.

Section 4. A certified copy of this resolution shall be filed with the County Auditors of Dallas, Madison, Polk and Warren Counties, and said Auditors are hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for

collection, the County Auditors shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Section 5. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 5, 2018.

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Mayor

Attest:

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City Clerk

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On motion and vote, the meeting adjourned.

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Mayor

Attest:

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City Clerk

FY 18-19 CIP by Funding Source

<b>GO Bond Funds</b>		<b>18-19</b>	<b>19-20</b>	<b>21,22,23</b>	<b>Total</b>
<b>Project Name</b>		<b>Proposed</b>	<b>Potential</b>	<b>Future Years</b>	
<b>VALLEY JUNCTION TRAIL CONNECTION</b>	Design/Construction	400,000	0	0	400,000
<b>VALLEY VIEW PARK</b>	Central Site Grading, Utilities & North Roadway	300,000	1,300,000	1,300,000	2,900,000
<b>HIDDEN POINT PARK</b>	Playground, Sidewalks, Grading	292,000	292,000	0	584,000
<b>WHISPER POINT PARK</b>	Park Improvements - Playground and Sidewalks	196,000	196,000	0	392,000
<b>RACCOON RIVER PARK</b>	Softball Complex Drainage, Electrical, Dugout Repairs	150,000	0	0	150,000
<b>AMERICAN LEGION PARK</b>	Tennis Court Lighting Upgrade (LED)	100,000	0	0	100,000
<b>KIWANIS PARK</b>	Shelter Replacement	80,000	0	0	80,000
<b>RACCOON RIVER PARK</b>	East Entrance Trail Renovation	70,000	0	0	70,000
<b>RACCOON RIVER PARK</b>	Lighting Upgrade	60,000	350,000	0	410,000
<b>HOLIDAY PARK - GIRLS SOFTBALL</b>	Field Improvements	50,000	100,000	100,000	250,000
<b>PLAY EQUIPMENT REPLACEMENT</b>	Peony, Scenic Valley, Willow Springs Parks	0	600,000	0	600,000
<b>WHISPER POINT PARK</b>	Park Improvements - Shelter, Restroom, BB Court	0	450,000	0	450,000
<b>HIDDEN POINT PARK</b>	Shelter, Restroom, BB Court, Trails	0	350,000	0	350,000
<b>WINDSOR HEIGHTS TRAIL CONNECTION</b>	Trail Connection Construction	0	200,000	200,000	400,000
<b>SCENIC VALLEY PARK</b>	Tennis Court	0	160,000	0	160,000
<b>WILD ROSE PARK</b>	Tennis Court	0	160,000	0	160,000
<b>FAIRMEADOWS PARK</b>	Bocce ball court and sidewalks	0	50,000	0	50,000
<b>HOLIDAY PARK - GIRLS SOFTBALL</b>	Dumpster Enclosure	0	50,000	0	50,000
<b>SOUTHWOODS PARK</b>	Single Track Trails	0	50,000	0	50,000
<b>VALLEY VIEW PARK</b>	South Roadway & Trail	0	0	1,900,000	1,900,000
<b>PLAY EQUIPMENT REPLACEMENT</b>	Ashawa, Crossroads, Jaycee, Kiwanis, Wild Rose Parks	0	0	1,010,000	1,010,000
<b>CROSSROADS PARK</b>	Tennis Court Reconstruction	0	0	500,000	500,000
<b>RACCOON RIVER PARK</b>	Play Equipment Replacement	0	0	500,000	500,000
<b>CROSSROADS PARK</b>	Parking Lot Reconstruction	0	0	350,000	350,000
<b>CROSSROADS PARK</b>	Tennis Court Lighting	0	0	300,000	300,000
<b>RACCOON RIVER PARK</b>	Softball Complex Play Equipment Replacement	0	0	200,000	200,000
<b>AMERICAN LEGION PARK</b>	Skate Facility Replacement	0	0	150,000	150,000
<b>RACCOON RIVER PARK</b>	Sprayground / Ship Structure Demo	0	0	50,000	50,000
EP True Parkway Widening - 81st St to Jordan Creek Parkway		1,000,000	0	0	1,000,000
Traffic Signal Preemption System		850,000	0	0	850,000
Grand Avenue Reconstruction - 1st to 6th		500,000	2,927,450	0	3,427,450
LEC - Lower Level Remodel Phase 3		450,000	0	0	450,000
Traffic Signal Installation - New Signals (Grand & Racoon River Park)		400,000	0	0	400,000
S. 33rd & Fuller Retaining Wall Repair		365,000	0	0	365,000
Jordan Creek Parkway & Ashworth Road Intersection Improvements		305,000	0	0	305,000
Valley Junction Alleys		300,000	300,000	1,200,000	1,800,000
Fire/EMS Station #21 - Generator Replacement & Electric Service Update		270,000	0	0	270,000
Public Services Facility (Existing) - Fueling Facility Modifications		215,000	0	0	215,000
Library - Generator Replacement		210,000	0	0	210,000
Library - Air Handler Replacements		185,000	0	0	185,000
Library - HVAC Control System		150,000	0	0	150,000
1st & Ashworth Intersection Improvements		125,000	0	0	125,000
1st & Railroad Intersection Improvements - Bicycle Advisory Commission		125,000	0	0	125,000
Grand Avenue - Reconstruction East of I-35 & Trail West of I-35		115,000	845,000	0	960,000
Mills Civic Parkway & S. 51st Intersection Improvements		115,000	0	0	115,000
Valley Junction Master Plan		100,000	0	0	100,000
City Entrance Enhancements (Level 1) - 5 Locations		60,000	500,000	0	560,000
Valley View Aquatic Center - Partial Roof Replacement		55,000	0	0	55,000
Nature Lodge - HVAC Replacement		20,000	145,000	0	165,000
S. Grand Prairie Parkway - Stagecoach to Mills Civic Parkway		0	5,700,000	0	5,700,000

FY 18-19 CIP by Funding Source

**GO Bond Funds**

Project Name	18-19	19-20	21,22,23	Total
	Proposed	Potential	Future Years	
Fire/EMS Station #21 - Roof Replacement	0	435,000	0	435,000
Traffic Signal Installation - New Signals (S. 50th & Hawthorne)	0	400,000	0	400,000
Library - Carpet Replacement	0	350,000	0	350,000
Fire/EMS Station #22 - Roof Replacement	0	330,000	0	330,000
Fire/EMS Station #17 - Generator Replacement	0	210,000	0	210,000
Fire/EMS Station #22 - Generator Replacement	0	210,000	0	210,000
City-Wide Facility Energy Saving Measures	0	120,000	0	120,000
Library - Wall Repair & Painting	0	100,000	0	100,000
City Entrance Enhancements (Level 2) - 10 Locations	0	75,000	700,000	775,000
Parks Maintenance Facility - Sewer Service	0	75,000	0	75,000
Nature Lodge - Flat Roof Replacement	0	70,000	0	70,000
Library - Repurposing Café	0	60,000	0	60,000
Fire/EMS Station #22 - ERU Replacement	0	55,000	0	55,000
Historic Valley Junction City Hall - Water Infiltration Study	0	45,000	0	45,000
Nature Lodge - Water Infiltration Study	0	35,000	0	35,000
Raccoon River Park Concessions - Exhaust Hood Fire Suppression	0	15,000	0	15,000
Mills Civic Parkway - S. 91st to S. Tiburon Cove	0	0	3,670,000	3,670,000
Mills Civic Parkway - S. Tiburon Cove to S. Grand Prairie Parkway	0	0	3,600,000	3,600,000
Mills Civic Parkway - S. 81st to S. 88th	0	0	3,485,000	3,485,000
S. 88th Street Reconstruction - Cascade Avenue to Mills Civic Parkway	0	0	2,280,000	2,280,000
S. 35th Street - Grand Avenue to Plumwood Drive	0	0	2,100,000	2,100,000
92nd Street - Ashworth Road to Westtown Parkway	0	0	1,880,000	1,880,000
Mills Civic Parkway - S. 88th to S. 91st	0	0	1,795,000	1,795,000
S. 88th Street - Mills Civic Parkway to Coachlight Drive	0	0	1,335,000	1,335,000
S. 50th Street Widening - Park Drive to Mills Civic Parkway	0	0	1,145,000	1,145,000
Jordan Creek Parkway & University Avenue Intersection Improvements	0	0	1,090,000	1,090,000
5th Street - Locust to Vine	0	0	700,000	700,000
Fire/EMS Station #19 - HVAC Study (Atrium)	0	0	600,000	600,000
Jordan Creek Parkway & Westtown Parkway Intersection Improvements	0	0	550,000	550,000
Jordan Creek Parkway & I-80 North Ramp Improvements	0	0	520,000	520,000
LEC - Garages/Storage Structure Project Reduced	0	0	500,000	500,000
Traffic Signal Installation - New Signals (S. 35th & Mills Civic)	0	0	400,000	400,000
Traffic Signal Installation - New Signals (S. 81st & Bridgewood)	0	0	400,000	400,000
Library - Duct Encapsulation	0	0	60,000	60,000
Fire/EMS Station #19 - Air Handler Replacement	0	0	50,000	50,000
Fire/EMS Station #19 - Boiler Replacement	0	0	50,000	50,000
Fire/EMS Station #17 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
Fire/EMS Station #22 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
	<b>7,613,000</b>	<b>17,310,450</b>	<b>34,750,000</b>	<b>59,673,450</b>

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

**ITEM:** Public Hearing for the issuance of Not to Exceed  
\$700,000 General Corporate Purpose  
General Obligation Bonds (GCP-3)  
(Continued from February 20, 2018)

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged. Projected costs will be included in the fiscal year 2017-18 budget because it is expected that the bonds will be sold prior to June 30, 2018. However, issuance proceeds are calculated to maintain overall debt service (principal and interest) levy for FY 2018-19 at the Council-established ideal rate of \$1.95/\$1,000. The upcoming issuance will be structured to accommodate future annual borrowings at a borrowing level of approximately \$8.0 million in future years. Total tax revenue to be received in FY 2018-19 through the Debt Service Levy is approximately \$10,560,000.

**BACKGROUND:** This public hearing will allow the sale of not to exceed \$700,000 General Obligation Bonds to partially defray the costs of constructing a number of CIP projects included in prior, current, and future fiscal year budgets. A listing of the proposed projects is attached with this item. The anticipated borrowings for FY 2017-18 are separated into five (5) separate series in order to comply with rules associated with GCP bonds, which do not permit an individual issuance of greater than \$700,000.

It is expected that these bonds will close prior to June 30, 2018, so staff has factored the issuance costs into the FY 2017-18 Capital and Operating Budgets. Staff will also factor these funds into the total amount of funds available for the CIP program – it is expected that a majority of the proceeds will be expended in FY 2018-19, on projects budgeted in that year’s program.


Following the issuance, the City’s debt service levy will remain at \$1.95 per \$1,000 of taxable valuation. Analysis of future borrowing needs has been projected by the City’s Financial Advisory Firm, Public Financial Management with the assumption that in the future the typical annual general obligation borrowing limit will be approximately \$8.0 million. The recommended action will establish authorization for the City to receive bids on the sale of the bonds any time after the certification of the FY 2018-19 budgets.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to take additional actions on the issuance of not to exceed \$700,000 (total) GCP General Obligation Bonds.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Dates(s) Published	February 16, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

Resolution authorizing and combining Loan Agreements, approving the future issuance of General Obligation Corporate Purpose Bonds and providing for the levy of taxes to pay the same

WHEREAS, the City of West Des Moines (the “City”), in Dallas, Madison, Polk and Warren Counties, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, heretofore proposed to enter into a loan agreement (the “Essential Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$6,100,000 for the purpose of paying the costs, to that extent, of (1) constructing street, alley, sanitary sewer system, storm water drainage and sidewalk improvements; (2) acquiring and installing street lighting and signalization improvements; (3) improving and equipping existing municipal parks; and (4) planning public improvements and land use elements for Valley Junction, and has published notice of the proposed action and has held a hearing thereon on March 5, 2018; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$675,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing improvements to the Law Enforcement Center; and (2) effecting fueling system modifications at the Public Services Facility, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #2”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system and HVAC system improvements at the municipal library; (2) installing HVAC improvements at the Nature Lodge; (3) constructing roof improvements at the Valley View Aquatic Center; and (4) designing and installing City entrance signage, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #3”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system improvements at Fire/EMS Station #21; and (2) constructing recreation trail improvements, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #3 be submitted to the registered voters of the City; and



WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #4”) (collectively, the Essential Purpose Loan Agreement, the General Purpose Loan Agreement #1, the General Purpose Loan Agreement #2, the General Purpose Loan Agreement #3 and the General Purpose Loan Agreement #4 are sometimes referred to hereinafter as the “Loan Agreements”) and to borrow money thereunder in a principal amount not to exceed \$500,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of improving and equipping new City parks, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #4 be submitted to the registered voters of the City; and

WHEREAS, the City intends to combine the Loan Agreements into a single loan agreement (the “Loan Agreement”) and to enter into the Loan Agreement in the future and to issue General Obligation Corporate Purpose Bonds (the “Bonds”) in evidence of its obligation thereunder and anticipates that principal and/or interest will come due on the Bonds before July 1, 2018; and

WHEREAS, it is now necessary to make provision for the levy of a debt service property tax in the 2018-2019 fiscal year for the payment of such principal and interest;

NOW, THEREFORE, Be It Resolved by the City Council of the City of West Des Moines, Iowa, as follows:

Section 1. The City hereby combines the Loan Agreements into the Loan Agreement pursuant to Section 384.28 of the Code of Iowa.

Section 2. The City Council hereby determines to enter into the Loan Agreement in the future and orders that the Bonds shall be issued in a principal amount not to exceed \$8,675,000 at such time, in evidence thereof. The City Council further declares that this constitutes the “additional action” required by Section 384.24A of the Code of Iowa.

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the City the following direct annual tax:

For collection in the fiscal year beginning July 1, 2018,  
sufficient to produce the net annual sum of \$2,414,763;

provided, however, that at the time the Bonds are issued, the actual tax levy amounts required to pay the principal of and interest on the Bonds in each year shall be determined based upon the interest rate or rates at which the Bonds are issued, and this resolution shall be supplemented by resolution of the City Council to provide for such actual and necessary tax levy amounts.

Section 4. A certified copy of this resolution shall be filed with the County Auditors of Dallas, Madison, Polk and Warren Counties, and said Auditors are hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for

collection, the County Auditors shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Section 5. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 5, 2018.

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Mayor

Attest:

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City Clerk

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On motion and vote, the meeting adjourned.

\_\_\_\_\_  
Mayor

Attest:

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

FY 18-19 CIP by Funding Source

<b>GO Bond Funds</b>		<b>18-19</b>	<b>19-20</b>	<b>21,22,23</b>	<b>Total</b>
<b>Project Name</b>		<b>Proposed</b>	<b>Potential</b>	<b>Future Years</b>	
<b>VALLEY JUNCTION TRAIL CONNECTION</b>	Design/Construction	400,000	0	0	400,000
<b>VALLEY VIEW PARK</b>	Central Site Grading, Utilities & North Roadway	300,000	1,300,000	1,300,000	2,900,000
<b>HIDDEN POINT PARK</b>	Playground, Sidewalks, Grading	292,000	292,000	0	584,000
<b>WHISPER POINT PARK</b>	Park Improvements - Playground and Sidewalks	196,000	196,000	0	392,000
<b>RACCOON RIVER PARK</b>	Softball Complex Drainage, Electrical, Dugout Repairs	150,000	0	0	150,000
<b>AMERICAN LEGION PARK</b>	Tennis Court Lighting Upgrade (LED)	100,000	0	0	100,000
<b>KIWANIS PARK</b>	Shelter Replacement	80,000	0	0	80,000
<b>RACCOON RIVER PARK</b>	East Entrance Trail Renovation	70,000	0	0	70,000
<b>RACCOON RIVER PARK</b>	Lighting Upgrade	60,000	350,000	0	410,000
<b>HOLIDAY PARK - GIRLS SOFTBALL</b>	Field Improvements	50,000	100,000	100,000	250,000
<b>PLAY EQUIPMENT REPLACEMENT</b>	Peony, Scenic Valley, Willow Springs Parks	0	600,000	0	600,000
<b>WHISPER POINT PARK</b>	Park Improvements - Shelter, Restroom, BB Court	0	450,000	0	450,000
<b>HIDDEN POINT PARK</b>	Shelter, Restroom, BB Court, Trails	0	350,000	0	350,000
<b>WINDSOR HEIGHTS TRAIL CONNECTION</b>	Trail Connection Construction	0	200,000	200,000	400,000
<b>SCENIC VALLEY PARK</b>	Tennis Court	0	160,000	0	160,000
<b>WILD ROSE PARK</b>	Tennis Court	0	160,000	0	160,000
<b>FAIRMEADOWS PARK</b>	Bocce ball court and sidewalks	0	50,000	0	50,000
<b>HOLIDAY PARK - GIRLS SOFTBALL</b>	Dumpster Enclosure	0	50,000	0	50,000
<b>SOUTHWOODS PARK</b>	Single Track Trails	0	50,000	0	50,000
<b>VALLEY VIEW PARK</b>	South Roadway & Trail	0	0	1,900,000	1,900,000
<b>PLAY EQUIPMENT REPLACEMENT</b>	Ashawa, Crossroads, Jaycee, Kiwanis, Wild Rose Parks	0	0	1,010,000	1,010,000
<b>CROSSROADS PARK</b>	Tennis Court Reconstruction	0	0	500,000	500,000
<b>RACCOON RIVER PARK</b>	Play Equipment Replacement	0	0	500,000	500,000
<b>CROSSROADS PARK</b>	Parking Lot Reconstruction	0	0	350,000	350,000
<b>CROSSROADS PARK</b>	Tennis Court Lighting	0	0	300,000	300,000
<b>RACCOON RIVER PARK</b>	Softball Complex Play Equipment Replacement	0	0	200,000	200,000
<b>AMERICAN LEGION PARK</b>	Skate Facility Replacement	0	0	150,000	150,000
<b>RACCOON RIVER PARK</b>	Sprayground / Ship Structure Demo	0	0	50,000	50,000
<b>EP True Parkway Widening - 81st St to Jordan Creek Parkway</b>		1,000,000	0	0	1,000,000
<b>Traffic Signal Preemption System</b>		850,000	0	0	850,000
<b>Grand Avenue Reconstruction - 1st to 6th</b>		500,000	2,927,450	0	3,427,450
<b>LEC - Lower Level Remodel Phase 3</b>		450,000	0	0	450,000
<b>Traffic Signal Installation - New Signals (Grand &amp; Raccoon River Park)</b>		400,000	0	0	400,000
<b>S. 33rd &amp; Fuller Retaining Wall Repair</b>		365,000	0	0	365,000
<b>Jordan Creek Parkway &amp; Ashworth Road Intersection Improvements</b>		305,000	0	0	305,000
<b>Valley Junction Alleys</b>		300,000	300,000	1,200,000	1,800,000
<b>Fire/EMS Station #21 - Generator Replacement &amp; Electric Service Update</b>		270,000	0	0	270,000
<b>Public Services Facility (Existing) - Fueling Facility Modifications</b>		215,000	0	0	215,000
<b>Library - Generator Replacement</b>		210,000	0	0	210,000
<b>Library - Air Handler Replacements</b>		185,000	0	0	185,000
<b>Library - HVAC Control System</b>		150,000	0	0	150,000
<b>1st &amp; Ashworth Intersection Improvements</b>		125,000	0	0	125,000
<b>1st &amp; Railroad Intersection Improvements - Bicycle Advisory Commission</b>		125,000	0	0	125,000
<b>Grand Avenue - Reconstruction East of I-35 &amp; Trail West of I-35</b>		115,000	845,000	0	960,000
<b>Mills Civic Parkway &amp; S. 51st Intersection Improvements</b>		115,000	0	0	115,000
<b>Valley Junction Master Plan</b>		100,000	0	0	100,000
<b>City Entrance Enhancements (Level 1) - 5 Locations</b>		60,000	500,000	0	560,000
<b>Valley View Aquatic Center - Partial Roof Replacement</b>		55,000	0	0	55,000
<b>Nature Lodge - HVAC Replacement</b>		20,000	145,000	0	165,000
<b>S. Grand Prairie Parkway - Stagecoach to Mills Civic Parkway</b>		0	5,700,000	0	5,700,000

FY 18-19 CIP by Funding Source

<b>GO Bond Funds</b>				
<b>Project Name</b>	<b>18-19 Proposed</b>	<b>19-20 Potential</b>	<b>21,22,23 Future Years</b>	<b>Total</b>
Fire/EMS Station #21 - Roof Replacement	0	435,000	0	435,000
Traffic Signal Installation - New Signals (S. 50th & Hawthorne)	0	400,000	0	400,000
Library - Carpet Replacement	0	350,000	0	350,000
Fire/EMS Station #22 - Roof Replacement	0	330,000	0	330,000
Fire/EMS Station #17 - Generator Replacement	0	210,000	0	210,000
Fire/EMS Station #22 - Generator Replacement	0	210,000	0	210,000
City-Wide Facility Energy Saving Measures	0	120,000	0	120,000
Library - Wall Repair & Painting	0	100,000	0	100,000
City Entrance Enhancements (Level 2) - 10 Locations	0	75,000	700,000	775,000
Parks Maintenance Facility - Sewer Service	0	75,000	0	75,000
Nature Lodge - Flat Roof Replacement	0	70,000	0	70,000
Library - Repurposing Café	0	60,000	0	60,000
Fire/EMS Station #22 - ERU Replacement	0	55,000	0	55,000
Historic Valley Junction City Hall - Water Infiltration Study	0	45,000	0	45,000
Nature Lodge - Water Infiltration Study	0	35,000	0	35,000
Raccoon River Park Concessions - Exhaust Hood Fire Suppression	0	15,000	0	15,000
Mills Civic Parkway - S. 91st to S. Tiburon Cove	0	0	3,670,000	3,670,000
Mills Civic Parkway - S. Tiburon Cove to S. Grand Prairie Parkway	0	0	3,600,000	3,600,000
Mills Civic Parkway - S. 81st to S. 88th	0	0	3,485,000	3,485,000
S. 88th Street Reconstruction - Cascade Avenue to Mills Civic Parkway	0	0	2,280,000	2,280,000
S. 35th Street - Grand Avenue to Plumwood Drive	0	0	2,100,000	2,100,000
92nd Street - Ashworth Road to Westtown Parkway	0	0	1,880,000	1,880,000
Mills Civic Parkway - S. 88th to S. 91st	0	0	1,795,000	1,795,000
S. 88th Street - Mills Civic Parkway to Coachlight Drive	0	0	1,335,000	1,335,000
S. 50th Street Widening - Park Drive to Mills Civic Parkway	0	0	1,145,000	1,145,000
Jordan Creek Parkway & University Avenue Intersection Improvements	0	0	1,090,000	1,090,000
5th Street - Locust to Vine	0	0	700,000	700,000
Fire/EMS Station #19 - HVAC Study (Atrium)	0	0	600,000	600,000
Jordan Creek Parkway & Westtown Parkway Intersection Improvements	0	0	550,000	550,000
Jordan Creek Parkway & I-80 North Ramp Improvements	0	0	520,000	520,000
LEC - Garages/Storage Structure Project Reduced	0	0	500,000	500,000
Traffic Signal Installation - New Signals (S. 35th & Mills Civic)	0	0	400,000	400,000
Traffic Signal Installation - New Signals (S. 81st & Bridgewood)	0	0	400,000	400,000
Library - Duct Encapsulation	0	0	60,000	60,000
Fire/EMS Station #19 - Air Handler Replacement	0	0	50,000	50,000
Fire/EMS Station #19 - Boiler Replacement	0	0	50,000	50,000
Fire/EMS Station #17 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
Fire/EMS Station #22 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
	<b>7,613,000</b>	<b>17,310,450</b>	<b>34,750,000</b>	<b>59,673,450</b>

# CITY OF WEST DES MOINES CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Public Hearing for the issuance of Not to Exceed  
\$500,000 General Corporate Purpose  
General Obligation Bonds (GCP-4)  
(Continued from February 20, 2018)

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged. Projected costs will be included in the fiscal year 2017-18 budget because it is expected that the bonds will be sold prior to June 30, 2018. However, issuance proceeds are calculated to maintain overall debt service (principal and interest) levy for FY 2018-19 at the Council-established ideal rate of \$1.95/\$1,000. The upcoming issuance will be structured to accommodate future annual borrowings at a borrowing level of approximately \$8.0 million in future years. Total tax revenue to be received in FY 2018-19 through the Debt Service Levy is approximately \$10,560,000.

**BACKGROUND:** This public hearing will allow the sale of not to exceed \$500,000 General Obligation Bonds to partially defray the costs of constructing a number of CIP projects included in prior, current, and future fiscal year budgets. A listing of the proposed projects is attached with this item. The anticipated borrowings for FY 2017-18 are separated into five (5) separate series in order to comply with rules associated with GCP bonds, which do not permit an individual issuance of greater than \$700,000.

It is expected that these bonds will close prior to June 30, 2018, so staff has factored the issuance costs into the FY 2017-18 Capital and Operating Budgets. Staff will also factor these funds into the total amount of funds available for the CIP program – it is expected that a majority of the proceeds will be expended in FY 2018-19, on projects budgeted in that year's program.

Following the issuance, the City's debt service levy will remain at \$1.95 per \$1,000 of taxable valuation. Analysis of future borrowing needs has been projected by the City's Financial Advisory Firm, Public Financial Management with the assumption that in the future the typical annual general obligation borrowing limit will be approximately \$8.0 million. The recommended action will establish authorization for the City to receive bids on the sale of the bonds any time after the certification of the FY 2018-19 budgets.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to take additional actions on the issuance of not to exceed \$500,000 (total) GCP General Obligation Bonds.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Dates(s) Published	February 16, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

Resolution authorizing and combining Loan Agreements, approving the future issuance of General Obligation Corporate Purpose Bonds and providing for the levy of taxes to pay the same

WHEREAS, the City of West Des Moines (the “City”), in Dallas, Madison, Polk and Warren Counties, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, heretofore proposed to enter into a loan agreement (the “Essential Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$6,100,000 for the purpose of paying the costs, to that extent, of (1) constructing street, alley, sanitary sewer system, storm water drainage and sidewalk improvements; (2) acquiring and installing street lighting and signalization improvements; (3) improving and equipping existing municipal parks; and (4) planning public improvements and land use elements for Valley Junction, and has published notice of the proposed action and has held a hearing thereon on March 5, 2018; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$675,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing improvements to the Law Enforcement Center; and (2) effecting fueling system modifications at the Public Services Facility, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #2”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system and HVAC system improvements at the municipal library; (2) installing HVAC improvements at the Nature Lodge; (3) constructing roof improvements at the Valley View Aquatic Center; and (4) designing and installing City entrance signage, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #3”) and to borrow money thereunder in a principal amount not to exceed \$700,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (1) constructing and installing electric system improvements at Fire/EMS Station #21; and (2) constructing recreation trail improvements, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #3 be submitted to the registered voters of the City; and

WHEREAS, the City also proposed to enter into a loan agreement (the “General Purpose Loan Agreement #4”) (collectively, the Essential Purpose Loan Agreement, the General Purpose Loan Agreement #1, the General Purpose Loan Agreement #2, the General Purpose Loan Agreement #3 and the General Purpose Loan Agreement #4 are sometimes referred to hereinafter as the “Loan Agreements”) and to borrow money thereunder in a principal amount not to exceed \$500,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of improving and equipping new City parks, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 5, 2018, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #4 be submitted to the registered voters of the City; and

WHEREAS, the City intends to combine the Loan Agreements into a single loan agreement (the “Loan Agreement”) and to enter into the Loan Agreement in the future and to issue General Obligation Corporate Purpose Bonds (the “Bonds”) in evidence of its obligation thereunder and anticipates that principal and/or interest will come due on the Bonds before July 1, 2018; and

WHEREAS, it is now necessary to make provision for the levy of a debt service property tax in the 2018-2019 fiscal year for the payment of such principal and interest;

NOW, THEREFORE, Be It Resolved by the City Council of the City of West Des Moines, Iowa, as follows:

Section 1. The City hereby combines the Loan Agreements into the Loan Agreement pursuant to Section 384.28 of the Code of Iowa.

Section 2. The City Council hereby determines to enter into the Loan Agreement in the future and orders that the Bonds shall be issued in a principal amount not to exceed \$8,675,000 at such time, in evidence thereof. The City Council further declares that this constitutes the “additional action” required by Section 384.24A of the Code of Iowa.

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the City the following direct annual tax:

For collection in the fiscal year beginning July 1, 2018,  
sufficient to produce the net annual sum of \$2,414,763;

provided, however, that at the time the Bonds are issued, the actual tax levy amounts required to pay the principal of and interest on the Bonds in each year shall be determined based upon the interest rate or rates at which the Bonds are issued, and this resolution shall be supplemented by resolution of the City Council to provide for such actual and necessary tax levy amounts.

Section 4. A certified copy of this resolution shall be filed with the County Auditors of Dallas, Madison, Polk and Warren Counties, and said Auditors are hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for



collection, the County Auditors shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Section 5. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 5, 2018.

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Mayor

Attest:

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City Clerk

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On motion and vote, the meeting adjourned.

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Mayor

Attest:

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City Clerk

FY 18-19 CIP by Funding Source

GO Bond Funds		18-19	19-20	21,22,23	Total
Project Name		Proposed	Potential	Future Years	
VALLEY JUNCTION TRAIL CONNECTION	Design/Construction	400,000	0	0	400,000
VALLEY VIEW PARK	Central Site Grading, Utilities & North Roadway	300,000	1,300,000	1,300,000	2,900,000
HIDDEN POINT PARK	Playground, Sidewalks, Grading	292,000	292,000	0	584,000
WHISPER POINT PARK	Park Improvements - Playground and Sidewalks	196,000	196,000	0	392,000
RACCOON RIVER PARK	Softball Complex Drainage, Electrical, Dugout Repairs	150,000	0	0	150,000
AMERICAN LEGION PARK	Tennis Court Lighting Upgrade (LED)	100,000	0	0	100,000
KIWANIS PARK	Shelter Replacement	80,000	0	0	80,000
RACCOON RIVER PARK	East Entrance Trail Renovation	70,000	0	0	70,000
RACCOON RIVER PARK	Lighting Upgrade	60,000	350,000	0	410,000
HOLIDAY PARK - GIRLS SOFTBALL	Field Improvements	50,000	100,000	100,000	250,000
PLAY EQUIPMENT REPLACEMENT	Peony, Scenic Valley, Willow Springs Parks	0	600,000	0	600,000
WHISPER POINT PARK	Park Improvements - Shelter, Restroom, BB Court	0	450,000	0	450,000
HIDDEN POINT PARK	Shelter, Restroom, BB Court, Trails	0	350,000	0	350,000
WINDSOR HEIGHTS TRAIL CONNECTION	Trail Connection Construction	0	200,000	200,000	400,000
SCENIC VALLEY PARK	Tennis Court	0	160,000	0	160,000
WILD ROSE PARK	Tennis Court	0	160,000	0	160,000
FAIRMEADOWS PARK	Bocce ball court and sidewalks	0	50,000	0	50,000
HOLIDAY PARK - GIRLS SOFTBALL	Dumpster Enclosure	0	50,000	0	50,000
SOUTHWOODS PARK	Single Track Trails	0	50,000	0	50,000
VALLEY VIEW PARK	South Roadway & Trail	0	0	1,900,000	1,900,000
PLAY EQUIPMENT REPLACEMENT	Ashawa, Crossroads, Jaycee, Kiwanis, Wild Rose Parks	0	0	1,010,000	1,010,000
CROSSROADS PARK	Tennis Court Reconstruction	0	0	500,000	500,000
RACCOON RIVER PARK	Play Equipment Replacement	0	0	500,000	500,000
CROSSROADS PARK	Parking Lot Reconstruction	0	0	350,000	350,000
CROSSROADS PARK	Tennis Court Lighting	0	0	300,000	300,000
RACCOON RIVER PARK	Softball Complex Play Equipment Replacement	0	0	200,000	200,000
AMERICAN LEGION PARK	Skate Facility Replacement	0	0	150,000	150,000
RACCOON RIVER PARK	Sprayground / Ship Structure Demo	0	0	50,000	50,000
EP True Parkway Widening - 81st St to Jordan Creek Parkway		1,000,000	0	0	1,000,000
Traffic Signal Preemption System		850,000	0	0	850,000
Grand Avenue Reconstruction - 1st to 6th		500,000	2,927,450	0	3,427,450
LEC - Lower Level Remodel Phase 3		450,000	0	0	450,000
Traffic Signal Installation - New Signals (Grand & Racoon River Park)		400,000	0	0	400,000
S. 33rd & Fuller Retaining Wall Repair		365,000	0	0	365,000
Jordan Creek Parkway & Ashworth Road Intersection Improvements		305,000	0	0	305,000
Valley Junction Alleys		300,000	300,000	1,200,000	1,800,000
Fire/EMS Station #21 - Generator Replacement & Electric Service Update		270,000	0	0	270,000
Public Services Facility (Existing) - Fueling Facility Modifications		215,000	0	0	215,000
Library - Generator Replacement		210,000	0	0	210,000
Library - Air Handler Replacements		185,000	0	0	185,000
Library - HVAC Control System		150,000	0	0	150,000
1st & Ashworth Intersection Improvements		125,000	0	0	125,000
1st & Railroad Intersection Improvements - Bicycle Advisory Commission		125,000	0	0	125,000
Grand Avenue - Reconstruction East of I-35 & Trail West of I-35		115,000	845,000	0	960,000
Mills Civic Parkway & S. 51st Intersection Improvements		115,000	0	0	115,000
Valley Junction Master Plan		100,000	0	0	100,000
City Entrance Enhancements (Level 1) - 5 Locations		60,000	500,000	0	560,000
Valley View Aquatic Center - Partial Roof Replacement		55,000	0	0	55,000
Nature Lodge - HVAC Replacement		20,000	145,000	0	165,000
S. Grand Prairie Parkway - Stagecoach to Mills Civic Parkway		0	5,700,000	0	5,700,000

FY 18-19 CIP by Funding Source

**GO Bond Funds**

<b>Project Name</b>	<b>18-19 Proposed</b>	<b>19-20 Potential</b>	<b>21,22,23 Future Years</b>	<b>Total</b>
Fire/EMS Station #21 - Roof Replacement	0	435,000	0	435,000
Traffic Signal Installation - New Signals (S. 50th & Hawthorne)	0	400,000	0	400,000
Library - Carpet Replacement	0	350,000	0	350,000
Fire/EMS Station #22 - Roof Replacement	0	330,000	0	330,000
Fire/EMS Station #17 - Generator Replacement	0	210,000	0	210,000
Fire/EMS Station #22 - Generator Replacement	0	210,000	0	210,000
City-Wide Facility Energy Saving Measures	0	120,000	0	120,000
Library - Wall Repair & Painting	0	100,000	0	100,000
City Entrance Enhancements (Level 2) - 10 Locations	0	75,000	700,000	775,000
Parks Maintenance Facility - Sewer Service	0	75,000	0	75,000
Nature Lodge - Flat Roof Replacement	0	70,000	0	70,000
Library - Repurposing Café	0	60,000	0	60,000
Fire/EMS Station #22 - ERU Replacement	0	55,000	0	55,000
Historic Valley Junction City Hall - Water Infiltration Study	0	45,000	0	45,000
Nature Lodge - Water Infiltration Study	0	35,000	0	35,000
Raccoon River Park Concessions - Exhaust Hood Fire Suppression	0	15,000	0	15,000
Mills Civic Parkway - S. 91st to S. Tiburon Cove	0	0	3,670,000	3,670,000
Mills Civic Parkway - S. Tiburon Cove to S. Grand Prairie Parkway	0	0	3,600,000	3,600,000
Mills Civic Parkway - S. 81st to S. 88th	0	0	3,485,000	3,485,000
S. 88th Street Reconstruction - Cascade Avenue to Mills Civic Parkway	0	0	2,280,000	2,280,000
S. 35th Street - Grand Avenue to Plumwood Drive	0	0	2,100,000	2,100,000
92nd Street - Ashworth Road to Westtown Parkway	0	0	1,880,000	1,880,000
Mills Civic Parkway - S. 88th to S. 91st	0	0	1,795,000	1,795,000
S. 88th Street - Mills Civic Parkway to Coachlight Drive	0	0	1,335,000	1,335,000
S. 50th Street Widening - Park Drive to Mills Civic Parkway	0	0	1,145,000	1,145,000
Jordan Creek Parkway & University Avenue Intersection Improvements	0	0	1,090,000	1,090,000
5th Street - Locust to Vine	0	0	700,000	700,000
Fire/EMS Station #19 - HVAC Study (Atrium)	0	0	600,000	600,000
Jordan Creek Parkway & Westtown Parkway Intersection Improvements	0	0	550,000	550,000
Jordan Creek Parkway & I-80 North Ramp Improvements	0	0	520,000	520,000
LEC - Garages/Storage Structure Project Reduced	0	0	500,000	500,000
Traffic Signal Installation - New Signals (S. 35th & Mills Civic)	0	0	400,000	400,000
Traffic Signal Installation - New Signals (S. 81st & Bridgewood)	0	0	400,000	400,000
Library - Duct Encapsulation	0	0	60,000	60,000
Fire/EMS Station #19 - Air Handler Replacement	0	0	50,000	50,000
Fire/EMS Station #19 - Boiler Replacement	0	0	50,000	50,000
Fire/EMS Station #17 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
Fire/EMS Station #22 - Exhaust Hood Fire Suppression	0	0	40,000	40,000
	<b>7,613,000</b>	<b>17,310,450</b>	<b>34,750,000</b>	<b>59,673,450</b>

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

**DATE:** March 5, 2018

- ITEM:** Public Hearing – Woodland Hills Park Tennis and Basketball Courts
1. Resolution – Approval of Plans and Specifications
  2. Motion – Receive and File Report of Bids
  3. Resolution – Approve Contract

**FINANCIAL IMPACT:** Total expense of \$213,946.80. There is a total budget of \$434,000 (\$450,000 less design fees of \$16,000) available for this project, which also includes funding for the Park Loop Trail (estimated at \$155,057) which is being bid separately. The project will be paid with budgeted CIP funds from Woodland Hills Park Account No. 500.000.000.5250.490, Project No. 0525 058.0510 089 2017.

**BACKGROUND:** The Council is asked to approve the plans and specifications for the Woodland Hills Park Tennis and Basketball Courts project and to receive and file the report of bids that is attached. Nine (9) bids were received for the project with (4) for Asphalt and (5) for Post-Tension Concrete, with the lowest responsible base bid submitted by Minturn, Inc. of Brooklyn, Iowa. The consultant’s opinion of probable cost for the project was \$242,342 (Asphalt) and \$293,931 (Post-Tension Concrete).

This resolution is for the construction of a basketball and tennis court at Woodland Hills Park. The courts would be constructed just north of the playground, shelter and restroom constructed last year. The tennis court will be constructed to also accommodate the sport of pickleball. The project was bid as either asphalt or post-tension concrete. The lowest overall bid was for asphalt. The project generally includes earth work, subbase, storm piping, asphalt paving, sidewalks, black vinyl fencing, court surfacing, tennis net/basketball goal assemblies, erosion control and site restoration.





**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:** That the Council hold the public hearing and pass the resolution to approve the plans and specifications, move to receive and file the report of bids, and award the contract for the Woodland Hills Park Tennis and Basketball Courts in the amount of \$213,946.80.

**Lead Staff Member:** David Sadler, Superintendent of Parks



**STAFF REVIEWS**

Department Director	Sally Orgies, Director of Parks and Recreation 
Appropriations/Finance	Tim Stiles, Finance Director 
Legal	Richard Scieszinski, City Attorney 
Agenda Acceptance	

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

Published In	Des Moines Register
Dates(s) Published	February 23, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation	Yes	No	Split

**Resolution Adopting Plans,  
Specifications, Form of Contract, and  
Estimate of Cost**

**WHEREAS**, on February 5, 2018 Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**Woodland Hills Park Tennis and Basketball Courts**

and,

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

therefore

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that the Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvement are hereby approved.

**PASSED AND APPROVED** this 5<sup>th</sup> day of March, 2018.

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

ATTEST:

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

**Resolution Approving Contract**

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

**Woodland Hills Park Tennis and Basketball Courts**

and,

**WHEREAS**, bids have been received and opened by the City Clerk, Deputy City Clerk, or designee and placed on file by the City Council.

and,

**WHEREAS**, the bid of Minturn, Inc. of Brooklyn, Iowa in the amount of \$213,946.80 is the lowest responsible bid received for said public improvement, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that a contract for the Woodland Hills Park Tennis and Basketball Courts is hereby awarded to Minturn, Inc. in the amount of \$213,946.80 and the bond of said bidder for the project is hereby fixed in the same amount.

**BE IT FURTHER RESOLVED** that the Director of Parks and Recreation is authorized and directed to return bid bonds and/or checks 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 Director of Parks and Recreation and have been signed by the Director of Finance and after the contractor is given a written notice to proceed by the Director of Parks and Recreation.

**PASSED AND APPROVED** this 5<sup>th</sup> day of March, 2018.

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

ATTEST:

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



I hereby certify that this is a true and correct translation of bids received on February 28, 2018 for the Woodland Hills Park Tennis and Basketball Courts Project in West Des Moines, Iowa.

Marc Alvarez, P.L.A. License # 664 Date: 02/28/18

City of West Des Moines  
 Woodland Hills Park Tennis and Basketball Courts  
 Project No. PR-0510 089 2017  
 Translation of Bids  
 February 28, 2018  
 Engineers Estimator: S242, 342 (HMA); S292, 031 (Post-Tension)

BASE BID A - HMA COURTS						Wimburn, Inc. Brooklyn, IA		Grimes Asphalt Des Moines, IA		Elder Corp. Des Moines, IA		Des Moines Asphalt Des Moines, IA	
Item #	Item	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Construction Surveying	LS	1	3,800.00	\$ 3,800.00			2,600.00	\$ 2,600.00	5,170.00	\$ 5,170.00		
2	Mobilization	LS	1	20,000.00	\$ 20,000.00	20,125.00	\$ 20,125.00	89,250.00	\$ 89,250.00	20,000.00	\$ 20,000.00		
3	Concrete Washout, Roller	EA	1	1,000.00	\$ 1,000.00	650.00	\$ 650.00	1,000.00	\$ 1,000.00	1,320.00	\$ 1,320.00		
4	Topsoil, On-site	CY	544	15.00	\$ 8,160.00	9,250.00	\$ 5,000.00	8,000.00	\$ 8,000.00	10.00	\$ 5,440.00		
5	Excavation, Class 10	CY	2,297	10.00	\$ 22,970.00	12,970.00	\$ 12,970.00	8,000.00	\$ 8,000.00	10.00	\$ 22,970.00		
6	Subbase - 6" Stone	CY	239	60.00	\$ 14,340.00	14,420.00	\$ 14,420.00	14,580.00	\$ 14,580.00	15.00	\$ 3,585.00		
7	Subgrade Preparation	SY	1420	6.00	\$ 8,520.00	11,360.00	\$ 11,360.00	3.00	\$ 4,260.00	8.00	\$ 11,360.00		
8	Pipe, Trenched HDPE, 12 inch dia.	LF	150	70.00	\$ 10,500.00	6,800.00	\$ 6,800.00	6,800.00	\$ 6,800.00	14.30	\$ 2,154.00		
9	Pipe, Apmn, CMP, 12 inch dia.	LF	98	70.00	\$ 6,860.00	6,750.00	\$ 6,750.00	11,424.00	\$ 11,424.00	90.00	\$ 8,640.00		
10	Sidewalk, PCC, 5 inch reinforced	EA	3	3,000.00	\$ 9,000.00	18,000.00	\$ 18,000.00	65.00	\$ 195.00	55.00	\$ 1,650.00		
11	PCB Band	EA	360	30.00	\$ 10,800.00	10,800.00	\$ 10,800.00	10,000.00	\$ 10,000.00	3,995.97	\$ 1,438,326.00		
12	Conventional Seeding, Fertilizing, Mutching	AC	0.45	6,800.00	\$ 3,060.00	3,860.00	\$ 3,060.00	10,000.00	\$ 4,500.00	6.00	\$ 2,700.00		
13	Silt Fence, Check	LF	80	1.00	\$ 80.00	7.90	\$ 632.00	9.00	\$ 720.00	6.00	\$ 480.00		
14	Silt Fence, Removal of Sediment	LF	80	1.00	\$ 80.00	3.75	\$ 300.00	9.00	\$ 720.00	3.50	\$ 280.00		
15	Silt Fence, Removal of Debris	LF	80	1.00	\$ 80.00	3.75	\$ 300.00	9.00	\$ 720.00	3.50	\$ 280.00		
16	Black Vinyl Chain Link Fence, 10' height	LF	364	60.00	\$ 21,840.00	27,300.00	\$ 27,300.00	66.00	\$ 23,988.00	67.00	\$ 24,388.00		
17	HMA Courts	SF	12240	8.00	\$ 97,920.00	61,200.00	\$ 61,200.00	5.00	\$ 61,200.00	10.50	\$ 128,620.00		
18	Acrylic Surface for Asphalt	SF	12240	0.82	\$ 10,036.80	2,700.00	\$ 2,700.00	2,480.00	\$ 2,480.00	2.00	\$ 24,480.00		
19	Tennis Net, Posts & Footings	EA	1	2,400.00	\$ 2,400.00	4,375.00	\$ 4,375.00	4,000.00	\$ 4,000.00	3,850.00	\$ 3,850.00		
20	Basketball Goal, Posts & Footings	EA	2	5,000.00	\$ 10,000.00	8,405.00	\$ 8,405.00	8,000.00	\$ 8,000.00	8,000.00	\$ 8,000.00		
<b>TOTAL BASE BID A (HMA)</b>					<b>\$ 213,948.80</b>	<b>\$ 241,438.25</b>	<b>\$ 275,000.00</b>	<b>\$ 318,800.00</b>					

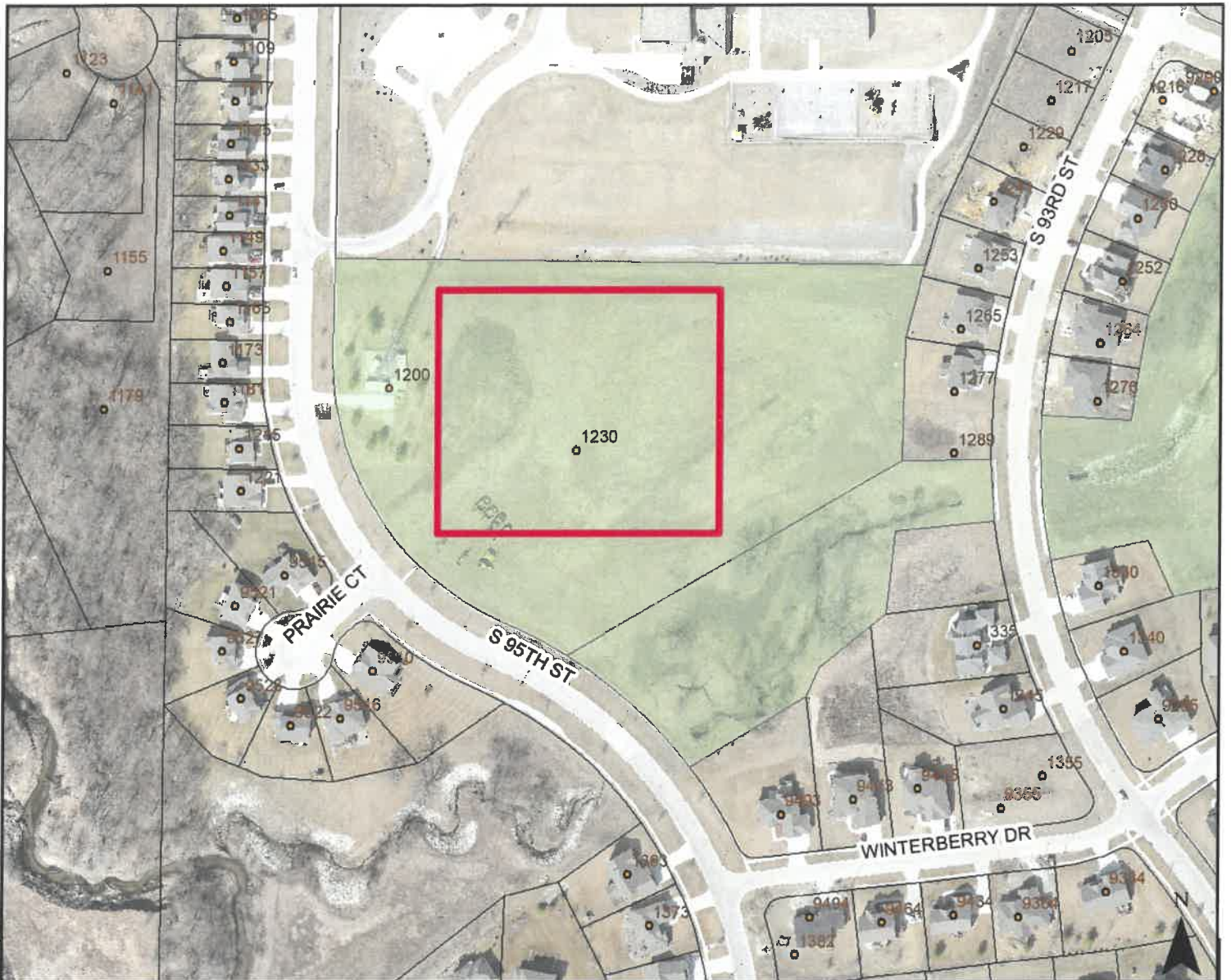
Bid-Alternate #1: Seating Benches						Minburn, Inc. Brooklyn, IA		JPG Company, LLC Des Moines, IA		Elder Corp. Des Moines, IA	
Item #	Item	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Benches	EA	2	2,500.00	\$ 5,000.00	5,000.00	\$ 5,000.00	2,600.00	\$ 5,200.00	2,800.00	\$ 5,600.00

BASE BID B - POST TENSIONED CONCRETE COURTS						Wimburn, Inc. Wichita, KS		Minburn, Inc. Brooklyn, IA		JPG Company, LLC Des Moines, IA		Elder Corp. Des Moines, IA	
Item #	Item	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Construction Surveying	LS	1	5,500.00	\$ 5,500.00	3,547.70	\$ 3,547.70	3,800.00	\$ 3,800.00	12,000.00	\$ 12,000.00	2,500.00	\$ 2,500.00
2	Mobilization	LS	1	15,000.00	\$ 15,000.00	34,959.32	\$ 34,959.32	24,300.00	\$ 24,300.00	24,481.10	\$ 24,481.10	69,202.00	\$ 69,202.00
3	Concrete Washout, Roller	EA	1	2,000.00	\$ 2,000.00	691.28	\$ 691.28	1,000.00	\$ 1,000.00	1,500.00	\$ 1,500.00	1,900.00	\$ 1,900.00
4	Topsoil, On-site	CY	544	8.00	\$ 4,352.00	7,05	\$ 3,835.20	15.00	\$ 8,160.00	4.50	\$ 2,448.00	6.00	\$ 3,264.00
5	Excavation, Class 10	CY	2,297	10.00	\$ 22,970.00	7,39	\$ 16,824.63	10.00	\$ 22,970.00	9.50	\$ 21,821.50	8.00	\$ 18,376.00
6	Subbase - 6" Stone	CY	239	50.00	\$ 11,950.00	49.83	\$ 11,909.37	60.00	\$ 14,340.00	60.00	\$ 14,340.00	50.00	\$ 11,950.00
7	Subbase - 2" Sand	CY	77	75.00	\$ 5,775.00	44.09	\$ 3,394.93	60.00	\$ 3,600.00	38.00	\$ 2,822.00	50.00	\$ 3,650.00
8	Subgrade Preparation	SY	1420	4.50	\$ 6,390.00	4.97	\$ 7,071.54	8.00	\$ 11,360.00	2.50	\$ 3,550.00	5.00	\$ 7,100.00
9	Pipe, Trenched HDPE, 12 inch dia.	LF	150	65.00	\$ 9,750.00	77.07	\$ 11,560.50	70.00	\$ 10,500.00	65.00	\$ 9,750.00	80.00	\$ 12,000.00
10	Pipe, Apmn, CMP, 12 inch dia.	LF	98	75.00	\$ 7,350.00	81.05	\$ 8,005.90	70.00	\$ 6,720.00	81.00	\$ 7,961.00	85.00	\$ 7,225.00
11	Sidewalk, PCC, 5 inch reinforced	EA	3	4,500.00	\$ 13,500.00	5,618.60	\$ 16,855.80	30.00	\$ 1,800.00	75.65	\$ 2,262.40	75.00	\$ 2,250.00
12	PCB Band	EA	360	40.00	\$ 14,400.00	15.81	\$ 5,691.60	60.00	\$ 3,600.00	88.00	\$ 31,680.00	65.00	\$ 20,250.00
13	Conventional Seeding, Fertilizing, Mutching	AC	0.45	4,500.00	\$ 2,025.00	5,047.20	\$ 2,271.24	6,800.00	\$ 3,060.00	7,500.00	\$ 31,750.00	10,000.00	\$ 4,500.00
14	Silt Fence, Check	LF	80	3.00	\$ 240.00	1.77	\$ 141.60	10.00	\$ 800.00	2.50	\$ 200.00	8.00	\$ 640.00
15	Silt Fence, Removal of Sediment	LF	80	3.00	\$ 240.00	94.40	\$ 7,552.00	1.00	\$ 80.00	0.75	\$ 60.00	5.00	\$ 400.00
16	Silt Fence, Removal of Debris	LF	80	3.00	\$ 240.00	94.40	\$ 7,552.00	1.00	\$ 80.00	0.75	\$ 60.00	5.00	\$ 400.00
17	Black Vinyl Chain Link Fence, 10' height	LF	364	68.70	\$ 24,985.80	65.04	\$ 23,724.96	60.00	\$ 21,840.00	62.00	\$ 22,664.00	65.00	\$ 23,275.00
18	Post-Tensioned Concrete Courts	SF	12,240	8.00	\$ 97,920.00	8,74	\$ 106,977.60	10.00	\$ 122,400.00	8.65	\$ 105,884.00	10.00	\$ 122,400.00
19	Acrylic Surface for Concrete	SF	12,240	1.50	\$ 18,360.00	1.53	\$ 18,727.20	0.82	\$ 10,036.80	1.00	\$ 12,240.00	1.00	\$ 12,240.00
20	Tennis Net, Posts & Footings	EA	1	3,000.00	\$ 3,000.00	1,760.68	\$ 1,760.68	2,400.00	\$ 2,400.00	3,725.00	\$ 3,725.00	4,000.00	\$ 4,000.00
21	Basketball Goal, Posts & Footings	EA	2	4,675.00	\$ 9,350.00	6,959.46	\$ 13,918.92	5,000.00	\$ 10,000.00	5,500.00	\$ 11,000.00	4,500.00	\$ 9,000.00
<b>TOTAL BASE BID B (POST-TENSION CONCRETE)</b>					<b>\$ 280,310.80</b>	<b>\$ 285,801.47</b>	<b>\$ 287,900.80</b>	<b>\$ 301,337.00</b>					

Bid-Alternate #1: Seating Benches						Minburn, Inc. Brooklyn, IA		JPG Company, LLC Des Moines, IA		Elder Corp. Des Moines, IA			
Item #	Item	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount		
1	Benches	EA	2	1,700.00	\$ 3,400.00	1,955.07	\$ 3,911.94	2,600.00	\$ 5,200.00	1,750.00	\$ 3,500.00	2,500.00	\$ 5,000.00

Derives math error on proposal





**VICINITY MAP**



**LEGEND**

 Project Location

0 125 250  
 Feet



PROJECT:	<b>WOODLAND HILLS PARK BASKETBALL AND TENNIS COURT PROJECT</b>		
LOCATION:	<b>1230 S. 95TH STREET</b>		
DRAWN BY:	MAA	DATE:	02/01/2018
PROJECT NO.:	0510 -089 2017	SHT.	1 of 1

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

**DATE: March 5, 2018**

**ITEM:**

Public Hearing (5:35 p.m.)  
2017 Intake Repair Program

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost was estimated to be \$228,000.00 for the 2017 Intake Repair Program. There were two (2) bids submitted with the low bid of \$214,500.00 being submitted by Hill Contracting of Leon, Iowa. Payments will be made from account no. 660.000.000.5250.490 with the ultimate funding intended to come from Stormwater Utility Fees.

**BACKGROUND:**

This project is part of the ongoing maintenance program to rehabilitate stormwater intakes at various locations throughout the City of West Des Moines. This project is anticipated to be completed by June 30, 2018.

**OUTSTANDING ISSUES:**

None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs for 2017 Intake Repair Program;
- Motion receiving and filing Report of Bids;
- Resolution awarding the construction contract to Hill Contracting.

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

**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>W</i>

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

Published In	Des Moines Register
Dates(s) Published	February 23, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Public Services		
Date Reviewed	February 26, 2018		
Recommendation	Yes	No	Split

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

**WHEREAS**, on February 5, 2018, Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**2017 Intake Repair Program  
Project No. 0510-064-2017**

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 **5th** day of **March, 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:

**2017 Intake Repair Program  
Project No. 0510-064-2017**

and,

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

**WHEREAS**, the bid of Hill Contracting in the amount of \$214,500.00 was the lowest responsible bid received for said public improvement;

therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that a contract for the 2017 Intake Repair Program is hereby awarded to Hill Contracting in the amount of \$214,500.00 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 **5th** day of **March, 2018**.

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

ATTEST:

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

**BID TABULATION**  
 City of West Des Moines  
 2017 Intake Repair

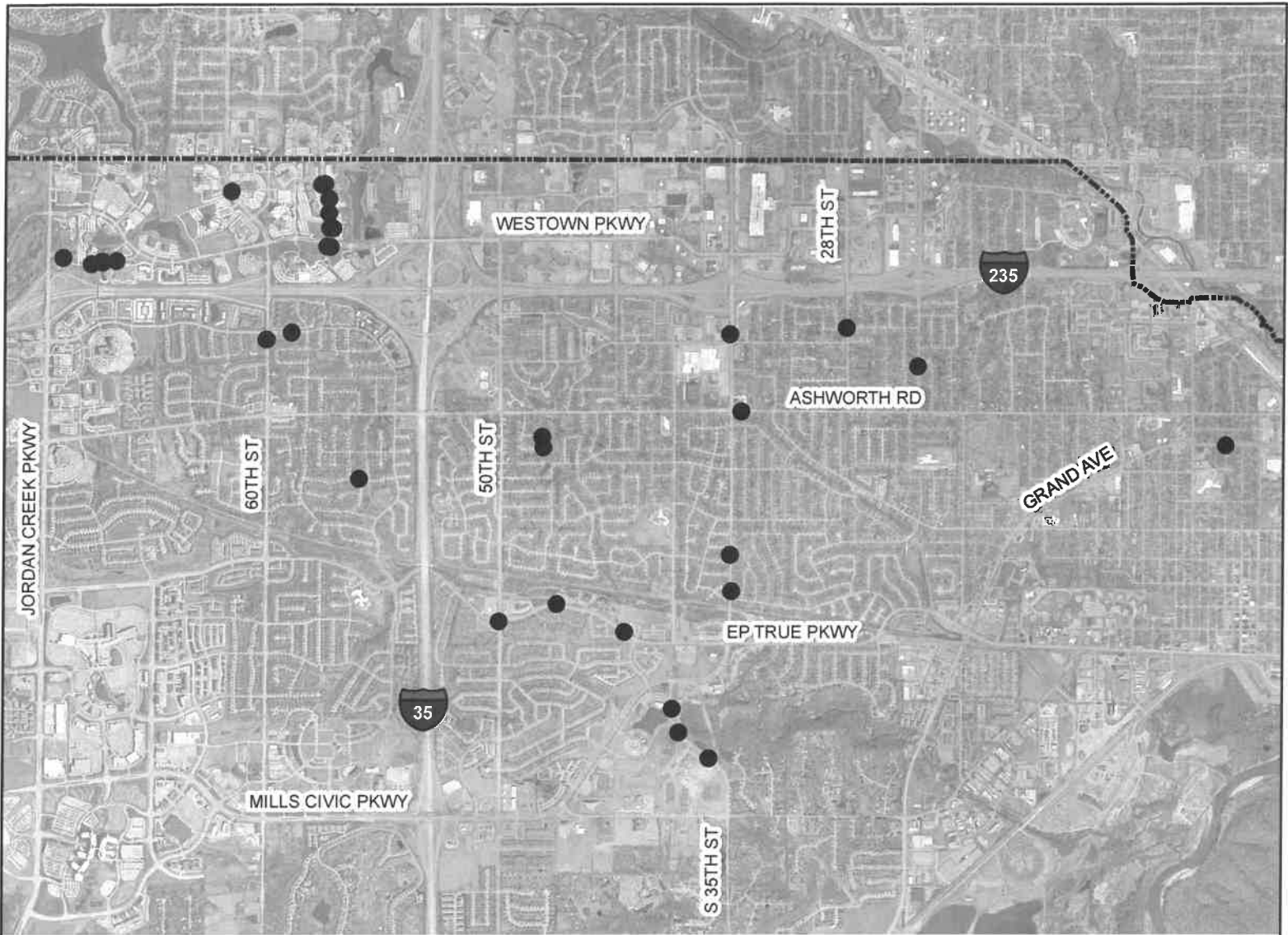


Project Number: 17-20910  
 Bid Letting Time & Date: 2:00 p.m. - Wednesday, February 28, 2018  
 Bid Letting Location: City of West Des Moines 4200 Mills Civic Parkway Suite 2E West Des Moines, IA 50265  
 West Des Moines Project No. 0510-064-2017

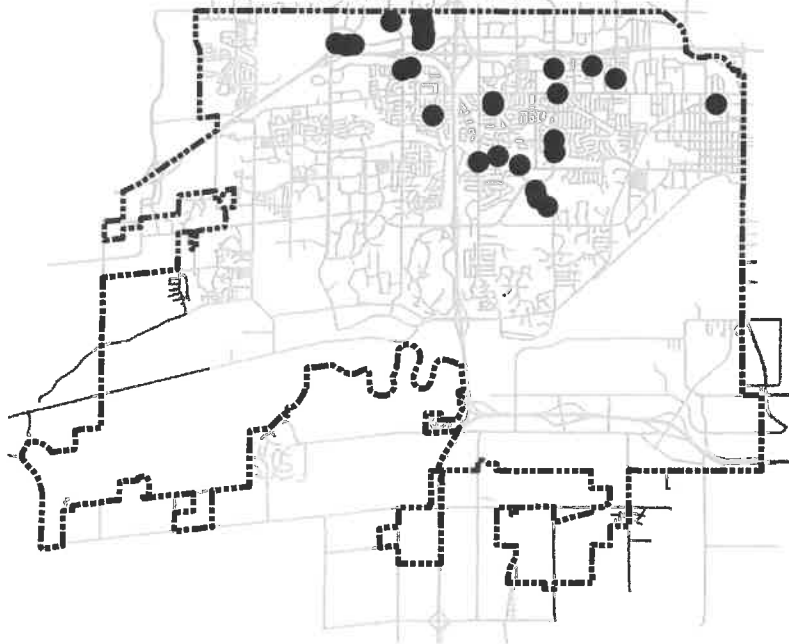
I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE ACCOUNT OF BIDS RECEIVED.

*Kelly Evans*  
 LICENSED NUMBER: 23465

Item No.	Construction Item	Hill Contracting Leon, IA			J&K Contracting, LLC Ames, IA			Engineer's Estimate		
		Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	
1	TRAFFIC CONTROL	LS	1	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00	
2	STRUCTURE REMOVAL	EA	32	\$ 1,500.00	\$ 48,000.00	\$ 675.00	\$ 21,600.00	\$ 1,300.00	\$ 41,600.00	
3	STRUCTURE BASE REMOVAL	EA	5	\$ 350.00	\$ 1,750.00	\$ 200.00	\$ 1,000.00	\$ 350.00	\$ 1,750.00	
4	INTAKE TYPE, M-A - TOP RECONSTRUCTION ONLY	EA	1	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	\$ 2,000.00	
5	INTAKE TYPE, M-E - TOP RECONSTRUCTION ONLY	EA	1	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 3,000.00	\$ 3,000.00	
6	INTAKE TYPE, M-C - INTAKE RECONSTRUCTION ONLY	EA	3	\$ 3,000.00	\$ 9,000.00	\$ 9,000.00	\$ 27,000.00	\$ 3,500.00	\$ 10,500.00	
7	INTAKE TYPE, M-E - INTAKE RECONSTRUCTION ONLY	EA	1	\$ 7,500.00	\$ 7,500.00	\$ 7,000.00	\$ 7,000.00	\$ 4,000.00	\$ 4,000.00	
8	INTAKE, TYPE M-A	EA	13	\$ 3,000.00	\$ 39,000.00	\$ 7,000.00	\$ 91,000.00	\$ 3,350.00	\$ 43,550.00	
9	INTAKE, TYPE M-C	EA	5	\$ 5,000.00	\$ 25,000.00	\$ 7,500.00	\$ 37,500.00	\$ 5,500.00	\$ 27,500.00	
10	INTAKE, TYPE M-D	EA	2	\$ 5,000.00	\$ 10,000.00	\$ 8,000.00	\$ 16,000.00	\$ 5,400.00	\$ 10,800.00	
11	INTAKE, TYPE M-E	EA	4	\$ 7,500.00	\$ 30,000.00	\$ 10,000.00	\$ 40,000.00	\$ 7,100.00	\$ 28,400.00	
12	INTAKE, TYPE SW-507	EA	1	\$ 10,000.00	\$ 10,000.00	\$ 11,000.00	\$ 11,000.00	\$ 7,500.00	\$ 7,500.00	
13	FULL DEPTH PCC PATCH	SY	125	\$ 100.00	\$ 12,500.00	\$ 140.00	\$ 17,500.00	\$ 110.00	\$ 13,750.00	
14	FULL DEPTH COMPOSITE PATCH	SY	25	\$ 200.00	\$ 5,000.00	\$ 130.00	\$ 3,250.00	\$ 150.00	\$ 3,750.00	
15	STORM SEWER, 15" RCP, CLASS 4	LF	15	\$ 50.00	\$ 750.00	\$ 170.00	\$ 2,550.00	\$ 100.00	\$ 1,500.00	
<b>Total Bid Price</b>				\$	<b>214,500.00</b>	\$	<b>296,400.00</b>	\$	<b>219,600.00</b>	



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION ●



PROJECT:

**2017 Intake Repair Program**

LOCATION:

**Exhibit "A"**

DRAWN BY: JDR

DATE: 2/1/2018

PROJECT NUMBER/NAME: 0510-064-2017

SHT. 1 of 1

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

**DATE:** March 5, 2018

**ITEM:** Public Hearing – Valley View and Holiday Aquatic Centers VFD Replacements

1. Resolution – Approval of Plans and Specifications
2. Motion – Receive and File Report of Bids
3. Resolution – Approve Contract

**FINANCIAL IMPACT:** Total expense of \$28,944. There is a total budget of \$79,000 available for this project. The project will be paid with budgeted CIP funds in the Holiday Park Aquatic Center SCS Play Structure Refurbishment CIP project (0510 040 2016).

**BACKGROUND:** The Council is asked to approve the plans and specifications for the Valley View and Holiday Aquatic Centers VFD Replacements project and to receive and file the report of bids that is attached. Two bids were received for the project, with the lowest responsible bid submitted by Commonwealth Electric of Des Moines, Iowa. The consultant's opinion of probable cost for the project was \$50,000.




This resolution is for the installation of variable frequency drives (VFD's) on the existing pumps at both aquatic centers. These improvements will replace the original pump starters that are now approximately 14 years old with variable frequency drives. The new VFD's include soft start/soft stop, which will significantly extend the life of the pool pumps and will be much more energy efficient.

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:** That the Council hold the public hearing and pass the resolution to approve the plans and specifications, move to receive and file the report of bids, and award the contract for the Valley View and Holiday Aquatic Centers VFD Replacements in the amount of \$28,944.00.

**Lead Staff Member:** David Sadler, Superintendent of Parks 

**STAFF REVIEWS**

Department Director	Sally Orgies, Director of Parks and Recreation 
Appropriations/Finance	Tim Stiles, Finance Director 
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

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

Published In	Des Moines Register
Dates(s) Published	February 23, 2018

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation	Yes	No	Split

**Resolution Adopting Plans,  
Specifications, Form of Contract, and  
Estimate of Cost**

**WHEREAS**, on February 5, 2018 Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**Valley View and Holiday Aquatic Centers VFD Replacements**

and,

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

therefore

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that the Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvement are hereby approved.

**PASSED AND APPROVED** this 5<sup>th</sup> day of March, 2018.

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

ATTEST:

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



## **Resolution Approving Contract**

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

### **Valley View and Holiday Aquatic Centers VFD Replacements**

and,

**WHEREAS**, bids have been received and opened by the City Clerk, Deputy City Clerk, or designee and placed on file by the City Council.

and,

**WHEREAS**, the bid of Commonwealth Electric of Des Moines, Iowa in the amount of \$28,944.00 is the lowest responsible bid received for said public improvement, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that a contract for the Valley View and Holiday Aquatic Centers VFD Replacements is hereby awarded to Commonwealth Electric in the amount of \$28,944.00 and the bond of said bidder for the project is hereby fixed in the same amount.

**BE IT FURTHER RESOLVED** that the Director of Parks and Recreation is authorized and directed to return bid bonds and/or checks 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 Director of Parks and Recreation and have been signed by the Director of Finance and after the contractor is given a written notice to proceed by the Director of Parks and Recreation.

**PASSED AND APPROVED** this 5<sup>th</sup> day of March, 2018.

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Steven K. Gaer, Mayor

ATTEST:

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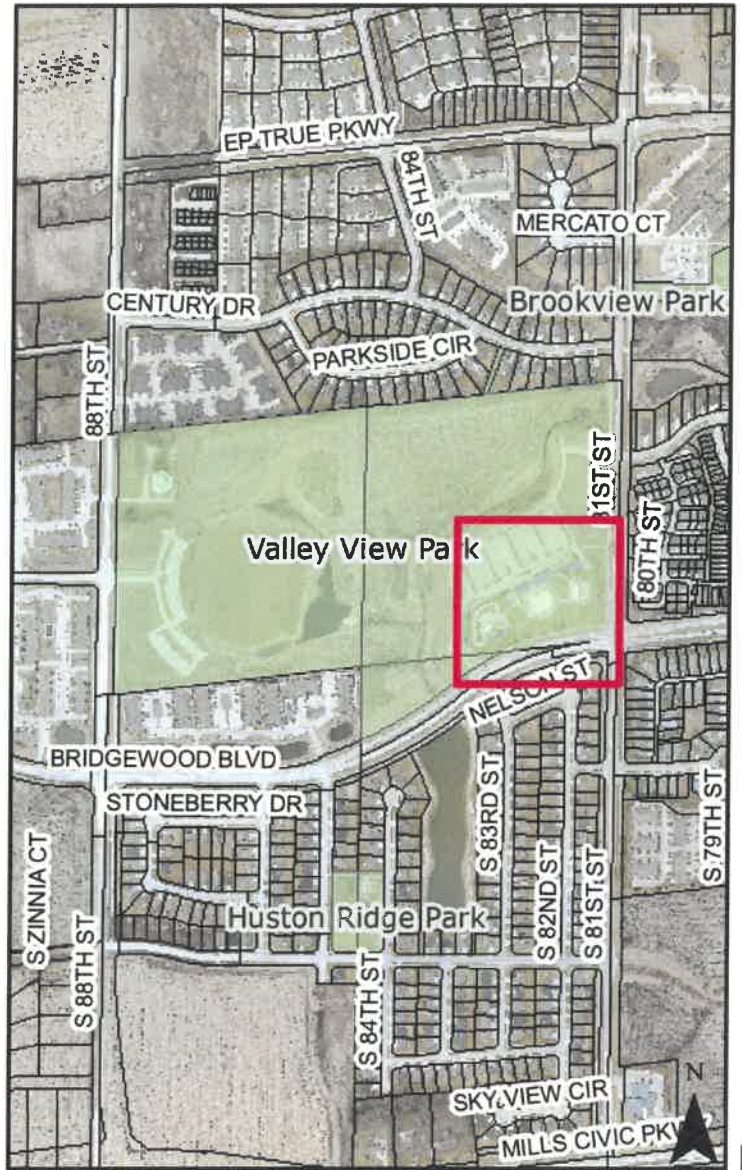
Ryan T. Jacobson, City Clerk

City of West Des Moines  
 Holiday Park & Valley View Park Aquatic Center VFD Project  
 Project No. 0510 040 2016  
 Tabulation of Bids  
 February 28, 2018  
 Engineers Estimate: \$50,000



Item	HP	Unit	Quantity	Commonwealth Electric Des Moines, IA		Baker Electric Des Moines, IA	
				Unit Price	Amount	Unit Price	Amount
<b>HOLIDAY AQUATIC VFD SCHEDULE</b>							
SWIRL WATER SLIDE PUMP	15	EA	1	2,547.00	\$ 2,547.00	3,200.00	\$ 3,200.00
ENCLOSED TUBE SLIDE PUMP	20	EA	1	3,196.00	\$ 3,196.00	3,400.00	\$ 3,400.00
OPEN FLUME SIDE PUMP	15	EA	1	2,547.00	\$ 2,547.00	3,200.00	\$ 3,200.00
SHALLOW AREA FEATURES PUMP	5	EA	1	1,149.00	\$ 1,149.00	2,900.00	\$ 2,900.00
RECIRCULATION PUMP	20	EA	1	3,196.00	\$ 3,196.00	4,000.00	\$ 4,000.00
SCS 115 FEATURES PUMP	15	EA	1	2,547.00	\$ 2,547.00	3,200.00	\$ 3,200.00
DROP SLIDE PUMP	5	EA	1	1,149.00	\$ 1,149.00	2,900.00	\$ 2,900.00
			<b>SUBTOTAL</b>		\$ 16,331.00		\$ 22,800.00
<b>VALLEY VIEW AQUATIC VFD SCHEDULE</b>							
OPEN FLUME SIDE PUMP	10	EA	1	1,876.00	\$ 1,876.00	3,200.00	\$ 3,200.00
ENCLOSED TUBE SLIDE PUMP	20	EA	1	3,196.00	\$ 3,196.00	3,300.00	\$ 3,300.00
RAFT WATER SLIDE PUMP	20	EA	1	3,196.00	\$ 3,196.00	3,300.00	\$ 3,300.00
DROP SLIDE PUMP	7.5	EA	1	1,149.00	\$ 1,149.00	3,100.00	\$ 3,100.00
LAP POOL RECIRCULATION PUMP	20	EA	1	3,196.00	\$ 3,196.00	4,000.00	\$ 4,000.00
			<b>SUBTOTAL</b>		\$ 12,613.00		\$ 16,900.00
<b>TOTAL BASE BID</b>					\$ 28,944.00		\$ 39,700.00

I hereby certify that this is a true and correct tabulation of bids received on February 28, 2018 for the Holiday Park and Valley View Park Aquatic Center VFD project in West Des Moines, IA  
 Marco A. Alvarez, PLA License #694 Date 02/28/2018



**VICINITY MAP**



**LEGEND**

- Project Location
- Park Boundary
- City Limit

	<b>PROJECT:</b> <b>HOLIDAY &amp; VALLEY VIEW AQUATIC CENTER VARIABLE FREQUENCY DRIVE (VFD) PROJECT</b>		
	<b>LOCATION:</b> <b>HOLIDAY PARK - 1701 RAILROAD AVENUE / VALLEY VIEW PARK - 255 81ST STREET</b>		
<b>DRAWN BY:</b> MAA	<b>DATE:</b> 2/01/2018	<b>PROJECT NO.:</b> 0510 040 2016	<b>SHT.</b> 1 of 1

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

**ITEM:** Request for Reconsideration of an Application for Assistance Under The Property Tax Rebate Program      **DATE:** March 5, 2018

**RESOLUTION:** Denial of application for assistance under the City's Property Tax Rebate Program

**FINANCIAL IMPACT:** None, if application for assistance is denied.

**BACKGROUND:** On September 6, 2016, the City Council adopted a resolution creating the Property Tax Rebate Pilot Program to stimulate economic development activity in certain parts of the City. Basically, the 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 required the creation/retention of a minimum of five jobs.

On December 14, 2017, Ballenger Real Estate, LLC filed an application with the City to be considered for the program. Review of the application indicates that they are constructing a 9,557 square foot office building located at 1121 Jordan Creek Parkway, formerly the site of a used car sales lot and automotive repair facility. According to the Dallas County Assessor records, they had shown an assessed value of the lot and a building, which has since been removed, at \$92,410. A building permit was applied for on June 27, 2017. The permit was valued at \$1,104,907.68.

For the purposes of the property tax rebate program, the applicant has agreed to a minimum assessed valuation of \$1,450,000. Because the property previously had a structure on the site and was one parcel instead of the two presently, the parcels start off with a base valuation of \$92,410. After talking to the Dallas County Assessor's office about the situation, it was decided to split that value into two equal parts of \$46,205 each. The property tax rebate on an annual basis would be \$33,791 or \$168,955 during the life of the five-year rebate.

The applicant is proposing to occupy about 3,757 square feet of building with their own use which is a chiropractic business and retain 8 full-time positions and create 10 full-time positions. The balance of the space would be occupied by other users. The property owner has undertaken \$3,000,000 of construction on the site.

Staff has reviewed their proposal and has found it complete. However, the application is inconsistent with policy in that construction has been substantially started on the building prior to them filing an application for assistance under the Property Tax Rebate Program.

The policy states: *"If the project is approved for funding, the property owner will be required to submit documentation of the estimate of project expenses before the start of construction or renovation activities."*

It was very clearly the intent of the City not to fund projects that already had started construction. The project site is within the Ashworth Road Urban Renewal area.

In discussing the issue of building construction with the applicant, he indicated to staff and also to the Finance and Administration City Council Subcommittee that he was unaware that they needed to apply for assistance prior to commencing construction.

This proposal was reviewed by the Finance & Administration Council Subcommittee on February 14, 2018, and the Subcommittee agreed with Staff's review of the application and that the project was ineligible for funding from the Property Tax Rebate Program.

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

**RECOMMENDATION:** The Finance and Administration City Council Subcommittee is recommending adoption of a resolution denying approval of the Ballenger Real Estate's application for assistance under the Property Tax Rebate Program.

Lead Staff Member: Clyde Evans, AICP, Community & Economic Development Director

**STAFF REVIEWS**

Department Director	Clyde Evans, Community and Economic Development Director <i>CE</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	<i>RJS</i>
Agenda Acceptance	<i>MS</i>

**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	Finance & Administration		
Date Reviewed	February 14, 2018		
Recommendation	Yes	No <input checked="" type="checkbox"/>	Split <input type="checkbox"/>

Attachments

Exhibit I  
Exhibit II

F&A Staff Report  
Resolution

# CITY OF WEST DES MOINES

## MEMORANDUM

**TO:** Finance & Administration City Council Subcommittee Members

**FROM:** Clyde Evans, AICP, Director, Community and Economic Development

**DATE:** February 14, 2018

**RE:** Economic Development Incentives for Ballenger Real Estate, LLC

On September 6, 2016, the City Council adopted a resolution creating the Property Tax Rebate Pilot Program to stimulate economic development activity in certain parts of the City. Basically, the 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 required the creation/retention of a minimum of five jobs.

On December 14, 2017, Ballenger Real Estate, LLC filed an application with the City to be considered for the program. Review of the application indicates that they are constructing a 9,557 square foot office building located on at 1121 Jordan Creek Parkway, former the site of a used car sales lot and automotive repair facility. According to the Dallas County Assessor records, they had shown an assessed value of the lot and a building, which has since been removed, at \$92,410. A building permit was applied for on June 27, 2017. The permit was valued at \$1,104,907.68.

For the purposes of the property tax rebate program, the applicant has agreed to a minimum assessed valuation of \$1,450,000. Because the property previously had a structure on the site and was one parcel instead of the two presently, the parcels start off with a base valuation of \$92,410. After talking to the Dallas County Assessor's office about the situation, it was decided to split that value into two equal parts of \$46,205 each. The property tax rebate on an annual basis would be \$33,791 or \$168,955 during the life of the five-year rebate.

The applicant is proposing to occupy about 3,757 square feet of building with their own use which is a chiropractic business and retain 8 full positions and create 10 full-time positions. The balance of the space would be occupied by other users. The property owner has undertaken \$3,000,000 of construction on the site.

Staff has reviewed their proposal and has found it complete. However, the application is inconsistent with policy in that construction has been substantially started on the building prior to them filing an application for assistance under the Property Tax Rebate Program.

The policy states: *"If the project is approved for funding, the property owner will be required to submit documentation of the estimate of project expenses before the start of construction or renovation activities."*

It was very clearly the intent of the City not to fund projects that already had started construction. The project site is within the Ashworth Road Urban Renewal area.

Alternatives: Alternatives that are available to the Subcommittee are as follows:

- That the Subcommittee recommend that the City Council deny the request.
- That the Subcommittee recommend that the City Council approve the request.

Recommendations: Staff is recommending that the Subcommittee provide direction to staff.

**Attachments**

Exhibit I  
Exhibit II  
Exhibit III  
Exhibit IV

Application for assistance  
Property Tax Rebate Program Guidelines  
Property Tax Rebate Tax Run  
Location Map

## Property Tax Rebate Program

Date of Application: 12/14/17

Address of Development Property: 1121 Jordan Creek Pkwy, WDM, IA 50266

County Assessor District/Parcel Number of Development Property: 1601353002

Located in an existing Urban Renewal Area? If yes, please identify the Area:

Yes

Owner of Development Property (please provide the following information):

Full Legal Name: Lucas Joe Ballenger

Address (if different from above): 15198 Beechwood Ave, Clive, IA 50325

Nature of Entity (individual, corporation, LLC, etc.): Ballenger Real Estate, LLC

If legal entity, identify state of incorp./organization: Iowa

Name and title of signatory to potential Development Agreement on behalf of Owner:

Lucas Ballenger, General Manager

Phone Number: 641-780-7071

E-Mail Address: lucas.ballenger@yahoo.com

Existing property use (commercial, industrial, retail, office, vacant, other – please specify):

Previous use = Industrial

Proposed property use (commercial, industrial, retail, office, other- please specify):

Professional office



Nature of Improvements:  New Construction  Addition  Rehabilitation

Describe proposed Project:

- See Attached

Estimated Project Start Date: 2017 Estimated Completion Date: Spring 2018

Please complete the table below with projected expenditures related to this project.

Budget Item	Amount
Building Construction	\$ 153 psf
Building Addition	
Building Remodeling	
Machinery & Equipment	
Tenant Improvements (if applicable)	\$ 55 psf
Technology Investments	\$ 10 psf
Furniture & Fixtures	\$ 10 psf
Other Major Investments (specify below)	
<b>TOTAL</b>	<del>\$ 208 psf</del> = \$ 208 M

Define and indicate the approximate value of the Project upon completion (only the building and improvement costs that will affect taxable valuation, NOT land, equipment or machinery):

How many jobs will this project create or retain?

Create: Full-Time 10 Part-Time \_\_\_\_\_  
Retain: Full-Time 9 Part-Time \_\_\_\_\_





## Property Tax Rebate Program (*Pilot*)

Program: Property Tax Rebate Program (PTR) (*Pilot*)

Purpose: To encourage and provide assistance to property owners in the renovation and redevelopment of vacant or underutilized retail, office, mixed use and industrial buildings and sites.

Projects eligible for funding include but are not limited to major renovation of structural elements of the building, including

1. total renovation and rehabilitation of underutilized building areas;
2. awning and facade improvements;
3. additions to existing buildings;
4. the construction of new buildings;
5. repair and renovation of major elements of the building;
6. fire sprinkler systems;
7. ADA compliance;
8. upgrades to or installation of fire suppression systems, including range hoods;  
and
9. installation of fats, oil, and grease tank installation.

Any building(s) or site(s) in question must be either planned or used as a retail, office, mixed use, or industrial use.

For the purposes of this program, a mixed use building is one where a mix of retail/office/residential uses are contained within the footprint of the building.

Eligible Areas: Only within the designated areas as identified on the attached map.

Program Funding: Properties owners within the designated areas are eligible to apply for a property tax rebate.

The property tax rebate will be based on a five-year 100% rebate of the tax increment revenues generated by the agreed upon construction/upgrades/replacements with all rebates being subject to a non-appropriation in any given year. This schedule shall be followed unless an alternate schedule is adopted by the City Council.

The incentive will only be given on new taxable valuation as determined by the county assessor.

Program Mechanics: Property owners wishing to apply for funding through the PTR would submit an application to the Community and Economic Development Department. Staff would review the application and submit it to the Finance and Administration City Council Subcommittee for a recommendation which will be forwarded to the City Council for ultimate action to approve or deny the request.

If the project is approved for funding, the property owner will be required to submit documentation of the estimate of project expenses before the start of construction or renovation activities.

In addition, the property owner will be required to enter into a development agreement with the City. As part of the development agreement, the property owner will commit to creating or retaining a minimum of five (5) FTE's in the first two years following completion of the construction/redevelopment/renovation work, and retain those positions for life of the rebate.

As part of the development agreement, the property owner must commit to the City that they will undertake at least \$500,000 worth of construction/upgrades/replacements to the property.

Upon completion of the upgrades, the property owner will document, to the satisfaction of the City that the upgrades have occurred to the property.

Only after satisfying the City that the work was completed and that it did meet the \$500,000 threshold, will the City initiate the rebate program for that respective building(s) or site.

The property owner receiving the property tax rebate must waive their right to any other property tax rebate/abatement contained in the State of Iowa or City Code.

Participating property owners must enter into a ten (10) year minimum assessment agreement with the City.

The amendment will be in full force and effect on any application for assistance filed after the enactment of the amending resolution (December 12, 2016).

The approval of this program does not imply that any legal entitlement is granted or that any business or property owner that meets the identified requirements will be offered the incentive.

The City Council at its sole discretion shall be responsible for consideration and potential approval of the incentive.

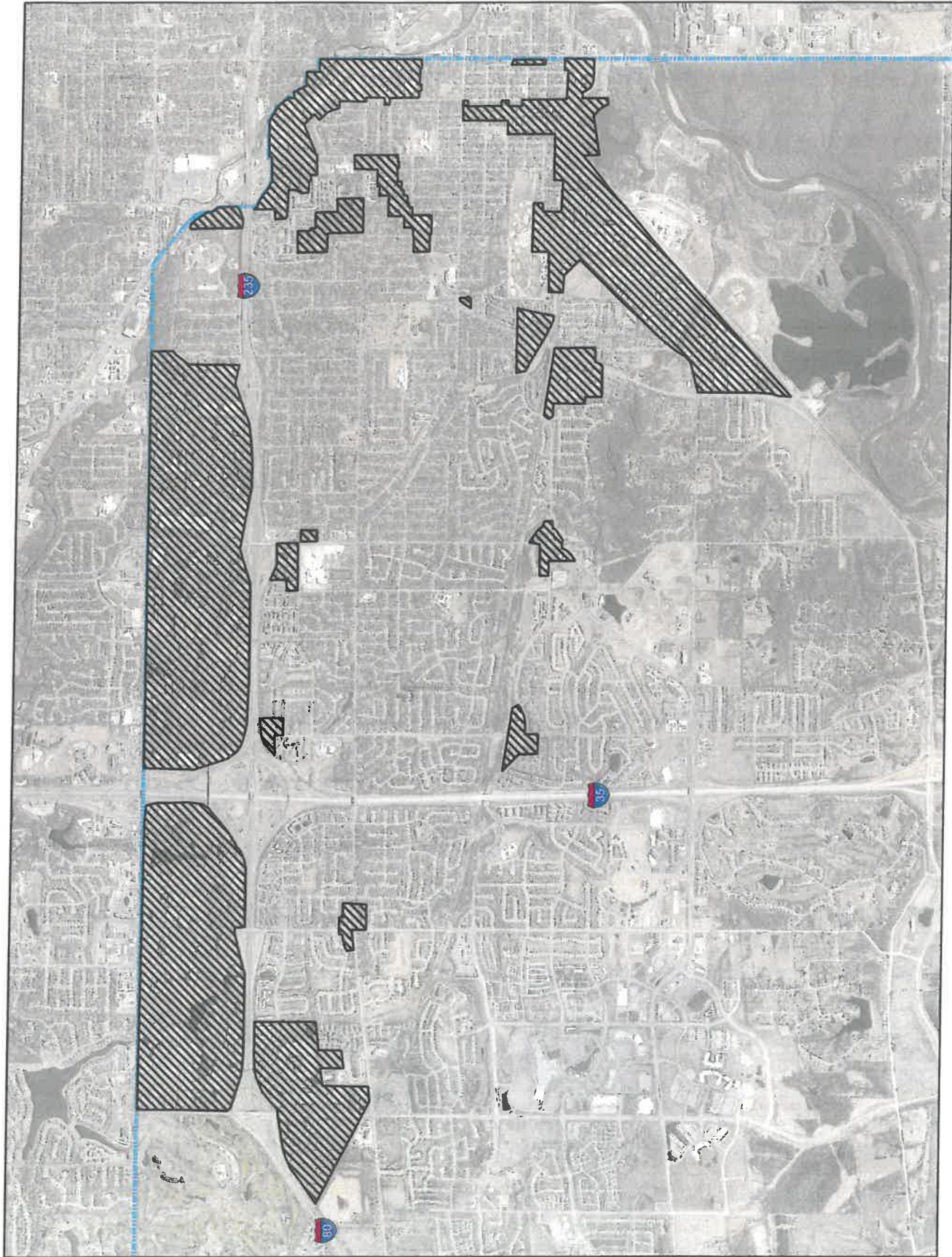
Funding Source: The source of funding for this program shall be the property tax increment generated by the increase in property valuation.

Timeline: The Pilot program shall run until December 31 of 2018. At that time the F&A City Council Subcommittee shall evaluate the Program for its effectiveness, and then make a recommendation to the full City Council as to whether the Program should be continued or be allowed to sunset.

Corporate Limit



Eligible Area



CITY OF  
West Des Moines.



## Ballenger Real Estate, LLC

Existing Valuation		\$46,205*
Proposed Valuation		\$1,450,000
Difference		\$1,403,795
TIF Rate (per \$1,000)		\$26.74592
Commercial Rollback %	x	90%
Annual TIF Tax Rebate		\$33,791

### Rebate of Taxes

Year 1	100%	\$33,791
Year 2	100%	\$33,791
Year 3	100%	\$33,791
Year 4	100%	\$33,791
Year 5	100%	<u>\$33,791</u>
Total		\$168,955

\*Prior total valuation \$92,410/2



Imagery ©2018 Google, Map data ©2018 Google 50 ft

**DELAYS**

Moderate traffic in this area

No known road disruptions. Traffic incidents will show up here.

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, DENYING BALLENGER REAL ESTATE, LLC'S APPLICATION FOR ASSISTANCE UNDER THE PROPERTY TAX REBATE PROGRAM.**

**WHEREAS**, Ballenger Real Estate, LLC is constructing a 9,557 square foot office building located at 1121 Jordan Creek Parkway;

**WHEREAS**, Ballenger Real Estate, LLC filed for a building permit on June 27, 2017, with the City;

**WHEREAS**, Ballenger Real Estate, LLC filed for assistance under the City's Property Tax Rebate Program on December 14, 2017;

**WHEREAS**, the guidelines for the Property Tax Rebate Program require that an application to the City under the Program must be submitted prior to start of construction;

**WHEREAS**, the Finance and Administration City Council Subcommittee at their meeting on February 14, 2018, recommended that the City Council deny the request from Ballenger Real Estate, LLC for assistance under the Property Tax Rebate Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA HAS** denied the request of Ballenger Real Estate, LLC for assistance under the Property Tax Rebate Program.

**PASSED AND ADOPTED** this 5<sup>th</sup> day of March, 2018

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

Attest:

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

## CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Request for Reconsideration of an Application for Assistance Under The Property Tax Rebate Program      **DATE:** March 5, 2018

**RESOLUTION:** Denial of application for assistance under the City's Property Tax Rebate Program

**FINANCIAL IMPACT:** None, if application for assistance is denied.

**BACKGROUND:** On September 6, 2016, the City Council adopted a resolution creating the Property Tax Rebate Pilot Program to stimulate economic development activity in certain parts of the City. Basically, the 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 required the creation/retention of a minimum of five jobs.

On December 18, 2017, LTR Pointe, LLC filed an application with the City to be considered for the program. Review of the application indicates that they are constructing an 8,119 square foot office building located at 1111 Jordan Creek Parkway, formerly the site of a used car sales lot and automotive repair facility. According to the Dallas County Assessor records, they currently show an assessed value of the lot and a building, which has since been removed, at \$92,410. A building permit was applied for on July 20, 2017. The permit was valued at \$937,637.

For the purposes of the property tax rebate program, the applicant has agreed to a minimum assessed valuation of \$925,000. Because the property previously had a structure on the site and was one parcel instead of the two presently, the parcels start off with a base valuation of \$92,410. After talking to the Dallas County Assessor's office about the situation, it was decided to split that value into two equal parts of \$46,205 each. The property tax rebate on an annual basis would be \$21,154 or \$105,770 during the life of the five-year rebate.

The applicant is proposing to occupy about 5,125 square feet of building with their own use which is a dental office and retain 8 full-time positions. The balance of the space would be occupied by other users. The property owner has undertaken construction on the site.

Staff has reviewed their proposal and has found it complete. However, the application is inconsistent with policy in that construction has been substantially started on the building prior to them filing an application for assistance under the Property Tax Rebate Program.

The policy states: *"If the project is approved for funding, the property owner will be required to submit documentation of the estimate of project expenses before the start of construction or renovation activities."*

It was very clearly the intent of the City not to fund projects that already had started construction. The project site is within the Ashworth Road Urban Renewal area.

In discussing the issue of building construction with the applicant, he indicated to staff and also to the Finance and Administration City Council Subcommittee that he was unaware that they needed to apply for assistance prior to commencing construction.

This proposal was reviewed by the Finance & Administration Council Subcommittee on February 14, 2018, and the Subcommittee agreed with Staff's review of the application and that the project was ineligible for funding from the Property Tax Rebate Program.

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

**RECOMMENDATION:** The Finance and Administration City Council Subcommittee is recommending adoption of a resolution denying approval of the LTR Pointe's application for assistance under the Property Tax Rebate Program.

Lead Staff Member: Clyde Evans, AICP, Community & Economic Development Director

**STAFF REVIEWS**

Department Director	Clyde Evans, Community and Economic Development Director
Appropriations/Finance	Tim Stiles, Finance Director
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	Finance & Administration		
Date Reviewed	February 14, 2018		
Recommendation	Yes	No X	Split <input type="checkbox"/>

Attachments

Exhibit I  
Exhibit II

F&A Staff Report  
Resolution

# CITY OF WEST DES MOINES

## MEMORANDUM

**TO:** Finance & Administration City Council Subcommittee Members

**FROM:** Clyde Evans, AICP, Director, Community and Economic Development

**DATE:** February 14, 2018

**RE:** Economic Development Incentives for LTR Pointe, LLC

On September 6, 2016, the City Council adopted a resolution creating the Property Tax Rebate Pilot Program to stimulate economic development activity in certain parts of the City. Basically, the 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 required the creation/retention of a minimum of five jobs.

On December 18, 2017, LTR Pointe, LLC filed an application with the City to be considered for the program. Review of the application indicates that they are constructing an 8,119 square foot office building located on at 1111 Jordan Creek Parkway, former the site of a used car sales lot and automotive repair facility. According to the Dallas County Assessor records, they currently show an assessed value of the lot and a building, which has since been removed, at \$92,410. A building permit was applied for on July 20, 2017. The permit was valued at \$937,637.

For the purposes of the property tax rebate program, the applicant has agreed to a minimum assessed valuation of \$925,000. Because the property previously had a structure on the site and was one parcel instead of the two presently, the parcels start off with a base valuation of \$92,410. After talking to the Dallas County Assessor's office about the situation, it was decided to split that value into two equal parts of \$46,205 each. The property tax rebate on an annual basis would be \$21,154 or \$105,770 during the life of the five-year rebate.

The applicant is proposing to occupy about 5,125 square feet of building with their own use which is a dentist and retain 8 full positions. The balance of the space would be occupied by other users. The property owner has undertaken construction on the site.

Staff has reviewed their proposal and has found it complete. However, the application is inconsistent with policy in that construction has been substantially started on the building prior to them filing an application for assistance under the Property Tax Rebate Program.

The policy states: *"If the project is approved for funding, the property owner will be required to submit documentation of the estimate of project expenses before the start of construction or renovation activities."*

It was very clearly the intent of the City not to fund projects that already had started construction. The project site is within the Ashworth Road Urban Renewal area.

In discussing the issue of building construction with the applicant, he indicated to staff that he was unaware that they needed to apply for assistance prior to commencing construction.

Alternatives: Alternatives that are available to the Subcommittee are as follows:

- That the Subcommittee recommend that the City Council deny the request.
- That the Subcommittee recommend that the City Council approve the request.

Recommendations: Staff is recommending that the Subcommittee provide direction to staff.

Attachments

Exhibit I  
Exhibit II  
Exhibit III  
Exhibit IV

Application for assistance  
Property Tax Rebate Program Guidelines  
Property Tax Rebate Tax Run  
Location Map

## Property Tax Rebate Program

Date of Application: 12-18-17 CEG 11/29/18  
 Address of Development Property: 1111 427 Jordan Creek Pkwy WDM IA 50266  
 County Assessor District/Parcel Number of Development Property: 1601353002

Located in an existing Urban Renewal Area? If yes, please identify the Area:

Yes

Owner of Development Property (please provide the following information):

Full Legal Name: Dr. Rob Burns  
 Address (if different from above): 605 Grand Oaks Drive, West Des Moines IA  
 Nature of Entity (individual, corporation, LLC, etc.): LTR POINTE, LLC 50265  
 If legal entity, identify state of incorp./organization: Iowa

Name and title of signatory to potential Development Agreement on behalf of Owner:

Dr. Rob Burns

Phone Number: 515-222-1800

E-Mail Address: robert-r-burns@iowa.edu

Existing property use (commercial, industrial, retail, office, vacant, other - please specify):

Previous use industrial

Proposed property use (commercial, industrial, retail, office, other- please specify):

Professional Office



Nature of Improvements:  New Construction  Addition  Rehabilitation

Describe proposed Project:

See attached

Estimated Project Start Date: 2017 Estimated Completion Date: Spring 2018

Please complete the table below with projected expenditures related to this project.

Budget Item	Amount
Building Construction	\$ 155 psf
Building Addition	
Building Remodeling	
Machinery & Equipment	
Tenant Improvements (if applicable)	\$ 55 psf
Technology Investments	\$ 10 psf
Furniture & Fixtures	\$ 10 psf
Other Major Investments (specify below)	
<b>TOTAL</b>	<b>\$ 230 psf = \$</b>

Define and indicate the approximate value of the Project upon completion (only the building and improvement costs that will affect taxable valuation, NOT land, equipment or machinery):

How many jobs will this project create or retain?

Create: Full-Time \_\_\_\_\_ Part-Time \_\_\_\_\_  
Retain: Full-Time 8 Part-Time \_\_\_\_\_

Will you be applying for a High Quality Jobs or other Agreement with the State? NO If so, has an application been filed? \_\_\_\_\_ If yes, please provide a copy.

Does this Project involve the relocation of a business enterprise (or substantial portion thereof) from another Iowa county or city? NO If yes, please explain:

Is the Owner of the Development Property also the Developer for this Project? Yes If not, in response to each item below, please identify the full legal name of the entity, the nature of the entity, its state of incorporation (if applicable) and the name and title of that entity's signatory to any Development Agreement):

Which entity will be responsible for constructing the building/improvements on the Development Property?

LTR POINTE, LLC - Dr. Ed Burns General Manager

Which entity will be entitled to receive the Tax Increment Rebates?

LTRPOINTE, LLC

Which entity will occupy and operate the business in the building/improvements?

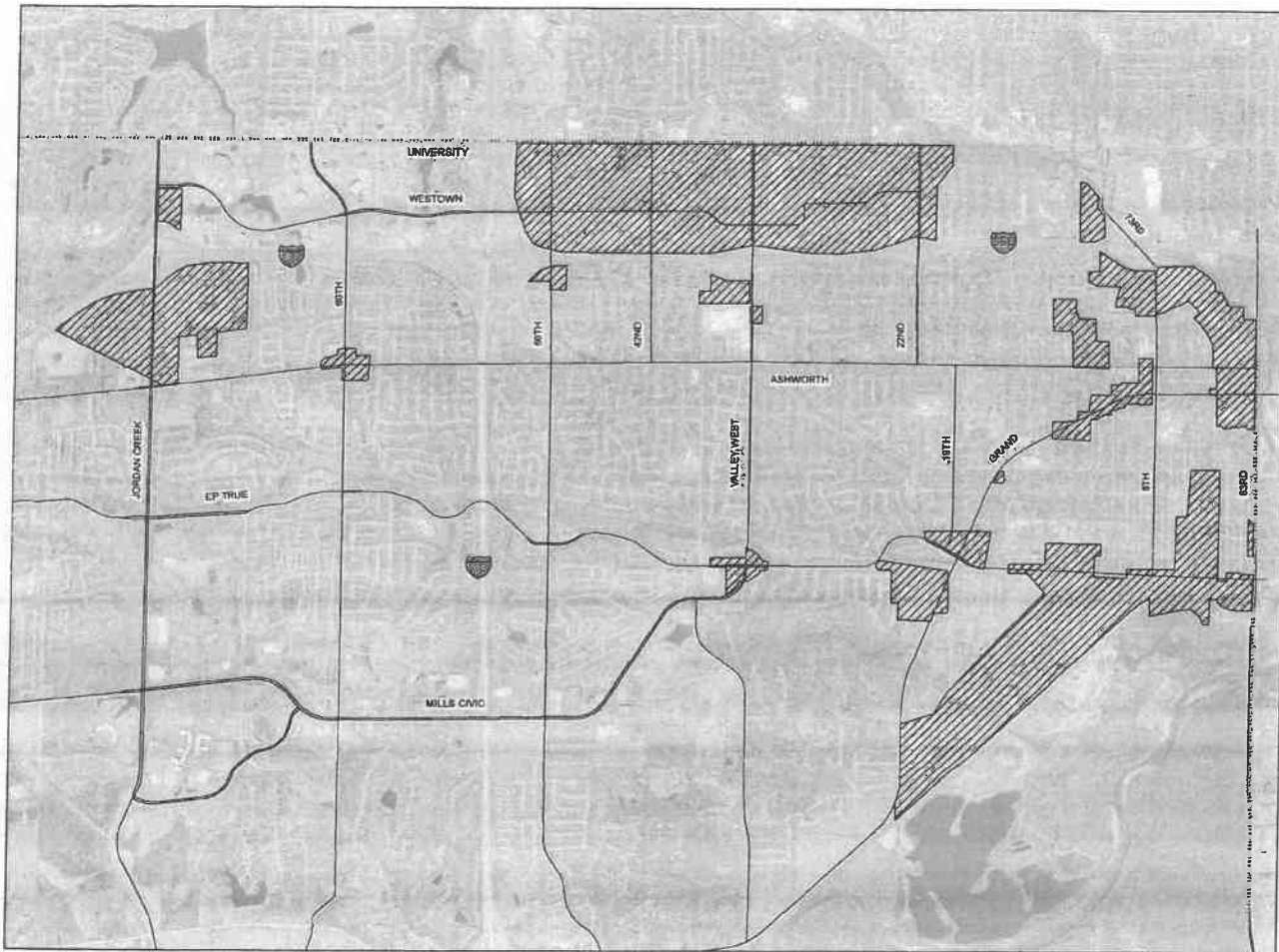
Jordan Creek Pediatric Dentistry

Is the owner leasing the building to another entity that is operating the business? NO If yes, please explain:

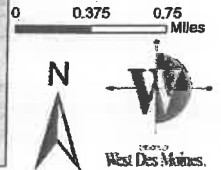
Is the Development Property currently subject to any property tax exemption or any other property tax rebate? NO If yes, explain: \_\_\_\_\_

Have you applied for any other property tax exemption or rebate for the Development Property? NO If yes, explain: \_\_\_\_\_

Does any public official or employee of the City who exercises or has exercised any responsibilities or discretion with respect to the Project, or who is in a position to participate in a decision-making process or gain insider information with regard to the Project, have interest, direct or indirect, in the Project or any contract or subcontract (actual or proposed) in connection with the Project? NO If yes, explain:



Corporate Limit  
Eligible Area



## Property Tax Rebate Program (*Pilot*)

Program: Property Tax Rebate Program (PTR) (*Pilot*)

Purpose: To encourage and provide assistance to property owners in the renovation and redevelopment of vacant or underutilized retail, office, mixed use and industrial buildings and sites.

Projects eligible for funding include but are not limited to major renovation of structural elements of the building, including

1. total renovation and rehabilitation of underutilized building areas;
2. awning and facade improvements;
3. additions to existing buildings;
4. the construction of new buildings;
5. repair and renovation of major elements of the building;
6. fire sprinkler systems;
7. ADA compliance;
8. upgrades to or installation of fire suppression systems, including range hoods;  
and
9. installation of fats, oil, and grease tank installation.

Any building(s) or site(s) in question must be either planned or used as a retail, office, mixed use, or industrial use.

For the purposes of this program, a mixed use building is one where a mix of retail/office/residential uses are contained within the footprint of the building.

Eligible Areas: Only within the designated areas as identified on the attached map.

Program Funding: Properties owners within the designated areas are eligible to apply for a property tax rebate.

The property tax rebate will be based on a five-year 100% rebate of the tax increment revenues generated by the agreed upon construction/upgrades/replacements with all rebates being subject to a non-appropriation in any given year. This schedule shall be followed unless an alternate schedule is adopted by the City Council.

The incentive will only be given on new taxable valuation as determined by the county assessor.

Program Mechanics: Property owners wishing to apply for funding through the PTR would submit an application to the Community and Economic Development Department. Staff would review the application and submit it to the Finance and Administration City Council Subcommittee for a recommendation which will be forwarded to the City Council for ultimate action to approve or deny the request.

If the project is approved for funding, the property owner will be required to submit documentation of the estimate of project expenses before the start of construction or renovation activities.

In addition, the property owner will be required to enter into a development agreement with the City. As part of the development agreement, the property owner will commit to creating or retaining a minimum of five (5) FTE's in the first two years following completion of the construction/redevelopment/renovation work, and retain those positions for life of the rebate.

As part of the development agreement, the property owner must commit to the City that they will undertake at least \$500,000 worth of construction/upgrades/replacements to the property.

Upon completion of the upgrades, the property owner will document, to the satisfaction of the City that the upgrades have occurred to the property.

Only after satisfying the City that the work was completed and that it did meet the \$500,000 threshold, will the City initiate the rebate program for that respective building(s) or site.

The property owner receiving the property tax rebate must waive their right to any other property tax rebate/abatement contained in the State of Iowa or City Code.

Participating property owners must enter into a ten (10) year minimum assessment agreement with the City.

The amendment will be in full force and effect on any application for assistance filed after the enactment of the amending resolution (December 12, 2016).

The approval of this program does not imply that any legal entitlement is granted or that any business or property owner that meets the identified requirements will be offered the incentive.

The City Council at its sole discretion shall be responsible for consideration and potential approval of the incentive.

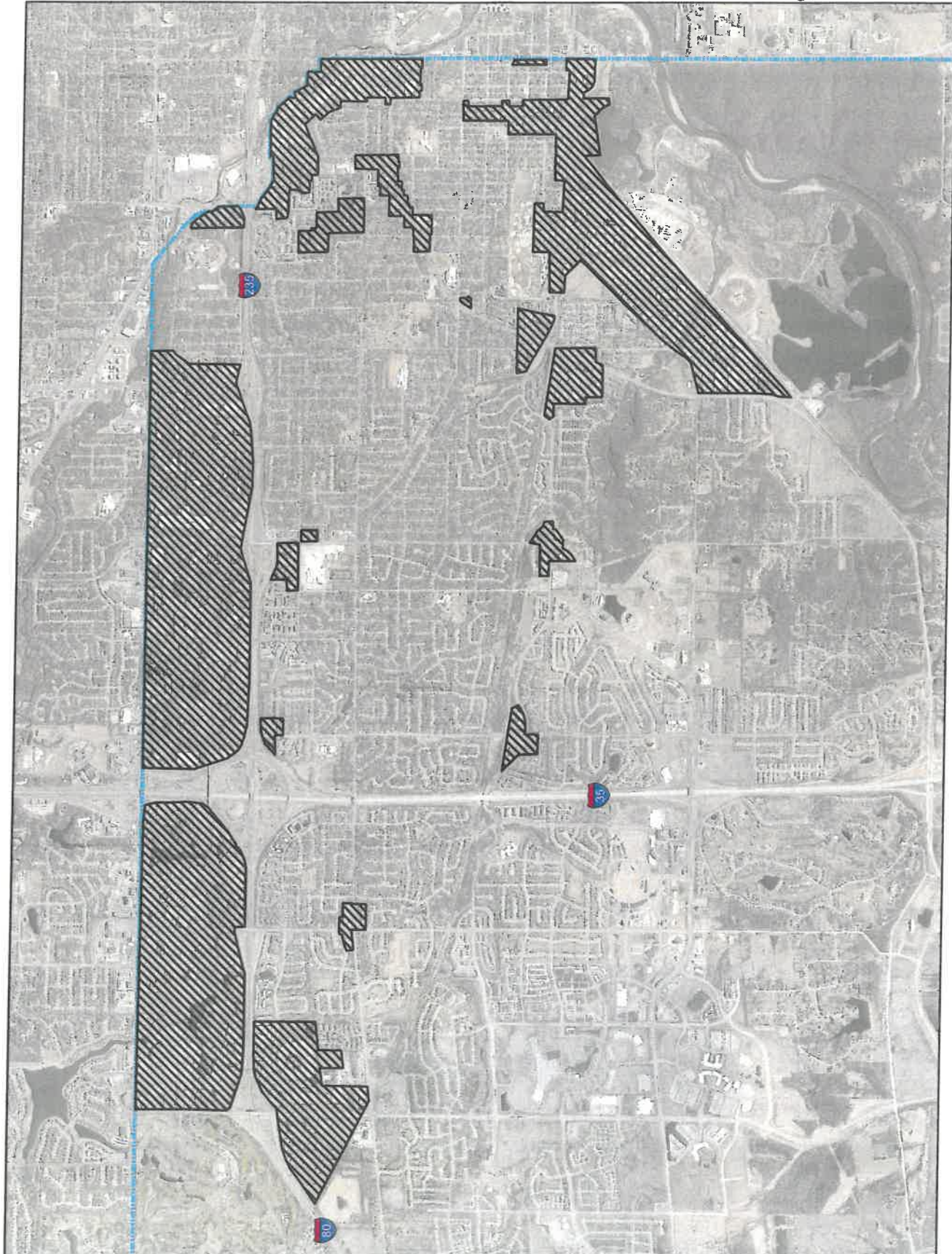
Funding Source: The source of funding for this program shall be the property tax increment generated by the increase in property valuation.

Timeline: The Pilot program shall run until December 31 of 2018. At that time the F&A City Council Subcommittee shall evaluate the Program for its effectiveness, and then make a recommendation to the full City Council as to whether the Program should be continued or be allowed to sunset.

Corporate Limit



Eligible Area



THE CITY OF  
West Des Moines.



## LTR Pointe, LLC

Existing Valuation	\$46,205*
Proposed Valuation	\$925,000
Difference	\$878,795
TIF Rate (per \$1,000)	\$26.74592
Commercial Rollback %	90%
Annual TIF Tax Rebate	\$21,154
Rebate of Taxes	
Year 1	\$21,154
Year 2	\$21,154
Year 3	\$21,154
Year 4	\$21,154
Year 5	<u>\$21,154</u>
Total	\$105,770

\*Prior total valuation \$92,410/2



**DELAYS**

Moderate traffic in this area

No known road disruptions. Traffic incidents will show up here.

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, DENYING LTR POINTE, LLC'S APPLICATION FOR ASSISTANCE UNDER THE PROPERTY TAX REBATE PROGRAM.**

**WHEREAS**, LTR Pointe, LLC is constructing an 8,119 square foot office building located at 1111 Jordan Creek Parkway;

**WHEREAS**, LTR Pointe, LLC filed for a building permit on July 20, 2017, with the City;

**WHEREAS**, LTR Pointe, LLC filed for assistance under the City's Property Tax Rebate Program on December 18, 2017;

**WHEREAS**, the guidelines for the Property Tax Rebate Program require that an application to the City under the Program must be submitted prior to start of construction;

**WHEREAS**, the Finance and Administration City Council Subcommittee at their meeting on February 14, 2018, recommended that the City Council deny the request from LTR Pointe, LLC for assistance under the Property Tax Rebate Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA HAS** denied the request of LTR Pointe, LLC for assistance under the Property Tax Rebate Program.

**PASSED AND ADOPTED** this 5<sup>th</sup> day of March, 2018

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

Attest:

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

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

**ITEM:** FY 2018-19 FY Hotel/Motel Tax Allocations

**DATE:** March 5, 2018

**FINANCIAL IMPACT:** The projected FY 2018-19 hotel/motel tax revenues are \$4,300,000 and allocated expenditures are \$4,100,143, so the Hotel/Motel Tax Ending Fund Balance is expected to rise from \$410,086 to \$609,943 during the fiscal year.

**BACKGROUND:** Although a significant portion of the City's annual Hotel/Motel Tax revenue has been previously committed through established policy or through previous Council action, the Council is also able to use discretion when allocating the remainder. For the upcoming fiscal year, staff received applications from 12 non-profit organizations requesting discretionary funding.

The 12 organizations each made a presentation and answered questions regarding their funding request to members of the Finance and Administration Committee at meetings on January 10, 2018, January 17, 2018, and January 24, 2018. Members of the Committee reviewed the applications and notes following the January 24, 2018, meeting and their recommendations are included in the attached funding schedule. Highlights of the allocation include:

- Tallgrass Theatre Company, a community theatre with performances held in the Rex Mathes auditorium, will receive \$10,000 for the replacement of sound equipment and the purchase and installation of a projector.
- The National Speech and Debate Association will receive \$27,000 to be used for the creation of additional employee work space and for a case to display endowed memorial awards.
- The West Des Moines Girls Softball Association will receive \$20,000 to be used for the continued improvements of the playing fields at Holiday Park.
- The West Des Moines Soccer Club will receive \$20,000 for field and ADA related improvements at the Hidden Valley Soccer Complex.
- Junior Achievement will receive \$5,000 to will support JA programs in West Des Moines classrooms and JA BizTown.
- The WDM Historical Society will receive \$40,000 for infrastructure improvements at the Jordan House and Bennett School.
- The Historic Valley Junction Foundation will receive \$125,000, which represents a decrease of \$50,000 from the previous year. Of this funding, \$100,000 is intended to support operating expenses and \$25,000 is for the partial funding of WDM125 projects (the 125<sup>th</sup> Anniversary of the city).
- The West Des Moines Chamber of Commerce & Development Connection will receive a total of \$67,000, which represents a decrease of \$500 from the previous year.

- Ballet Des Moines, located at 121 S.11<sup>th</sup> St, Suite 100, will receive \$14,000 to be used for replacing their existing Marley dance floor. They were a first-time applicant.
- The West Des Moines Public Arts program will receive funding of \$120,000, which represents the “maximum” calculated contribution based on a previous Council directive.
- The West Des Moines Sister Cities Commission activities, budgeted at \$68,000 for FY 18-19, will be funded by the Hotel/Motel Tax fund.
- All other discretionary programs will be funded at the same level as FY17-18.

**OUTSTANDING ISSUES:** None

**RECOMMENDATION:** Motion approving the Finance and Administration Committee recommendations regarding FY18-19 allocation of Hotel/Motel tax revenues.

**Lead Staff Member:** Chris Hamlett, Budget Analyst *CH*

**STAFF REVIEWS**

Department Director	Tim Stiles, Finance Director <i>TS</i>
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>AS</i>

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

Published In	n/a
Dates(s) Published	n/a

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration
Dates Reviewed	January 10, 2018 January 17, 2018 January 24, 2018
Recommendation	<u>Yes</u> No    Split

## Hotel Motel Tax

Activity/Organization	2015-16 Actual	2016-17 Actual	2017-18 Budget	2018-19 Recommended
<b>Hotel/Motel Tax Revenue</b>	<b>\$ 3,963,886</b>	<b>\$ 4,142,183</b>	<b>\$ 4,000,000</b>	<b>\$ 4,300,000</b>
<b>Contractual Agreements</b>				
Convention/Visitors Bureau (2/7ths)	1,132,539	1,183,481	1,142,857	1,228,571
BRAVO (2/7ths less IA Events Center)	1,067,539	1,132,539	1,077,857	1,163,571
Des Moines Performing Arts (ends FY 17/18)	16,500	16,500	16,500	-
Iowa Events Center (ends FY 18/19)	65,000	65,000	65,000	65,000
<b>Contractual Agreements Sub-Total</b>	<b>\$ 2,281,578</b>	<b>\$ 2,397,520</b>	<b>\$ 2,302,214</b>	<b>\$ 2,457,143</b>
<b>City Uses</b>				
City Entrance Signs	-	-	100,000	-
City Newsletter/WDM Magazine	140,596	145,126	150,000	160,000
Economic Development Emphasis	50,000	50,000	50,000	50,000
July 4th Celebration	17,000	17,000	18,000	25,000
Public Art	120,000	120,000	120,000	120,000
Solheim Cup	11,333	-	11,334	-
Valley Junction Area Operations/Repairs	4,869	2,757	25,000	25,000
Vyvacity (BBE Partners)	15,000	15,000	-	-
Youth In-Parks	6,610	-	25,000	30,000
Parks Signage Upgrade	-	-	80,000	-
P&R Software (Perfectmind)	91,982	13,784	-	-
Sister Cities	-	-	29,000	68,000
EMS Trailer Solheim Cup	-	23,074	-	-
City Programs - Miscellaneous (2/7 less above city uses)	918,950	932,818	534,523	800,000
<b>Total City Uses</b>	<b>\$ 1,376,340</b>	<b>\$ 1,319,560</b>	<b>\$ 1,142,857</b>	<b>\$ 1,278,000</b>
<b>West Des Moines Based Organizations</b>				
Ballet Des Moines	-	-	-	14,000
Eddie Davis Community Center	15,000	15,000	15,000	15,000
Historic Valley Junction Foundation	75,000	95,000	175,000	125,000
National Speech and Debate Association	-	-	23,000	27,000
Tallgrass Theatre Company	-	-	14,000	10,000
Tiger Softball Club	2,000	2,000	2,000	2,000
WDM Business Incubator	9,220	9,220	10,000	-
WDM Chamber of Commerce/Development Connection	77,500	117,500	67,500	67,000
WDM Community Enrichment Foundation (approved 9/7/10)	10,000	10,000	10,000	10,000
WDM Girls Softball (resumes in FY 17-18)	-	-	20,000	20,000
WDM Historical Society	25,000	36,750	50,000	40,000
WDM Historical Society (\$15,000 for 4 yrs, thru FY 17/18)	15,000	15,000	15,000	-
WDM Soccer Club	-	30,000	20,000	20,000
<b>West Des Moines Sub-Total</b>	<b>\$ 228,720</b>	<b>\$ 330,470</b>	<b>\$ 421,500</b>	<b>\$ 350,000</b>
<b>Metro Based Organizations</b>				
Central Iowa Shelters & Services (\$12,000 for 5 yrs thru FY 17/18)	12,000	12,000	12,000	-
Iowa Homeless Youth Center	1,000	-	-	-
Iowa Senior Games	10,000	10,000	10,000	10,000
Junior Achievement	10,000	10,000	5,000	5,000
MPO Water Trails Study	-	20,779	-	-
<b>Metro Base Sub-Total</b>	<b>\$ 33,000</b>	<b>\$ 52,779</b>	<b>\$ 27,000</b>	<b>\$ 15,000</b>
<b>Total Expenses</b>	<b>\$ 3,919,638</b>	<b>\$ 4,100,329</b>	<b>\$ 3,893,571</b>	<b>\$ 4,100,143</b>
<b>Increase/(Decrease) in Fund Balance</b>	<b>\$ 44,248</b>	<b>\$ 41,854</b>	<b>\$ 106,429</b>	<b>\$ 199,857</b>
<b>Beginning Fund Balance</b>	<b>\$ 254,771</b>	<b>\$ 299,019</b>	<b>\$ 340,874</b>	<b>\$ 447,302</b>
<b>Ending Fund Balance</b>	<b>\$ 299,019</b>	<b>\$ 340,874</b>	<b>\$ 447,302</b>	<b>\$ 647,159</b>
<b>Accounts Payable (Sept Payments for 6/30 Receipts)</b>				
<b>Adjusted Ending Fund Balance</b>				

**Hotel Motel Tax  
FY 2018-19**

<b>Date</b>	<b>Outside Organization</b>	<b>FY 18-19 Request</b>	<b>FY 18-19 Recommend</b>
01/10/18	Iowa Senior Games ( Iowa Sports Foundation )	10,000	10,000
01/10/18	WDM Chamber of Commerce/Development Connection	67,000	67,000
01/10/18	Junior Achievement	5,000	5,000
01/10/18	Tallgrass Theatre	10,000	10,000
01/17/18	Tiger Softball Club	2,000	2,000
01/17/18	Historic Valley Junction Foundation	175,000	125,000
01/17/18	Eddie Davis Community Center	20,000	15,000
01/17/18	Ballet Des Moines	30,000	14,000
01/24/18	WDM Soccer Club	80,000	20,000
01/24/18	WDM Girls Softball Association	20,000	20,000
01/24/18	WDM Historical Society	40,000	40,000
01/24/18	National Speech and Debate Association	36,000	27,000
	<b>Total</b>	<b>495,000</b>	<b>355,000</b>

## City of West Des Moines — Week #8

Bill No.	Subject	Official Position	Status	Sponsor/Notes
<a href="#">SF 2081</a>	Eliminates backfill by 2020, $\frac{2}{3}$ - 2018, $\frac{1}{3}$ - 2019	AGAINST	Senate Appropriations Schneider	By Chelgren Sub Schneider, Chelgren, Bolkcom Subcommittee met 2/27
<a href="#">SF 2155</a>	Allows city to invest operating funds in excess of 33 % of operating funds in certificates of deposit which mature within five years or less.	FOR	House State Government Bergan	Passed Senate Sub met 2/28 Bergan, Koester, Lensing - State Auditor Amendment
<a href="#">SF 2327</a> <a href="#">HF 2458</a>	Governor's Future Ready Iowa Bill	FOR	Senate Floor C. Johnson  House Floor Cownie	Appropriations for summer internships, volunteer mentorship program for high- school students <a href="#">SSB 3087/HSB 602</a>
<a href="#">HF 2063</a> <a href="#">SF 2267</a>	TIF Revisions	AGAINST	House Ways and Means Mohr, Isenhart, Windschitl  Senate Ways and Means Feenstra, Brown, Quirnbach	Sponsored By Mohr League, Metro Coalition, City of DSM and PDI registered Against  By Chapman
<a href="#">HF 2118</a> <a href="#">SF 2148</a> <a href="#">SF 220</a>	Bans Automatic traffic enforcement cameras  Bill worked out in 2017 - all city entities registered FOR compromise legislation	Monitor	House Floor Floor Manager, Kaufmann Senate Floor, Zaun  House Floor, Mohr	limited to devices that are used to issue traffic citations -passed Senate 32-18  House Transportation - bill that passed Senate in 2017



<a href="#">HF 2253</a>	Lease Purchase - includes definitional change to Public Improvement	AGAINST	House Floor Landon	<a href="#">SSB 3110</a> did <b>NOT</b> come out of Committee
<a href="#">HF 2254</a> <a href="#">SF 2307</a>	911 emergency telephone and internet communication systems, making appropriations, and including effective date provisions.	FOR	Senate Appropriations Committee Senate Floor Danielson - referred to Senate Appropriations Committee	<a href="#">HSB 552/SSB 3107</a> Passed House 98-0
<a href="#">HF 2285</a> <a href="#">SF 2117</a>	Supplemental reimbursement for Medicaid funded Ground emergency transportation providers  Deappropriations bill includes this language	FOR	Senate Human Resources Chapman, Bolkcom, Segebart  House Floor Grassley	Passed House 98-0  Similar to language as in SF 2117 - Deappropriations bill <a href="#">HSB 648/HF 2103</a> House amendment, H-8012 strikes bill - includes language
<a href="#">HF 2351</a>	Continuation of healthcare for family of officer killed in line of duty	FOR	Senate Commerce No subcommittee assigned	Sponsored by Sexton <a href="#">HF 2049</a> Passed House
<a href="#">HF 2369</a>	Dates for local elections - A proposition to authorize an issuance of bonds or LOST limited to first Tuesday after the first Monday in November of each year.	AGAINST	House Floor Highfill	IASB, League of Cities, Metro Coalition, Community Colleges registered Against League proposed an amendment - <a href="#">HSB 514</a>
<a href="#">HSB 671</a> <a href="#">SSB 3195</a>	Governor's Tax Proposals	Monitor	House Ways and Means Cownie Senate Ways and Means Feenstra, Dawson, Breitbart, Jochum, Bolkcom	Subcommittee met 3/1 Cownie, Windschitl, Pettengill, Prichard, Forbes
<a href="#">SF 2383</a>	Senate Tax Proposal - reduces income taxes - eliminates/reduces tax credits	Monitor	House Ways and Means	Subcommittee Feenstra, Dawson, Breitbart, Jochum, Bolkcom. Voted out of Ways

				and Means Committee 2/22. <a href="#">SSB 3197</a> 2/28 Passed Senate 29-21
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Law Enforcement Bills				
<a href="#">HF 2117</a>	Records requested by the defense must be furnished at no cost	Monitor	Senate Judiciary Garrett, Bisignano, Edler	Passed House 96-1 Sponsored by Jones <a href="#">HF 2013</a>

Bills that DIED				
<a href="#">SF 456</a>	DMWW governance	WDSM not registered on SF in 2017. Registered Undecided on HF	Senate Agriculture Zumbach, Rozenboom, Kinney	Reassigned to subcommittees
<a href="#">HF 484</a>			House Agriculture Klein, Baudler, Hall	
<a href="#">HSB 511</a>	City budget approval procedures	Monitor - Against if moves	Did NOT move out of subcommittee	House Local Government Heartsill, Bloomingdale, Gaskill