

# CITY OF WEST DES MOINES

## COUNCIL AGENDA

**date:** April 1, 2019

**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 Firefighters Benjamin Truetken, Scott Sweetalla, Matthew Kingsley, Kyle Mikulich, and Wesley Bier
  - b. Presentation of Grant Award for Police Department K9 Funding - Angela Connolly, Polk County Supervisor
4. **Consent Agenda**
  - a. Motion - Approval of Minutes of March 18, 2019 Meeting
  - b. Motion - Approval of Bill Lists
  - c. Motion - Approval of Liquor Licenses:
    1. BDA3sons, LLC d/b/a 3 Sons Sports Bar & Grill, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - New
    2. BL Restaurant Operations, LLC d/b/a Bar Louie, 7105 Mills Civic Parkway, Suite 150 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    3. Tasting Station Restaurant Group, LLC d/b/a BeerStyles Gastropub & Taproom/SALT of the Hearth, 5513 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    4. Blazin Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 6925 Mills Civic Parkway, Suite #115 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
    5. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60<sup>th</sup> Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and 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) - April 10-11, 2019
  7. BDF, Inc. d/b/a The Longest Yard, 122 5<sup>th</sup> Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  8. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal
  9. Plunkett Enterprises S&S d/b/a Scissors and Scotch, 440 South 68<sup>th</sup> Street, #105 - Class LC Liquor License with Sunday Sales - Renewal
  10. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal
- d. Motion - Approval of Acknowledgment/Settlement Agreement - First Violation of Tobacco Laws
  - e. Motion - Approval of Additional Repair of Items on 2010 Ladder Truck
  - f. Motion - Approval of Change Order #6 and #7 - City Hall Interior Renovations
  - g. Resolution - Approval of Amendment to Extend the Term of Temporary Easement - 62<sup>nd</sup> and Railroad Gate Structure Repairs
  - h. Resolution - Establish Public Hearings:
    1. Issuance of Not to Exceed \$6,000,000 General Obligation Urban Renewal Bonds, Series 2019B
    2. Issuance of Not to Exceed \$9,500,000 General Obligation Urban Renewal Bonds, Series 2019C
    3. Issuance of Not to Exceed \$6,270,000 General Obligation Urban Renewal Bonds, Series 2019D
    4. Issuance of Not to Exceed \$2,150,000 General Obligation Urban Renewal Bonds, Series 2019E
  - i. Resolution - Order Construction:
    1. Cedar Ridge Sewer Extension
    2. South 33<sup>rd</sup> Street and Fuller Road Retaining Wall Improvements
    3. Public Safety Station #21 Generator Replacement
    4. Whisper Point Park Improvements
  - j. Resolution - Approval to Initiate Development Agreement - Iowa Clinic West Lakes I, LLC
  - k. Resolution - Approval and Acceptance of Purchase Agreements and Property Interests:
    1. Ashworth Road Reconstruction, I-80 Bridge to 98<sup>th</sup> Street
    2. Booneville Road Reconstruction, South 88<sup>th</sup> Street to west of South 100<sup>th</sup> Street
    3. Project Osmium Public Infrastructure (SW 60<sup>th</sup> Street, Veterans Parkway south)
    4. South 33<sup>rd</sup> Street and Fuller Road Retaining Wall Improvements
    5. South 88<sup>th</sup> Street and Mills Civic Parkway Reconstruction
    6. Cedar Ridge Sewer Extension

- l. Resolution - Approval of Settlement - Steven Morrell
- m. Resolution - Approval of Settlement Agreement and Mutual Release - William B. Chase Trust

**5. Old Business**

- a. Amendment to City Code - Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations), Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) - Update Regulations Pertaining to Building Setback and Separation Requirements and Bulk Density Regulations - City Initiated (Continued from February 4, 2019 and March 4, 2019)
  - 1. Ordinance - Approval of First Reading
- b. 1525 Grand Urban Renewal Area - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption
- c. 8300 Mills Civic Parkway Urban Renewal Area - City Initiated
  - 1. Ordinance - Approval of Second, Third Readings and Final Adoption

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

- a. Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) - Modify Garage Requirements and Establish a Waiver Process for Single-Family Detached Dwellings - City Initiated (Continued from March 18, 2019)
  - 1. Ordinance - Approval of First Reading
- b. Amendment to City Code - Title 7 (Public Ways and Property), Chapter 2A (Installation and Operation of Small Cell Broadband Infrastructure) - Establish Fee Requirements and Modify Regulations Pertaining to Aesthetics of Broadband Infrastructure- 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. Stark Drive Vacation - Vacation of approx. 145 feet of Stark Drive west of the intersection with South 100<sup>th</sup> Street - Kings Grove, LLC (Continued from March 18, 2019)
  - 1. Resolution - Denial of Vacation Request

- d. Sugar Creek Estates, generally located at the northeast corner of 100<sup>th</sup> Street and Stagecoach Drive - Designate Residential Medium Density Zoning on approx. 24.01 acres - Sugar Creek Estates, LLC
  - 1. Ordinance - Approval of First Reading
- e. South 88<sup>th</sup> Street and Mills Civic Parkway Reconstruction - City Initiated
  - 1. Resolution - Approval of Plans and Specifications
  - 2. Motion - Receive and File Report of Bids
  - 3. Resolution - Award Contract
- f. 2019 PCC Patching and Medians Program - City Initiated
  - 1. Resolution - Approval of Plans and Specifications
  - 2. Motion - Receive and File Report of Bids
  - 3. Resolution - Award Contract
- g. 2018 Channel Repair Program - 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. Microsoft DSM09-10, southwest corner of the future extension of Veterans Parkway and Interstate 35 - Approval of a Site Plan for Construction of Two 200,000 sq. ft. Data Center Buildings and a MidAmerican Energy Substation - Microsoft Corporation
    - 1. Resolution - Approval of Site Plan
- 8. Receive, File and/or Refer**
- 9. Other Matters**
  - a. Legislative Updates

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

March 18, 2019

West Des Moines City Council Proceedings  
Monday, March 18, 2019

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, March 18, 2019 at 5:30 PM. Council members present were: R. Hardman and R. Trimble. J. Mickelson participated via telephone.

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

Vote 19-128: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

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

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

Council member Mickelson reported he attended a meeting of the Greater Des Moines Convention and Visitors Bureau Board, where discussion continued on a proposed policy for funding “game changer” projects.

Council member Trimble reported he attended a meeting of the Metropolitan Advisory Council, where discussion was held on a model ordinance addressing short-term residential rentals. He also reported the Des Moines Area Regional Transit Authority approved its budget with a 2.5-cent levy rate increase. The Finance and Administration Subcommittee met and discussed a proposed agreement regarding the paving of Stagecoach Drive, proposed economic development incentives for a development project known as “Project Leaf”, bond issuances scheduled in 2019, and a proposed extension of the professional services agreement with David Lyons.

Council member Hardman reported she attended the annual West Des Moines Chamber of Commerce dinner, and she congratulated the Chamber for hosting a successful event. She also reported she served as a judge for the West Des Moines Citizen of the Year. She also attended a meeting of the Human Rights Commission, where they continued working on their strategic plan.

On Item 4. Consent Agenda.

It was moved by Trimble, second by Hardman to approve the consent agenda as presented.

- a. Approval of Minutes of March 4, 2019 and March 13, 2019 Meetings
- b. Approval of Bill Lists

March 18, 2019

- c. Approval of Liquor Licenses:
  - 1. UPT, Inc. d/b/a Barattas, 1025 Ashworth Road (Businessolver) - Class BW Permit - New
  - 2. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 3. El Rey Corporation d/b/a El Rey Burritos, 1310 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
  - 4. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
  - 5. New Silk Road, LLC d/b/a Heavenly, 225 5th Street - Class LC Liquor License with Carryout Wine, Sunday Sales, and Outdoor Service Privileges - Renewal
  - 6. Hy-Vee, Inc. d/b/a Hy-Vee Food Store & Drug Center #2, 1990 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
  - 7. Hy-Vee, Inc. d/b/a The Ron Pearson Center, 5820 Westown Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
  - 8. 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
  - 9. Vino 209, LLC d/b/a Vino 209, 209 5th Street - Add Outdoor Services Privileges to Existing Class BW Permit
  - 10. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class LC Liquor License with Carryout Wine, Sunday Sales and Outdoor Service - Renewal
  - 11. 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
  - 12. 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
  - 13. Des Moines Wine Festival Foundation, d/b/a Winefest Des Moines, 1501 42nd Street, #580 (Shift Interactive) - 5-Day Class BW Permit - Effective March 26-30, 2019
  - 14. Your Private Bartender, LLC d/b/a Your Private Bar, 1701 25th Street (Events Center West) - Add Carryout Wine Privileges to Existing Class LC Liquor License
- d. Approval of Renewal Contracts:
  - 1. 2019 Street and Pavement Repair Supplemental Retainer Contract
  - 2. Electrical Repair Services
- e. Approval of Contractual Services Agreement - General Construction Trades, Repair and Services
- f. Approval of Contracts - 2019 Art on the Campus

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- g. Approval of Amendment to Professional Services Agreement - WestLAB Facilitation - David Lyons
- h. Approval of Change Order #5 - Middle Creek Trunk Sewer Extension
- i. Approval of Amendment No. 1 to Professional Services Agreement - 2018 Channel Repair Program
- j. Order Construction:
  - 1. 2019 HMA Resurfacing Program
  - 2. Booneville Road Reconstruction - South 88th Street to west of South 100th Street
  - 3. Public Services Facility - Salt Storage Building Maintenance
  - 4. Garage Door Replacements - Public Services Facility and Public Safety Stations #17, #18 and #19
  - 5. Traffic Signals at Grand Avenue and Scenic Valley Drive
  - 6. Neighborhood Park Signage
  - 7. Pinedale Park Improvements
- k. Approval of Professional Services Agreements:
  - 1. 2019 Bridge Inspection Program
  - 2. Grand Technology Gateway Environmental Services
- l. Establish Public Hearing Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property - South 85th Street, Cascade Avenue to Mills Civic Parkway
- m. Approval of Water Main Agreement with Warren Water District - Project Osmium Public Infrastructure (SW 60th Street, Veterans Parkway south)
- n. Approval of Amendments to Development Agreements:
  - 1. The Silvers Building, LLC and Paper Street Watering Company, LLC
  - 2. Cyrus Quick and Food with Flair Catering, Inc.
- o. Approval and Acceptance of Sanitary and Storm Sewer Easement - Kings Landing Plat 3
- p. Approval and Acceptance of Purchase Agreements and Property Interests:
  - 1. Booneville Road Reconstruction, South 88th Street to west of South 100th Street
  - 2. South 33rd Street and Fuller Road Retaining Wall Improvements
  - 3. Project Osmium Public Infrastructure (SW 60th Street, Veterans Parkway south)

Vote 19-129: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 5(a) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 8 (Sewer Regulations), Article F (Industrial Waste) - Revisions to Fats, Oils and Grease Regulations, initiated by the City of West Des Moines

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

Vote 19-130: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

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The City Clerk read the preamble to the ordinance.

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

Vote 19-131: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

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

Vote 19-132: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 5(b) Recodification of West Des Moines City Code, initiated by the City of West Des Moines

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

Vote 19-133: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 19-134: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

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

Vote 19-135: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(a) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) - Modify Garage Requirements and Establish a Waiver Process for Single-Family Detached Dwellings, initiated by the City of West Des Moines.

It was moved by Trimble, second by Hardman to adopt Motion - Continue Public Hearing to April 1, 2019



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Vote 19-136: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(b) Stark Drive Vacation - Vacation of approx. 145 feet of Stark Drive west of the intersection with South 100th Street, initiated by Kings Grove, LLC.

It was moved by Trimble, second by Hardman to adopt Motion - Continue Public Hearing to April 1, 2019

Vote 19-137: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider 1525 Grand Urban Renewal Area, initiated by the City of West Des Moines (Continued from February 19, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on February 8, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Urban Renewal Plan.

Vote 19-138: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

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

Vote 19-139: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 19-140: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 8300 Mills Civic Parkway Urban Renewal Area, initiated by the City of West Des Moines (Continued from March 4, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on February 22, 2019 in the Des Moines Register.

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Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Urban Renewal Plan.

Council member Trimble stated this will be a great development project, and he is very pleased to keep Sammons Financial Group in West Des Moines, as this will retain 600 jobs in our city with another 200 jobs to be added in the future.

Mayor Gaer noted the City has been working with the Greater Des Moines Partnership to establish a fair play agreement among the metro cities, and he hopes that will be accomplished, because this is another example where the City faced fierce competition from other metro cities in regards to economic development incentives. He stated Sammons Financial Group is a great company, so he is happy the City was able to retain them in West Des Moines.

Council member Trimble agreed that the City needs to establish a fair play agreement with the other metro cities; however, he felt in this case it was necessary for the City to offer the economic development incentives of the proposed development agreement, because this is a company the City could not afford to lose.

Vote 19-141: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

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

Vote 19-142: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 19-143: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Sammons Financial Group, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on March

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8, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Agreement.

Vote 19-144: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by The Foundry DSM, LLC and Justice League of Food. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 8, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Agreement.

Vote 19-145: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider SW 60th Street Phase 1, Veterans Parkway South, 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 March 8, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Technologies, Inc.

Vote 19-146: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Ashworth Road Reconstruction, I-80 Bridge to 98th Street, initiated by the City of West Des

March 18, 2019

Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 8, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

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

Mayor Gaer noted the City of Waukee has agreed to reimburse the City of West Des Moines for a portion of the project cost because it will benefit their residents, and he expressed appreciation to them for recognizing that benefit and being willing to contribute towards the project.

Vote 19-147: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Hidden Point Park Improvements, 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 March 8, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to MNM Concrete Specialist.

Vote 19-148: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018 Stormwater Intake Repair Program, 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 March 8, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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

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

Vote 19-149: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

On Item 7(a) West Des Moines Water Works Administration Building, 1505 Railroad Avenue - Construction of a 7,000 sq. ft. Office Building, initiated by West Des Moines Water Works

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

Vote 19-150: Hardman, Mickelson, Trimble...3 yes  
Motion carried.

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

On Item 9 - Other Matters

Jamie Letzring, Deputy City Manager, reported on the following bills:

- HSB 165 regarding property tax reform: There was a House subcommittee meeting on this bill which now has an amendment, but the Senate has not yet finalized a companion bill. Staff will continue to monitor this pending legislation, as it could have a significant, detrimental impact on city finances.

The meeting was adjourned at 5:54 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor

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

**ITEM:** Motion – Approval of Bill Lists

**DATE:** April 1, 2019


**FINANCIAL IMPACT:** Section 1-10-3(b) of the West Des Moines City Code provides that no disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the City Council. 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 staff, are, with this agenda item, being submitted to the City Council for approval:

Regular Bi-Weekly Claims	04/01/19	\$ 1,724,077.28
EFT Claims	04/01/19	\$ 1,019,513.59
Control Pay	04/01/19	\$ 98,324.51
End of Month & Off-Cycle	03/05/19 to 04/14/19	\$ 802,288.36

**RECOMMENDATION:** Move to approve Bill Lists as presented.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	
Date Reviewed	
Recommendation	

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

Type	Date	Number	Source	Payee Name	Transaction Amount
<b>Bank Account: WB VENDOR DISB - WB Vendor Disbursement</b>					
Check	04/01/2019	311829	Accounts Payable	1 MILLION CUPS OF DES MOINES	1,000.00
Check	04/01/2019	311830	Accounts Payable	ABOVE & BEYOND OUTDOOR LLC	360.00
Check	04/01/2019	311831	Accounts Payable	AGNEW, JOSALYNN	2,246.40
Check	04/01/2019	311832	Accounts Payable	ALLENDER BUTZKE ENGINEERS INC	24,689.55
Check	04/01/2019	311833	Accounts Payable	AMERICAN SECURITY LLC	1,177.71
Check	04/01/2019	311834	Accounts Payable	ASCAP	712.00
Check	04/01/2019	311835	Accounts Payable	BASICLEIGH COMMUNICATIONS LLC	8,122.50
Check	04/01/2019	311836	Accounts Payable	BENJAMIN DESIGN COLLABORATIVE	14,410.00
Check	04/01/2019	311837	Accounts Payable	BIG CHAIR LLC	325.00
Check	04/01/2019	311838	Accounts Payable	BMI- BROADCAST MUSIC INC	711.00
Check	04/01/2019	311839	Accounts Payable	BOUND TREE MEDICAL LLC	3,042.90
Check	04/01/2019	311840	Accounts Payable	BUELOW, LISA	230.00
Check	04/01/2019	311841	Accounts Payable	CAPPEL'S ACE HARDWARE	4.99
Check	04/01/2019	311842	Accounts Payable	CENTURYLINK	10,267.43
Check	04/01/2019	311843	Accounts Payable	CHRISTIAN PHOTO	539.98
Check	04/01/2019	311844	Accounts Payable	CINTAS CORP FIRST AID & SAFETY	395.62
Check	04/01/2019	311845	Accounts Payable	CIVIL DESIGN ADVANTAGE LLC	38,702.50
Check	04/01/2019	311846	Accounts Payable	CLARK, JAYLA	180.00
Check	04/01/2019	311847	Accounts Payable	COLE, LEE	200.00
Check	04/01/2019	311848	Accounts Payable	CONSOLIDATED MANAGEMENT COMPANY	22.29
Check	04/01/2019	311849	Accounts Payable	CONTRACTOR SALES AND SERVICE	617.10
Check	04/01/2019	311850	Accounts Payable	COOK, BETH	175.00
Check	04/01/2019	311851	Accounts Payable	COPY SYSTEMS INC	163.40
Check	04/01/2019	311852	Accounts Payable	CPAT DISTRIBUTION INC	15,481.42
Check	04/01/2019	311853	Accounts Payable	CROTTY, BRIAN	25.00
Check	04/01/2019	311854	Accounts Payable	CUMMINS SALES AND SERVICE	276.43
Check	04/01/2019	311855	Accounts Payable	DAVIS BROWN LAW FIRM	7,602.00
Check	04/01/2019	311856	Accounts Payable	DAVIS BROWN LAW FIRM	1,434.00
Check	04/01/2019	311857	Accounts Payable	DES MOINES REGISTER SUBSCRIPTIONS (CHECK)	281.02
Check	04/01/2019	311858	Accounts Payable	DOUGLAS, LENA	115.00
Check	04/01/2019	311859	Accounts Payable	EARL MAY SEED AND NURSERY	252.77
Check	04/01/2019	311860	Accounts Payable	EMSLRC	98.00

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

Type	Date	Number	Source	Payee Name	Transaction Amount
Check	04/01/2019	311861	Accounts Payable	EVIDENT INC	112.00
Check	04/01/2019	311862	Accounts Payable	EXECUTIVE LASER WASH	16.00
Check	04/01/2019	311863	Accounts Payable	FASTENAL COMPANY	85.94
Check	04/01/2019	311864	Accounts Payable	FERGUSON , JULIE	184.00
Check	04/01/2019	311865	Accounts Payable	FIRST MEDICAL INC	349.50
Check	04/01/2019	311866	Accounts Payable	GENUS LANDSCAPE ARCHITECTS	10,019.22
Check	04/01/2019	311867	Accounts Payable	GRAYBAR ELECTRIC CO INC	5,422.50
Check	04/01/2019	311868	Accounts Payable	GREATER DES MOINES PARTNERSHIP	1,100.00
Check	04/01/2019	311869	Accounts Payable	GRIMES ASPHALT & PAVING	6,469.40
Check	04/01/2019	311870	Accounts Payable	HAWKEYE TRUCK EQUIPMENT	3,045.54
Check	04/01/2019	311871	Accounts Payable	HEARTLAND AG-BUSINESS GROUP	4,579.05
Check	04/01/2019	311872	Accounts Payable	HIGH LINE SOFTWARE INC	3,600.00
Check	04/01/2019	311873	Accounts Payable	HOTT OFF THE PRESS PRINTING	82.80
Check	04/01/2019	311874	Accounts Payable	HOV SERVICES INC	4,850.34
Check	04/01/2019	311875	Accounts Payable	HY VEE INC	145.86
Check	04/01/2019	311876	Accounts Payable	I WORK & PLAY	968.69
Check	04/01/2019	311877	Accounts Payable	INCENTIVE SERVICES INC	559.32
Check	04/01/2019	311878	Accounts Payable	INSIGHT PUBLIC SECTOR	105,621.23
Check	04/01/2019	311879	Accounts Payable	INTERSTATE ALL BATTERY CENTER	19.20
Check	04/01/2019	311880	Accounts Payable	IOWA STATE RESERVE ASSOCIATION	312.00
Check	04/01/2019	311881	Accounts Payable	IOWA WORKFORCE DEVELOPMENT- ELEVATOR SAFETY	300.00
Check	04/01/2019	311882	Accounts Payable	ITSAVVY LLC	747.50
Check	04/01/2019	311883	Accounts Payable	JACOBSEN AUTO BODY	182.00
Check	04/01/2019	311884	Accounts Payable	JCG LAND SERVICES INC	25,841.18
Check	04/01/2019	311885	Accounts Payable	JEO CONSULTING GROUP INC	50,917.50
Check	04/01/2019	311886	Accounts Payable	KALDENBERG'S PBS LANDSCAPING	317.50
Check	04/01/2019	311887	Accounts Payable	KENNY AND GYL CO	133.11
Check	04/01/2019	311888	Accounts Payable	KEYSTONE TRUCKING	1,647.68
Check	04/01/2019	311889	Accounts Payable	KLAHN , RICHARD	69.00
Check	04/01/2019	311890	Accounts Payable	KLOCKE'S EMERGENCY VEHICLES	887.71
Check	04/01/2019	311891	Accounts Payable	KRIS ENGINEERING INC	10,789.20
Check	04/01/2019	311892	Accounts Payable	LACINA , WENDY	207.00
Check	04/01/2019	311893	Accounts Payable	LANG CONTRUCTION GROUP INC	297,512.97
Check	04/01/2019	311894	Accounts Payable	LANGUAGE LINE SERVICES	362.50



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

Type	Date	Number	Source	Payee Name	Transaction Amount
Check	04/01/2019	311895	Accounts Payable	LASER RESOURCES	2,325.35
Check	04/01/2019	311896	Accounts Payable	LONE PINE PUBLISHING	158.35
Check	04/01/2019	311897	Accounts Payable	LOWE'S HOME CENTER INC	3,451.82
Check	04/01/2019	311898	Accounts Payable	M&M COMMERCIAL CLEANING	2,999.94
Check	04/01/2019	311899	Accounts Payable	MACDONALD LETTER SERVICE	678.00
Check	04/01/2019	311900	Accounts Payable	MAZUR LLC	4,897.50
Check	04/01/2019	311901	Accounts Payable	MCFADDEN , HAROLD	92.00
Check	04/01/2019	311902	Accounts Payable	MCGREGGER CORPORATION	11,838.50
Check	04/01/2019	311903	Accounts Payable	MERRITT COMPANY INC	1,907.00
Check	04/01/2019	311904	Accounts Payable	MIDAMERICAN- DM-WDM TL	66.00
Check	04/01/2019	311905	Accounts Payable	MURPHY TRACTOR & EQUIPMENT CO.	1,434.10
Check	04/01/2019	311906	Accounts Payable	O'HALLORAN INTERNATIONAL INC	878.31
Check	04/01/2019	311907	Accounts Payable	OFFICE DEPOT BUSINESS ACCOUNT	59.23
Check	04/01/2019	311908	Accounts Payable	OPN ARCHITECTS	14,339.55
Check	04/01/2019	311909	Accounts Payable	OUTDOOR RECREATION PRODUCTS	20,033.00
Check	04/01/2019	311910	Accounts Payable	PALMER GROUP	5,825.08
Check	04/01/2019	311911	Accounts Payable	PIN CENTER	486.00
Check	04/01/2019	311912	Accounts Payable	PNEBE , GAIL	11.60
Check	04/01/2019	311913	Accounts Payable	POLK COUNTY AUDITOR	16,250.00
Check	04/01/2019	311914	Accounts Payable	PRO WASTE SERVICES LLC	215.20
Check	04/01/2019	311915	Accounts Payable	PROVANTAGE LLC	99.83
Check	04/01/2019	311916	Accounts Payable	RACE FORWARD	1,000.00
Check	04/01/2019	311917	Accounts Payable	RAHE , ALAN	78.00
Check	04/01/2019	311918	Accounts Payable	RDG PLANNING & DESIGN	899.21
Check	04/01/2019	311919	Accounts Payable	RELIANT FIRE APPARATUS INC	106.92
Check	04/01/2019	311920	Accounts Payable	RITTMAN , JORDYN	69.00
Check	04/01/2019	311921	Accounts Payable	ROBERT HALF TECHNOLOGY	2,490.84
Check	04/01/2019	311922	Accounts Payable	ROGNES CORPORATION	166,516.97
Check	04/01/2019	311923	Accounts Payable	ROUNDED MINDS INC	840.00
Check	04/01/2019	311924	Accounts Payable	ROY'S TOWING AND RECOVERY	1,097.50
Check	04/01/2019	311925	Accounts Payable	SECRETARY OF STATE	30.00
Check	04/01/2019	311926	Accounts Payable	SEH INC	5,695.54
Check	04/01/2019	311927	Accounts Payable	SHANK CONSTRUCTORS INC	74,030.82
Check	04/01/2019	311928	Accounts Payable	SHOWTIME ENTERTAINMENT	100.00
Check	04/01/2019	311929	Accounts Payable	SM HENTGES & SONS INC	470,925.43

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

Type	Date	Number	Source	Payee Name	Transaction Amount
Check	04/01/2019	311930	Accounts Payable	SMITH'S SEWER SERVICE INC	258.20
Check	04/01/2019	311931	Accounts Payable	SPRINT	279.93
Check	04/01/2019	311932	Accounts Payable	SYNERGY CONTRACTING LLC	107,247.87
Check	04/01/2019	311933	Accounts Payable	TECHNOLOGY ASSOCIATION OF IOWA	7,500.00
Check	04/01/2019	311934	Accounts Payable	TESKA ASSOCIATES INC	10,610.67
Check	04/01/2019	311935	Accounts Payable	THE GRAVEDIGGER LLC	700.00
Check	04/01/2019	311936	Accounts Payable	THOMPSON , CLINTON	78.00
Check	04/01/2019	311937	Accounts Payable	TORRES , FELIX	78.00
Check	04/01/2019	311938	Accounts Payable	TRAFFIC CONTROL CORP	2,950.00
Check	04/01/2019	311939	Accounts Payable	TRIZETTO PROVIDER SOLUTIONS	301.97
Check	04/01/2019	311940	Accounts Payable	TRUE VALUE & V&S VARIETY STORE	187.09
Check	04/01/2019	311941	Accounts Payable	TSUNAMI FITNESS LLC	4,700.00
Check	04/01/2019	311942	Accounts Payable	UNITED PARCEL SERVICE	20.53
Check	04/01/2019	311943	Accounts Payable	UNITYPOINT HEALTH	18.70
Check	04/01/2019	311944	Accounts Payable	VERIZON WIRELESS	10,376.02
Check	04/01/2019	311945	Accounts Payable	VISION SERVICE PLAN	477.92
Check	04/01/2019	311946	Accounts Payable	WAUKEE COMMUNITY SCHOOLS	2,200.00
Check	04/01/2019	311947	Accounts Payable	WEST DES MOINES COMM SCHOOLS - FACILITIES	89.84
Check	04/01/2019	311948	Accounts Payable	WESTERN IOWA TECH COMMUNITY COLLEGE	95.00
Check	04/01/2019	311949	Accounts Payable	WILKINS , BRETT	78.00
Check	04/01/2019	311950	Accounts Payable	WIN WATCH LLC	306.85
Check	04/01/2019	311951	Accounts Payable	ZIEGLER INC	2,302.89
Check	04/01/2019	311952	Accounts Payable	ZOSS , BEN	78.00
Check	04/01/2019	311953	Accounts Payable	BOWEN , GARY	4,300.00
Check	04/01/2019	311954	Accounts Payable	BIERBAUM , DENNIS	1,550.00
Check	04/01/2019	311955	Accounts Payable	COCKRAM , BRUCE	8,790.00
Check	04/01/2019	311956	Accounts Payable	CUNNINGHAM , THOMAS	1,715.00
Check	04/01/2019	311957	Accounts Payable	FARRELL , JOHN	802.60
Check	04/01/2019	311958	Accounts Payable	FRANSON , CODY	760.00
Check	04/01/2019	311959	Accounts Payable	HERREN , TODD	680.00
Check	04/01/2019	311960	Accounts Payable	MCKINNEY , JEFFREY S	430.00
Check	04/01/2019	311961	Accounts Payable	RICE , WILLIAM O	23,400.00
Check	04/01/2019	311962	Accounts Payable	SIGNATURE REAL ESTATE HOLDINGS LLC	1,180.00

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

Type	Date	Number	Source	Payee Name	Transaction Amount
Check	04/01/2019	311963	Accounts Payable	VANGINKEL , JOSEPH G	200.00
Check	04/01/2019	311964	Accounts Payable	WILLIAM B CHASE TRUST UA DATED APRIL 21, 2006	17,955.00
Check	04/01/2019	311965	Accounts Payable	WILLIAM B CHASE TRUST UA DATED APRIL 21, 2006	14,545.00
Check	04/01/2019	311966	Accounts Payable	EJ METALS INC	12,711.00
Check	04/01/2019	311967	Accounts Payable	INDIAN HILLS COMMUNITY COLLEGE	150.00
Check	04/01/2019	311968	Accounts Payable	UNITED HEALTHCARE	270.56
Check	04/01/2019	311969	Accounts Payable	UNITED HEALTHCARE	447.60
EFT	04/01/2019	2912	Accounts Payable	ABC ELECTRICAL SERVICES LLC	4,080.90
EFT	04/01/2019	2913	Accounts Payable	ALL MAKES OFFICE INTERIORS	4,400.00
EFT	04/01/2019	2914	Accounts Payable	ARNOLD MOTOR SUPPLY LLP	1,992.73
EFT	04/01/2019	2915	Accounts Payable	BAUER BUILT	1,474.00
EFT	04/01/2019	2916	Accounts Payable	BENZ , RALEIGH	1,202.99
EFT	04/01/2019	2917	Accounts Payable	BRAVO GREATER DES MOINES	210,755.23
EFT	04/01/2019	2918	Accounts Payable	CENTERPOINT ENERGY SVCS RETAIL	16,471.09
EFT	04/01/2019	2919	Accounts Payable	CITY OF CLIVE	33,759.19
EFT	04/01/2019	2920	Accounts Payable	DESIGN ALLIANCE INC	4,708.75
EFT	04/01/2019	2921	Accounts Payable	DILLARD , CARLOS	156.00
EFT	04/01/2019	2922	Accounts Payable	DUMERMUTH , JEFF	700.35
EFT	04/01/2019	2923	Accounts Payable	ELDER CORPORATION	156,912.11
EFT	04/01/2019	2924	Accounts Payable	EMC RISK SERVICES	5,478.99
EFT	04/01/2019	2925	Accounts Payable	EXCEL MECHANICAL INC	4,719.33
EFT	04/01/2019	2926	Accounts Payable	FARRAND , GLENN	78.00
EFT	04/01/2019	2927	Accounts Payable	FERGUSON , LEVI	171.19
EFT	04/01/2019	2928	Accounts Payable	FOTH INFRASTRUCTURE & ENVIRONMENT LLC	170,842.16
EFT	04/01/2019	2929	Accounts Payable	GREATER DES MOINES CONVENTION & VISITORS BUREAU	227,005.23
EFT	04/01/2019	2930	Accounts Payable	HARTPENCE , LAWRENCE	44.08
EFT	04/01/2019	2931	Accounts Payable	HENNING , CLAUDIA	6,685.00
EFT	04/01/2019	2932	Accounts Payable	HOFBAUER , ANDY	141.85
EFT	04/01/2019	2933	Accounts Payable	IOWA INTERSTATE RAILROAD LTD	422.07
EFT	04/01/2019	2934	Accounts Payable	ISSG	57,255.00
EFT	04/01/2019	2935	Accounts Payable	ISHMAEL , CHRIS	500.00
EFT	04/01/2019	2936	Accounts Payable	JACOBSEN , CODY	57.32

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

Type	Date	Number	Source	Payee Name	Transaction Amount
EFT	04/01/2019	2937	Accounts Payable	KECK ENERGY	20,949.68
EFT	04/01/2019	2938	Accounts Payable	KELTEK INC	11,505.38
EFT	04/01/2019	2939	Accounts Payable	LAIDLAW JR , WILLIAM	2,128.07
EFT	04/01/2019	2940	Accounts Payable	MCANINCH CORPORATION	31,090.17
EFT	04/01/2019	2941	Accounts Payable	MIDWEST WHEEL	866.41
EFT	04/01/2019	2942	Accounts Payable	MILES CAPITAL	17,754.83
EFT	04/01/2019	2943	Accounts Payable	ONENECK IT SOLUTIONS LLC	5,864.33
EFT	04/01/2019	2944	Accounts Payable	PARKER , SATONIUS	78.00
EFT	04/01/2019	2945	Accounts Payable	RADAR ROAD TEC	1,022.00
EFT	04/01/2019	2946	Accounts Payable	RUSSELL , CURTIS	1,577.00
EFT	04/01/2019	2947	Accounts Payable	SHIELDS , CHARLES	69.00
EFT	04/01/2019	2948	Accounts Payable	SLIFKA , KYLE	2,014.00
EFT	04/01/2019	2949	Accounts Payable	SWINTON , ASHLEE	1,432.50
EFT	04/01/2019	2950	Accounts Payable	TRITECH FORENSICS INC	91.40
EFT	04/01/2019	2951	Accounts Payable	TYLER TECHNOLOGIES INC	612.50
EFT	04/01/2019	2952	Accounts Payable	UPS STORE	33.76
EFT	04/01/2019	2953	Accounts Payable	WILKINS , CHRIS	156.00
EFT	04/01/2019	2954	Accounts Payable	YEAGER , LEMAR	2,255.00
EFT	04/01/2019	2955	Accounts Payable	IOWA COMMUNITIES ASSURANCE POOL	10,000.00
WB VENDOR DISB WB Vendor Disbursement Totals:					\$2,743,590.87

Checks: 141 \$1,724,077.28  
 EFTs: 44 \$1,019,513.59

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

Type	Date	Number	Source	Payee Name	Transaction Amount
<b>Bank Account: WB CONTROLPAY - WB ControlPay</b>					
EFT	04/01/2019	3775	Accounts Payable	ADVENTURE LIGHTING	18.20
EFT	04/01/2019	3776	Accounts Payable	ALLIED 100 LLC	408.00
EFT	04/01/2019	3777	Accounts Payable	ARAMARK UNIFORM SERVICES	2,048.38
EFT	04/01/2019	3778	Accounts Payable	AXON ENTERPRISES INC	990.00
EFT	04/01/2019	3779	Accounts Payable	CAPITAL CITY EQUIPMENT	1,109.07
EFT	04/01/2019	3780	Accounts Payable	CAPITAL SANITARY SUPPLY CO INC	1,004.30
EFT	04/01/2019	3781	Accounts Payable	CONVERGINT TECHNOLOGIES LLC	1,300.00
EFT	04/01/2019	3782	Accounts Payable	ELECTRONIC ENGINEERING	18.00
EFT	04/01/2019	3783	Accounts Payable	EMERGENCY APPARATUS MAINT	8,276.91
EFT	04/01/2019	3784	Accounts Payable	G&L CLOTHING	866.81
EFT	04/01/2019	3785	Accounts Payable	GALETON GLOVES	218.80
EFT	04/01/2019	3786	Accounts Payable	GALLS LLC	2,677.31
EFT	04/01/2019	3787	Accounts Payable	INLAND TRUCK PARTS CO	1,178.72
EFT	04/01/2019	3788	Accounts Payable	INTERFLEET INC	2,289.00
EFT	04/01/2019	3789	Accounts Payable	MENARDS	129.32
EFT	04/01/2019	3790	Accounts Payable	METRO WASTE AUTHORITY	275.70
EFT	04/01/2019	3791	Accounts Payable	NORTHLAND PRODUCTS	114.10
EFT	04/01/2019	3792	Accounts Payable	PRAXAIR	618.97
EFT	04/01/2019	3793	Accounts Payable	RED WING STORE- DES MOINES	110.49
EFT	04/01/2019	3794	Accounts Payable	RELIABLE PROPERTY SERVICES	48,973.99
EFT	04/01/2019	3795	Accounts Payable	SECURITY EQUIPMENT INC	979.00
EFT	04/01/2019	3796	Accounts Payable	SHOTTEKIRK CHEVROLET	250.22
EFT	04/01/2019	3797	Accounts Payable	SNYDER & ASSOCIATES	5,315.00
EFT	04/01/2019	3798	Accounts Payable	SPRAYER SPECIALTIES INC	127.38
EFT	04/01/2019	3799	Accounts Payable	STIVERS FORD (CONTROL PAY)	3,817.89
EFT	04/01/2019	3800	Accounts Payable	STRAUSS SAFE AND LOCK CO	966.52
EFT	04/01/2019	3801	Accounts Payable	TEAM SERVICES	80.51
EFT	04/01/2019	3802	Accounts Payable	TRANS-IOWA EQUIPMENT CO	31.31
EFT	04/01/2019	3803	Accounts Payable	UNIVERSAL PRINTING	2,279.98
EFT	04/01/2019	3804	Accounts Payable	VAISALA INC	990.00
EFT	04/01/2019	3805	Accounts Payable	VALLEY PLUMBING CO INC	1,400.00
EFT	04/01/2019	3806	Accounts Payable	WORLDPOINT ECC INC	392.93
EFT	04/01/2019	3807	Accounts Payable	ZOLL MEDICAL	9,067.70

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

Type	Date	Number	Source	Payee Name	Transaction Amount
WB CONTROLPAY WB ControlPay Totals:					
EFTs:		33		Transactions: 33	\$98,324.51

# Payment Register

From Payment Date: 03/05/19 - To Payment Date: 04/14/2019

Number	Date	Payee Name	Transaction Amount
143	03/31/2019	KABEL BUSINESS SERVICES	\$3,310.83
144	03/31/2019	KABEL BUSINESS SERVICES	\$5,301.20
2908	03/31/2019	DELTA DENTAL OF IOWA	\$7,181.30
2909	03/31/2019	DELTA DENTAL OF IOWA	\$7,033.38
2910	03/31/2019	WELLMARK BLUE CROSS	\$158,456.40
2911	03/31/2019	WELLMARK BLUE CROSS	\$613,439.75
11714	03/31/2019	FORGET PROPERTIES 3 LLC	\$200.00
11715	03/31/2019	TRUE PARKWAY LLC	\$250.00
11716	03/31/2019	BENNETT GRAND WOODS APARTMENTS	\$230.00
11717	03/31/2019	DM WESTERN VILLAGE MOBILE HOME PARK INC	\$173.00
11718	03/31/2019	SILVER OAK	\$270.50
11719	03/31/2019	CHAPEL RIDGE WEST LP	\$250.00
11720	03/31/2019	HILLTOP 1	\$500.00
11721	03/31/2019	HILLTOP 1	\$1,075.00
11723	03/31/2019	HAWTHORN HILL APARTMENTS	\$555.00
11724	03/31/2019	SILHOUETTE RESIDENTIAL HOUSING COOP	\$520.00
11725	03/31/2019	PLEASANT STREET APARTMENTS	\$300.00
11726	03/31/2019	LAKEVIEW REAL ESTATE CO LLC	\$147.00
11727	03/31/2019	AHC WOODLAND LLC	\$280.00
11728	03/31/2019	MCKINLEY CREST - ANAWIM HOUSING	\$552.00
11729	03/31/2019	SILHOUETTE RESIDENTIAL HOUSING COOP	\$325.00
11730	03/31/2019	KENWOOD APARTMENTS LLC	\$513.00
11731	03/31/2019	JORDAN CREEK APARTMENTS	\$250.00
11732	03/31/2019	OAK CREEK RESIDENTIAL HOUSING COOPERATIVE	\$435.00
11733	03/31/2019	JMAE	\$700.00
11734	03/31/2019	KENWOOD APARTMENTS LLC	\$40.00
			<b>\$802,288.36</b>

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

**ITEM:** Approval of Liquor Licenses

**DATE:** April 1, 2019

**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. BDA3sons, LLC d/b/a 3 Sons Sports Bar & Grill, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - New
2. BL Restaurant Operations, LLC d/b/a Bar Louie, 7105 Mills Civic Parkway, Suite 150 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
3. Tasting Station Restaurant Group, LLC d/b/a BeerStyles Gastropub & Taproom/SALT of the Hearth, 5513 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
4. Blazin Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 6925 Mills Civic Parkway, Suite #115 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
5. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and 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) - April 10-11, 2019
7. BDF, Inc. d/b/a The Longest Yard, 122 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
8. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal
9. Plunkett Enterprises S&S d/b/a Scissors and Scotch, 440 South 68th Street, #105 - Class LC Liquor License with Sunday Sales - Renewal
10. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal

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

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

**Lead Staff Member:** Ryan T. Jacobson, City Clerk *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:** Motion - Approval of Acknowledgment / Settlement Agreement  
for a First Violation of Tobacco Laws

**DATE:** April 1, 2019

**FINANCIAL IMPACT:** \$300.00 (positive impact to City)


**BACKGROUND:**

Pursuant to state law, a \$300.00 civil penalty is assessed against a tobacco permittee who sells tobacco products to a person less than 18 years of age at their respective places of business.




On or about February 1, 2019, an employee of Kum & Go, #2091, was cited for selling tobacco products to persons under 18 years of age. (Exhibit "A"). On or about February 21, 2019, the City of West Des Moines Legal Department sent a notice of the violation to the permittee. Since that time, said permittee returned the signed Acknowledgment / Settlement Agreement with payment of the fine for its tobacco violation.

**RECOMMENDATION:**

It is recommended that the City Council approve the Acknowledgment / Settlement Agreement and accept payment of the fine regarding the above-referenced violation of tobacco laws.

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

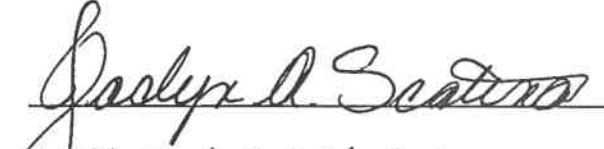
**BEFORE THE WEST DES MOINES CITY COUNCIL**

Kum & Go #2091 5969 Ashworth Road West Des Moines, IA 50266 Tobacco Permit No. 19-034	Kum & Go, LC 6400 Westown Parkway West Des Moines, IA 50266
--	---

**ACKNOWLEDGMENT / SETTLEMENT AGREEMENT**

I (We) hereby knowingly and voluntarily acknowledge that we have received the Complaint in the above case. I (We) hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. I (We) hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. I (We) understand that this penalty will count as an official "First Violation" of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22. I (We) have enclosed a check for the amount of \$300.00 made payable to the "City of West Des Moines" to settle the above referenced complaint.

\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Jaslyn A. Scatena  
Legal Counsel

3/8/2019  
DATE

NOTE: This must be signed by an individual cigarette permittee, or in the case of another business entity, by individual(s) who have authority to bind the entity.

If you decide to sign this ACKNOWLEDGMENT / SETTLEMENT AGREEMENT and waive your appearance at a hearing, then this document, properly signed and dated, along with your \$300.00 check made payable to the "City of West Des Moines", should be returned to:

Greta Truman  
Assistant City Attorney  
4200 Mills Civic Pkwy.  
P.O. Box 65320  
West Des Moines, IA 50265-0320

**EXHIBIT "A"**

<u>Permittee</u>	<u>D/B/A</u>	<u>Date of Violation</u>	<u>#Violation</u>
Kum & Go, LC	Kum & Go #2091 5969 Ashworth Road West Des Moines, IA	February 1, 2019	1 <sup>st</sup>

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

**DATE: April 1st, 2019**

**ITEM:** Approve additional repair of items on 2010 Ladder truck.

**FINANCIAL IMPACT:** No more than \$17,000.00 additional funds from the vehicle replacement fund. Adequate funds are available for this purchase.

**BACKGROUND:** Significant frame rail rust was found on WDMFD's 2010 Pierce Ladder Truck on 8/10/18. The truck is currently disassembled and having the work done on it to correct the issues found in the original inspection. The apparatus is scheduled to be replaced in 2026 and this work should allow the City to defer replacement at least 2.5 years.

The original repair list was given to Pierce manufacturing and a quote for \$105,496.00 was given with two items open. In October of 2018, City Council approved \$120,000 for the replacement of the frame rails and the repair of the quoted items.

On March 21<sup>st</sup>, 2019 the City received the attached letter from Pierce Manufacturing. Upon inspection of the Apparatus after it was disassembled, other items were found to be defective. The Fire Chief and the Fleet Manager feel that these repairs are warranted and should be completed by the manufacturer.

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

**RECOMMENDATION:** Approve the work to be completed on the 2010 Pierce Ladder truck by Pierce manufacturing not to exceed an additional \$17,000.00.

**Lead Staff Member:** Craig Leu, Fire Chief

**STAFF REVIEWS**

Department Director	Craig Leu, Fire Chief <i>CL</i>
Appropriations/Finance	<i>AS</i>
Legal	
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Finance and Administration		
Date Reviewed			
Recommendation	Yes	No	Split



## Midwest Regional Refurbishment Center

816 Commercial Avenue  
 Weyauwega, WI 54983  
 Phone 920-867-2142  
 Fax 920-867-2624

Date: March 21, 2019

West Des Moines Fire Department  
 3421 Ashworth Rd.  
 West Des Moines, IA 50265

Subject: Incoming Inspection

The following is a list of additional defects identified during our full incoming inspection and testing of the 105' Aerial Arrow XT 234570TR F7211

**The list includes items that are not already included in the original scope of work.**

I have provided an estimate for each item listed below. Please review the list and identify which items, if any, you would like us to repair by marking a YES in the yes/no box and send back to me with your written approval.

\*The aerial items in red are what we believe will need to be repaired to achieve a 3<sup>rd</sup> party UL aerial certification.

Item	Description	Cost	Yes / No
	<b>Chassis Items</b>		
1	The oil pan gasket is leaking. <i>Replace the oil pan gasket.</i>	\$ 1,662.00	
2	The rear axle torque rod bushings are worn out <i>Re-bush the rear axle torque rods</i>	\$ 6,511.00	
3	PTO is leaking. <i>Remove PTO and reseal with a new gasket.</i>	\$ 746.00	
4	Various hoses are cracked, leaking and/or seeping. <i>Replace all steering hoses, transmission cooler hoses, and remote oil filter hoses.</i>	\$ 871.00	
5	The input/output seals are leaking on the Hale gearcase.	\$ 802.00	

	<i>Replace the seals for the gear case on the Hale pump transmission.</i>		
6	Customer states A/C is not blowing cold air in the crew cab area. Cannot replicate issue.  <i>Troubleshoot and advise of repair if an issue is found. Customer will approve before any additional work is done.</i>	\$ OPEN	
	<b>Electrical Items</b>		
1	The driver seat belt monitor is not functioning  <i>Troubleshoot and repair seat belt monitoring system</i>	\$ 477.00	
2	The driver side pump panel tachometer is not working.  <i>Troubleshoot and repair panel tachometer.</i>	\$ 437.00	
	<b>Pump Items:</b>		
1	The pump primer valve sticks and the primer motor not working.  <i>Replace primer motor, replace the primer valve and wiring</i>	\$ 2,963.00	
2	Several gauges out of OEM specification and both master gauges are leaking silicone.  <i>Replace both master gauges, no.4 discharge gauge, and the no.1 crosslay gauge.</i>	\$ 1,207.00	
3	Most all valves and the master drain leak past.  <b><u>VALVE OVERHAUL</u></b> <i>All discharge, master drain, tank fill, tank to pump and auxiliary inlet valves will be removed from the adjacent piping to facilitate cleaning and allow bench rebuilding. The valve seals and ball will be removed and carefully inspected for wear or abnormal operation. New seals and O-rings will be installed per manufacturer's recommendation, including a new ball if required. The valves will be reinstalled and dynamically tested for internal and external leakage.</i>	\$ 10,183.00	
	<b>Aerial Items:</b>		
1	The aerial drain at the rear is very hard to operate and operates backwards.  <i>Replace the aerial waterway drain valve.</i>	\$ 210.00	
2	The left and right rear stabilizer alarms are inoperable  <i>Replace all four (4) stabilizer alarms</i>	\$ 457.00	
3	Electrical cables and aerial cables are loose. Rotation timing in need of adjustment to UL specifications	\$ 871.00	

	<p><i>Adjust cable tightness and rotation timing for aerial</i></p>		
	<p><b>LADDER BASE SECTION</b>                  Lower rail of ladder base section will be sand blasted to remove paint and corrosion in affected areas.</p> <p>All hardware, lights and equipment will be removed, corrosion affected areas will be sandblasted and repainted to match original color. All equipment and hardware will then be reinstalled upon completion.</p> <p><b>Will be replaced with the scope of work below</b></p> <p><b>AERIAL DEVISE</b>  <i>Entire ladder will be inspected, and areas of corrosion will be removed, paint will be touched up to match existing. Current paint chips and deep scratches will be cleaned, paint will be touched up to match existing. Corrosion on fly section will be needled and affected area will be repainted to match existing. Ladder tip / egress will be repainted to match existing color.</i></p>	<p>\$ N/C</p>	

Customer's Approval Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

**DATE: April 1, 2019**

**ITEM:**

Motion – Approving Change Order #6 & #7  
City Hall Renovations

**FINANCIAL IMPACT:**

Contract Summary:

<b>Description</b>	<b>Amount</b>	<b>Date Approved</b>	<b>Remarks</b>
Construction Contract	\$4,795,000.00	October 15, 2018	No Alternate #1 or #2
Change Order 1	(\$5,250.00)	January 21, 2019	Miscellaneous
Change Order 2	\$5,666.00	January 21, 2019	Steel plate in CC Chambers
Change Order 3	\$20,263.00	February 4, 2019	Miscellaneous
Change Order 4	\$10,971.00	February 4, 2019	Miscellaneous
Change Order 5	\$22,665.00	April 1, 2019	Miscellaneous
Change Order 6	\$0.00	Pending	Revised Contract Dates
Change Order 7	\$91,838.00	Pending	Misc. Electrical
<b>Total</b>	<b>\$4,941,153.00</b>		

Cost for these change order items will be paid from account no. 500.000.000.5250.490 with the ultimate funding intended to come from Cash Reserves.

**BACKGROUND:**

The project consists of renovations to City Hall located at 4200 Mills Civic Parkway. Renovations include HVAC improvements throughout City Hall as well as remodeling offices, conference rooms, and support space within several suites to accommodate general building maintenance, better work flow, and space compatibility.

Change order #6 revises the contract completion dates for Phase 1 & 2 (south Suites D & E and north Suites A & B) from July 19, 2019 to October 14, 2019 and Phase 3 (center Suite C) from December 6, 2019 to March 9, 2020. The requested extensions come in part due to unforeseen conditions revealed during construction as well as delays in mechanical equipment deliveries.

Change order #7 addresses a number of open issues that have been identified in the City Hall renovation project. It was determined that much of the existing electrical installation no longer meets code and has to be reworked and/or replaced. This affects existing receptacle, lighting, and emergency lighting circuits that were planned to remain as-is within the Phase 1 area. There will be future change orders to address the electrical issues in the remaining two phases. The change order also covers additional lighting control equipment and revisions that were made due to both Fire Prevention and owner comments. The lighting control changes cover all three phases of the project. Lastly there are a few minor coordination items including relocating existing switches to allow for installation of new walls, additional structural support for new openings in floors, removing an existing fire alarm strobe, etc. These are mostly items that were not covered in the original bid documents.



City Staff recommend approval of Change Order #6 & #7.

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

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:

- Motion Approving Change Order #6 & #7 for City Hall Renovations.

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

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split



**CITY OF WEST DES MOINES**

Department of Engineering Services  
 4200 Mills Civic Parkway, Ste 2E  
 West Des Moines, IA 50265-0320  
 (515) 222-3475 Fax (515) 273-0603

**CHANGE ORDER**

**Distribution:**  
 Owner   X    
 Engineer   X    
 Contractor   X    
 Other       

Contractor: **Lang Construction Group**  
**1601 West Lakes Parkway, Suite 100**  
**West Des Moines, IA 50266**

Project Title	City Hall Renovations	
WDM Project File Number	0510-052-2017	
Purchase Order Number	2019-00000334	
Orig. Contract Amount & Date	\$4,795,000.00	October 15, 2018
Change Order Number	6	
Date	March 26, 2019	

**THE CONTRACT IS CHANGED AS FOLLOWS: Revise Phase 2 Completion date as outlined in the construction documents from July 19, 2019 to October 14, 2019. Revise Phase 3 Completion date as outlined in the construction documents from December 6, 2019 to March 9th, 2020.**

Item	Description	Unit	Unit Price	Quantity Adjustment	Value Adjustment
-	Revise Phase 2 Completion date as outlined in the construction documents from July 19, 2019 to October 14, 2019.	LS	\$0.00	1.000	\$0.00
-	Revise Phase 3 Completion date as outlined in the construction documents from December 6, 2019 to March 9th, 2020.	LS	\$0.00	1.000	\$0.00
<b>TOTAL</b>					<b>\$0.00</b>

CHANGE ORDER SUMMARY	
The Original Contract Sum was	\$4,795,000.00
Net Change by previously authorized Change Orders	\$54,315.00
The Contract Sum prior to This Change Order was	\$4,849,315.00
The Contract Sum will be <b>increased</b> by this Change Order in the amount of	\$0.00
<b>The new Contract Sum including this Change Order will be</b>	<b>\$4,849,315.00</b>
Aggregate Change Order as a percent of Original Contract (if greater than 10% of the original contract, Council Subcommittee recommendation and all signatures through the full Council are required)	1.13%
The Contract Time will be <b>changed</b> by	88 days
The date of Final Completion as of the date of this Change Order therefore is	March 9, 2020

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

Contractor: Lang Construction Group, Inc.	Recommended By: INVISION	Checked By: <i>JL JMS</i> City of West Des Moines
Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>	Signature:
Name: Steve Lang	Name: Laura Peterson	Name: Brian J. Hemesath, P.E.
Title: President Lang Construction Group, Inc.	Title: Project Architect	Title: City Engineer
Date: 3/27/19	Date: 3/27/19	Date:

Owner: City of West Des Moines

<input type="checkbox"/> I	\$24,999.99 City Engineer ( ≤ 10% original contract)	x _____	Date _____
<input type="checkbox"/> IV	\$25,000 to \$50,000 City Council approved or ratified at Council		Date _____



**CITY OF WEST DES MOINES**

Department of Engineering Services  
4200 Mills Civic Parkway, Ste 2E  
West Des Moines, IA 50265-0320  
(515) 222-3475 Fax (515) 273-0603

**CHANGE ORDER**

**Distribution:**  
Owner   X    
Engineer   X    
Contractor   X    
Other       

Contractor: **Lang Construction Group**  
**1601 West Lakes Parkway, Suite 100**  
**West Des Moines, IA 50266**

Project Title	<b>City Hall Renovations</b>	
WDM Project File Number	<b>0510-052-2017</b>	
Purchase Order Number	<b>2019-00000334</b>	
Orig. Contract Amount & Date	<b>\$4,795,000.00</b>	<b>October 15, 2018</b>
Change Order Number	<b>7</b>	
Date	<b>March 27, 2019</b>	

**THE CONTRACT IS CHANGED AS FOLLOWS: Include all work described in PR-025, PR-033, PR-034.1-PR-034.15, COR-01, COR-02, COR-03, COR-04, and COR-05.**

Item	Description	Unit	Unit Price	Quantity Adjustment	Value Adjustment
PR-025	Lighting Revisions as documented in PR-025	LS	\$30,905.00	1.000	\$30,905.00
PR-033	Provide new piping for baseboard heaters.	LS	\$6,720.00	1.000	\$6,720.00
PR-034.1	Provide new homeruns in D105 and D106.	LS	\$3,520.00	1.000	\$3,520.00
PR-034.2	Relocate furniture feeds in D100.	LS	\$2,717.00	1.000	\$2,717.00
PR-034.3	Provide new homeruns in E104, E105, and E106.	LS	\$2,888.00	1.000	\$2,888.00
PR-034.4	Remove disconnect and circuit from abandoned gate.	LS	\$556.00	1.000	\$556.00
PR-034.5	Provide pathways and wiring from Panel MD.	LS	\$1,052.00	1.000	\$1,052.00
PR-034.6	Provide new homeruns in E100.	LS	\$1,077.00	1.000	\$1,077.00
PR-034.7	Provide dedicated neutrals for emergency circuits.	LS	\$7,627.00	1.000	\$7,627.00
PR-034.8	Provide new wire in existing conduit in E102.	LS	\$549.00	1.000	\$549.00
PR-034.9	Provide new homerun neutrals in D203 and D204.	LS	\$2,463.00	1.000	\$2,463.00
PR-034.10	Provide new homeruns to meet code in E205, E206, and E207.	LS	\$2,645.00	1.000	\$2,645.00
PR-034.11	Relocate conduits tight to roof deck	LS	\$1,441.00	1.000	\$1,441.00
PR-034.12	Separate neutrals back to panel E204	LS	\$874.00	1.000	\$874.00
PR-034.13	Replace existing receptacles and covers for Phase 1	LS	\$5,097.00	1.000	\$5,097.00

PR-034.14	Re-route power to new wall from floor in D100 per RFI 039	LS	\$2,705.00	1.000	\$2,705.00
PR-034.15	Patching of drywall for all items in PR-034	LS	\$1,346.00	1.000	\$1,346.00
PR-035	Add components to lighting control system as detailed in PR-035.	LS	\$11,901.00	1.000	\$11,901.00
COR-01	Remove strobe light from hallway D202.	LS	\$1,292.00	1.000	\$1,292.00
COR-02	Relocate electrical switch in D100.	LS	\$1,323.00	1.000	\$1,323.00
COR-03	Relocate electrical switch in D101.	LS	\$1,268.00	1.000	\$1,268.00
COR-04	Provide additional beam for floor penetration.	LS	\$1,103.00	1.000	\$1,103.00
COR-09	Replace drywall in existing mechanical room.	LS	\$769.00	1.000	\$769.00
<b>TOTAL</b>					<b>\$91,838.00</b>

<b>CHANGE ORDER SUMMARY</b>	
The Original Contract Sum was	\$4,795,000.00
Net Change by previously authorized Change Orders	\$54,315.00
The Contract Sum prior to This Change Order was	\$4,849,315.00
The Contract Sum will be increased by this Change Order in the amount of	\$91,838.00
<b>The new Contract Sum including this Change Order will be</b>	<b>\$4,941,153.00</b>
Aggregate Change Order as a percent of Original Contract (if greater than 10% of the original contract, Council Subcommittee recommendation and all signatures through the full Council are required)	3.05%
The Contract Time will be changed by	0
The date of Final Completion as of the date of this Change Order therefore is	March 9, 2020

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

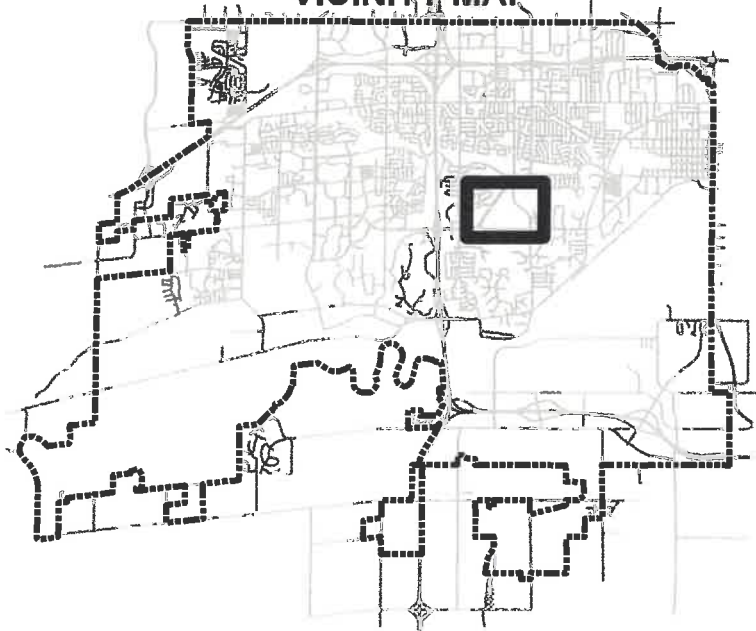
<b>Contractor:</b> Lang Construction Group, Inc.	<b>Recommended By:</b> INVISION	<b>Checked By:</b> <i>SC</i> <i>JMS</i>
Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>	Signature:
Name: Steve Lang	Name: Laura Peterson	Name: Brian J. Hemesath, P.E.
Title: President Lang Construction Group, Inc.	Title: Project Architect	Title: City Engineer
Date: 3/27/19	Date: 3/27/19	Date:

**Owner: City of West Des Moines**

<input type="checkbox"/> <b>I</b>	\$24,999.99 City Engineer ( ≤ 10% original contract)	x _____	Date _____
<input type="checkbox"/> <b>II</b>	\$25,000 to \$50,000 City Council approved or ratified at Council		Date _____



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT:

**City Hall Renovations**

LOCATION:

**4200 Mills Civic Parkway**

DRAWN BY: JDR

DATE: 04/25/2018

PROJECT NUMBER: 0510-052-2017  
SUBDIVISION NAME:

SHT. 1 of 1

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

**DATE: April 1, 2019**

**ITEM:** Resolution - Approval of Amendment to Extend the Term of the Temporary Easement for Construction of the 62<sup>nd</sup> & Railroad Gate Structure Repairs, Project No. 0510-009-2018.

**FINANCIAL IMPACT:** None.

**SYNOPSIS:** On January 28, 2019, the City of Des Moines granted the City of West Des Moines a temporary construction easement for the 62<sup>nd</sup> & Railroad Gate Structure Repairs. This amendment extends the term of the temporary construction easement. It is anticipated that the City of Des Moines will approve the amendment in the form attached to this pinkie at their April 8, 2019 council meeting. This resolution accepts the amendment to the easement upon approval by the Des Moines City Council.

Approval of the amendment is a formality and was not presented to the Public Services Subcommittee.

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

**RECOMMENDATION:** Adopt a Resolution Approving the Amendment to Extend the Term of the Temporary Construction Easement for the 62<sup>nd</sup> & Railroad Gate Structure Repairs, Project No. 0510-009-2018.

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

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Public Services		
Date Reviewed			
Recommendation	Yes	No	Split

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

**AUTHORIZING APPROVAL OF AMENDMENT TO EXTEND THE TERM OF THE TEMPORARY  
CONSTRUCTION EASEMENT FOR THE 62<sup>ND</sup> & RAILROAD GATE STRUCTURE REPAIRS,  
PROJECT NO. 0510-009-2018**

**WHEREAS**, on January 28, 2019, the City of Des Moines granted the City of West Des Moines a temporary construction easement for the 62<sup>nd</sup> & Railroad Gate Structure Repairs, Project No. 0510-009-2018; and

**WHEREAS**, an extension of the term of the easement is necessary to complete the repairs; and

**WHEREAS**, it is anticipated that the City of Des Moines will approve the attached amendment at their April 8, 2019 city council meeting; and

**WHEREAS**, it is in the best interest of the City of West Des Moines to approve the amendment to the easement.

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

1. The amendment extending the term of the temporary construction easement for the 62<sup>nd</sup> & Railroad Gate Structure Repairs, Project No. 0510-009-2018 from the City of Des Moines to the City of West Des Moines, Iowa, is hereby approved.
2. The City Clerk is directed to certify the Council's approval and acceptance.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of April, 2019.

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

ATTEST:

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

AMENDMENT TO EXTEND THE TERM OF  
TEMPORARY EASEMENT FOR CONSTRUCTION AND CONSTRUCTION RELATED  
ACTIVITIES

THIS AMENDMENT, made effective April 1, 2019, to the Temporary Easement for Construction and Construction Related Activities dated January 28, 2019, by and between the City of West Des Moines (“WDM”) and the City of Des Moines, Iowa for WDM to undertake the 62<sup>nd</sup> street and Railroad Avenue Gate Structure Replacement Project (“the Temporary Easement”).

WHEREAS, the Temporary Easement has an initial term ending on March 31, 2019; and

WHEREAS, due to high water conditions on Walnut Creek, WDM has advised the City that the Project will not be completed by March 31, 2019 and WDM has requested an extension of the Temporary Easement until April 27, 2019, with the understanding that WDM will use all reasonable efforts to complete the Project and restore and open the City of Des Moines Levy Trail prior to April 27, 2019; and

WHEREAS, the Park and Recreation Department has agreed to such extension until April 27, 2019.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants of the parties hereto, it is agreed as follows:

1. The term of the Temporary Easement shall be extended until April 27, 2019, with the understanding that WDM will use all reasonable efforts to complete the Project and restore and open the City of Des Moines Levy Trail prior to April 27, 2019.
2. Except as modified above, all other terms of the Temporary Easement shall remain in effect.

IN WITNESS WHEREOF, the parties agree to the above.

CITY OF DES MOINES, IOWA

CITY OF WEST DES MOINES, IOWA

---

T.M. Franklin Cownie, Mayor

---

Steven K. Gaer, Mayor



ATTEST:

Approved as to Form:

\_\_\_\_\_  
Diane Rauh, Des Moines City Clerk

\_\_\_\_\_  
Ann DiDonato  
Des Moines Assistant City Attorney

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Ryan T. Jacobson, West Des Moines City Clerk

  
\_\_\_\_\_  
Richard J. Scieszinski  
West Des Moines City Attorney

STATE OF IOWA     )  
                                  ) ss.  
COUNTY OF POLK    )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, 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 personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of West des Moines, Iowa, a Municipal Corporation, 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 Municipal Corporation, and that said instrument was signed and sealed on behalf of said Municipal Corporation by authority and resolution of its City Council as contained in the Resolution adopted under Roll Call No. 19- \_\_\_\_\_, and said Mayor and City Clerk acknowledged said instrument to be the voluntary act and deed of said Municipal Corporation by it voluntarily executed.

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

STATE OF IOWA     )  
                                  ) ss.  
COUNTY OF POLK    )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared T.M. FRANKLIN COWNIE and DIANE RAUH, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the City of Des Moines, Iowa; that the seal affixed to the foregoing instrument is the seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted under Roll Call No. 19- \_\_\_\_\_, dated \_\_\_\_\_ and that T.M. FRANKLIN COWNIE and DIANE RAUH acknowledged the execution of the instrument to be the voluntary act and deed of the municipal corporation, by it voluntarily executed.

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

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

**ITEM:** Establishing Date of Public Hearing for the Issuance of Not to Exceed \$6,000,000 General Obligation Urban Renewal Bonds, (Essential Corporate Purpose) (8300 Mills Parkway Urban Renewal Area) (Series 2019 B) **DATE:** April 1, 2019

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged; the underlying project costs have been included in the fiscal year 2019-20 budget. It is expected that these bonds will close prior to June 30, 2019, and the costs associated with this proposed issuance will appear in the FY 2018-19 budget as part of the next budget amendment. This issuance will not affect the City's debt service levy rate of \$1.95 per \$1,000 of taxable valuation. Repayment funds will be generated through the 8300 Mills Parkway Urban Renewal Area, and bond payments have been considered when projecting future cash flow needs for this URA.

**BACKGROUND:** A public hearing scheduled for April 15, 2019, will consider the future sale of not to exceed \$6.0 million General Obligation Urban Renewal Bonds to partially defray the costs of constructing projects in the 8300 Mills Parkway Urban Renewal Area, including widening and reconstruction of Mills Parkway and S 81<sup>st</sup> Street and constructing new segments of S 85<sup>th</sup> Street and Cascade Avenue, along with the accompanying water, sewer, and other necessary infrastructure improvements. These improvements were committed to by the City as conditions of a development agreement between itself, Midland National Life Insurance Company, and Sammons Financial Group, Inc. which was approved by Council on March 13, 2019.

Following the public hearing, the Council will be 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 approval 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.

The recommended action will establish the date for a public hearing needed prior to receiving bids, selling the bonds, and conducting other details of the sale.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to hold a public hearing on April 15, 2019, to consider the issuance of not to exceed \$6,000,000 General Obligation Urban Renewal Bonds (Essential Corporate Purpose).

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>AS</i>

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	November 28, 2018		
Recommendation	Yes	No	Split

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

Resolution setting the date for public hearing on proposal to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019B and to borrow money thereunder in a principal amount not to exceed \$6,000,000

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, proposes to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019B (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$6,000,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water management, water system and sidewalk improvements; and acquiring and installing street lighting, signage and signalization improvements (collectively, the "Projects"), and it is necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

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

Section 1. This City Council shall meet on April 15, 2019, at the \_\_\_\_\_, West Des Moines, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement described in the preamble hereof.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO  
ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY  
THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000

(GENERAL OBLIGATION)

The City Council of the City of West Des Moines, Iowa (the "City"), will meet on April 15, 2019, at the \_\_\_\_\_, West Des Moines, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., for the purpose of instituting proceedings and taking action on a proposal to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019B (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$6,000,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water management, water system and sidewalk improvements; and acquiring and installing street lighting, signage and signalization improvements.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

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

Ryan Jacobson  
City Clerk

Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the “Regulations”) of the Internal Revenue Service, the City declares (a) that it intends to undertake the Projects which are reasonably estimated to cost approximately \$6,000,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the “Bonds”), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Projects have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved April 1, 2019.

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Mayor

Attest:

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City Clerk

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

**ITEM:** Establishing Date of Public Hearing for the Issuance of Not to Exceed \$9,500,000 General Obligation Urban Renewal Bonds, (Essential Corporate Purpose) (Coachlight Urban Renewal Area) (Series 2019C)

**DATE:** April 1, 2019

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged; the underlying project costs have been included in the fiscal year 2018-19 and 2019-20 budgets. It is expected that these bonds will close prior to June 30, 2019, and the costs associated with this proposed issuance will appear in the FY 2018-19 budget as part of the next budget amendment. This issuance will not affect the City's debt service levy rate of \$1.95 per \$1,000 of taxable valuation. Repayment funds will be generated through the Coachlight Urban Renewal Area, and bond payments have been considered when projecting future cash flow needs for this URA.

**BACKGROUND:** A public hearing scheduled for April 15, 2019, will consider the future sale of not to exceed \$9.5 million General Obligation Urban Renewal Bonds to partially defray the costs of constructing projects in the Coachlight Urban Renewal Area, including re-routing, widening and reconstruction of segments of Mills Parkway and S 88<sup>st</sup> Street along with the accompanying water, sewer, street lighting, sidewalk, and other necessary infrastructure improvements.

Following the public hearing, the Council will be 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 approval 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.


The recommended action will establish the date for a public hearing needed prior to receiving bids, selling the bonds, and conducting other details of the sale.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to hold a public hearing on April 15, 2019, to consider the issuance of not to exceed \$9,500,000 General Obligation Urban Renewal Bonds (Essential Corporate Purpose).

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	February 28, 2018		
Recommendation	<u>Yes</u>	No	Split

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

Resolution setting the date for public hearing on proposal to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019C and to borrow money thereunder in a principal amount not to exceed \$9,500,000

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, proposes to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019C (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$9,500,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water management, water system and sidewalk improvements; and acquiring and installing street lighting, signage and signalization improvements (collectively, the "Projects"), and it is necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

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

Section 1. This City Council shall meet on April 15, 2019, at the \_\_\_\_\_, West Des Moines, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement described in the preamble hereof.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO  
ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY  
THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$9,500,000

(GENERAL OBLIGATION)

The City Council of the City of West Des Moines, Iowa (the "City"), will meet on April 15, 2019, at the \_\_\_\_\_, West Des Moines, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_ .m., for the purpose of instituting proceedings and taking action on a proposal to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019C (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$9,500,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water management, water system and sidewalk improvements; and acquiring and installing street lighting, signage and signalization improvements.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

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

Ryan Jacobson  
City Clerk



Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the “Regulations”) of the Internal Revenue Service, the City declares (a) that it intends to undertake the Projects which are reasonably estimated to cost approximately \$9,500,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the “Bonds”), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Projects have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved April 1, 2019.

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Mayor

Attest:

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City Clerk

## CITY OF WEST DES MOINES CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Establishing Date of Public Hearing for the Issuance of Not to Exceed \$6,270,000 General Obligation Urban Renewal Bonds, (Essential Corporate Purpose) (Woodland Hills Urban Renewal Area) (Series 2019D)

**DATE:** April 1, 2019

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged; the underlying project costs have been included in the fiscal year 2018-19 and 2019-20 budgets. It is expected that these bonds will close prior to June 30, 2019, and the costs associated with this proposed issuance will appear in the FY 2018-19 budget as part of the next budget amendment. This issuance will not affect the City's debt service levy rate of \$1.95 per \$1,000 of taxable valuation. Repayment funds will be generated through the Woodland Hills Urban Renewal Area, and bond payments have been considered when projecting future cash flow needs for this URA.

**BACKGROUND:** A public hearing scheduled for April 15, 2019, will consider the future sale of not to exceed \$6.27 million General Obligation Urban Renewal Bonds to partially defray the costs of constructing projects in the Coachlight Urban Renewal Area, including widening and reconstruction of segments of Booneville Road (west of S 88<sup>th</sup> St), along with the accompanying water, sewer, street lighting, sidewalk, and other necessary infrastructure improvements.

Following the public hearing, the Council will be 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 approval 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.

The recommended action will establish the date for a public hearing needed prior to receiving bids, selling the bonds, and conducting other details of the sale.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to hold a public hearing on April 15, 2019, to consider the issuance of not to exceed \$6,270,000 General Obligation Urban Renewal Bonds (Essential Corporate Purpose).

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

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	Finance & Administration		
Date Reviewed	February 28, 2018		
Recommendation	<u>Yes</u>	No	Split

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

Resolution setting the date for public hearing on proposal to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019D and to borrow money thereunder in a principal amount not to exceed \$6,270,000

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, proposes to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019D (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$6,270,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water management, water system and sidewalk improvements; and acquiring and installing street lighting, signage and signalization improvements (collectively, the "Projects"), and it is necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

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

Section 1. This City Council shall meet on April 15, 2019, at the \_\_\_\_\_, West Des Moines, Iowa, at \_\_\_\_\_ o'clock \_\_.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement described in the preamble hereof.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO  
ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY  
THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,270,000

(GENERAL OBLIGATION)

The City Council of the City of West Des Moines, Iowa (the "City"), will meet on April 15, 2019, at the \_\_\_\_\_, West Des Moines, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_ .m., for the purpose of instituting proceedings and taking action on a proposal to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019D (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$6,270,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water management, water system and sidewalk improvements; and acquiring and installing street lighting, signage and signalization improvements.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

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

Ryan Jacobson  
City Clerk

Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the “Regulations”) of the Internal Revenue Service, the City declares (a) that it intends to undertake the Projects which are reasonably estimated to cost approximately \$6,270,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the “Bonds”), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Projects have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved April 1, 2019.

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Mayor

Attest:

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City Clerk

## CITY OF WEST DES MOINES CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Establishing Date of Public Hearing for the Issuance of Not to Exceed \$2,150,000 General Obligation Urban Renewal Bonds, (Essential Corporate Purpose) (Mills Parkway Urban Renewal Area) (Series 2019E)

**DATE:** April 1, 2019

**FINANCIAL IMPACT:** Final debt service amounts (principal and interest) are not known, pending sale date and interest rate charged; the underlying project costs have been included in the fiscal year 2018-19 and 2019-20 budgets. It is expected that these bonds will close prior to June 30, 2019, and the costs associated with this proposed issuance will appear in the FY 2018-19 budget as part of the next budget amendment. This issuance will not affect the City's debt service levy rate of \$1.95 per \$1,000 of taxable valuation. Repayment funds will be generated through the Woodland Hills Urban Renewal Area, and bond payments have been considered when projecting future cash flow needs for this URA.

**BACKGROUND:** A public hearing scheduled for April 15, 2019, will consider the future sale of not to exceed \$2.15 million General Obligation Urban Renewal Bonds to partially defray the costs of constructing projects in the Mills Parkway Urban Renewal Area (Subdistrict #7), primarily construction of the segments of Grand Avenue between Jordan Creek Parkway and S 88<sup>th</sup> St, along with the accompanying water, sewer, street lighting, sidewalk, and other necessary infrastructure improvements.

Following the public hearing, the Council will be 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 approval 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.

The recommended action will establish the date for a public hearing needed prior to receiving bids, selling the bonds, and conducting other details of the sale.

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

**RECOMMENDATION:** Adoption of Resolution instituting proceedings to hold a public hearing on April 15, 2019, to consider the issuance of not to exceed \$2,150,000 General Obligation Urban Renewal Bonds (Essential Corporate Purpose).

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

### STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	(K)

### PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

### SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

Resolution setting the date for public hearing on proposal to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019E and to borrow money thereunder in a principal amount not to exceed \$2,150,000

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, proposes to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019E (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$2,150,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water management, water system and sidewalk improvements; and acquiring and installing street lighting, signage and signalization improvements (collectively, the "Projects"), and it is necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

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

Section 1. This City Council shall meet on April 15, 2019, at the \_\_\_\_\_, West Des Moines, Iowa, at \_\_\_\_\_ o'clock \_\_.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement described in the preamble hereof.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO  
ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY  
THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,150,000

(GENERAL OBLIGATION)

The City Council of the City of West Des Moines, Iowa (the "City"), will meet on April 15, 2019, at the \_\_\_\_\_, West Des Moines, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_m., for the purpose of instituting proceedings and taking action on a proposal to enter into a General Obligation Corporate Purpose Loan Agreement, Series 2019E (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$2,150,000 for the purpose of paying the costs, to that extent, of constructing street, sanitary sewer, storm water management, water system and sidewalk improvements; and acquiring and installing street lighting, signage and signalization improvements.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

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

Ryan Jacobson  
City Clerk



Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the “Regulations”) of the Internal Revenue Service, the City declares (a) that it intends to undertake the Projects which are reasonably estimated to cost approximately \$2,150,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the “Bonds”), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Projects have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved April 1, 2019.

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Mayor

Attest:

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City Clerk

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

**DATE: April 1, 2019**

**ITEM:**

Resolution - Ordering Construction  
Cedar Ridge Sewer Extension

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the Cedar Ridge Sewer Extension is \$370,318.00. Payments will be made from account no. 640.000.000.5250.490 with the ultimate funding intended to come from Sanitary Sewer Fee Revenue. All incurred costs will be reimbursed according to a Development Agreement dated August 20, 2018 between the City of West Des Moines and Chayse Holdings, LLC, the developer of the northwest quadrant of the 88th Street & Mills Civic Parkway intersection.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, April 24, 2019 and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, May 6, 2019. The contract would be awarded on Monday, May 6, 2019 and work will begin shortly thereafter.

The project includes construction of an 8-inch sanitary sewer extension from the existing Fox Creek Trunk Sewer to the east to serve the proposed developments at the northwest corner of South 88th Street & Mills Civic Parkway. Work on this project is being closely coordinated with the proposed South 88th Street & Mills Civic Parkway Reconstruction project. The project is anticipated to be completed by July 31, 2019 with restoration being completed by September 15, 2019.

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

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the Cedar Ridge Sewer Extension.
- Fixing 2:00 p.m. on Wednesday, April 24, 2019 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., City Engineer *book*

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**RESOLUTION ORDERING CONSTRUCTION AND NOTICE OF PUBLIC HEARING ON PLANS,  
SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COST, AND DIRECTING  
ADVERTISEMENT FOR BIDS**

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

**Cedar Ridge Sewer Extension  
Project No. 0510-54-2018**

is hereby ordered to be constructed according to the Plans and Specifications prepared by Veenstra & Kimm, 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, May 6, 2019, 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, April 24, 2019.

**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, April 24, 2019 and the results of said bids shall be considered at a meeting of this Council on Monday, May 6, 2019 at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** on this 1st day of **April, 2019**.

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

ATTEST:

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

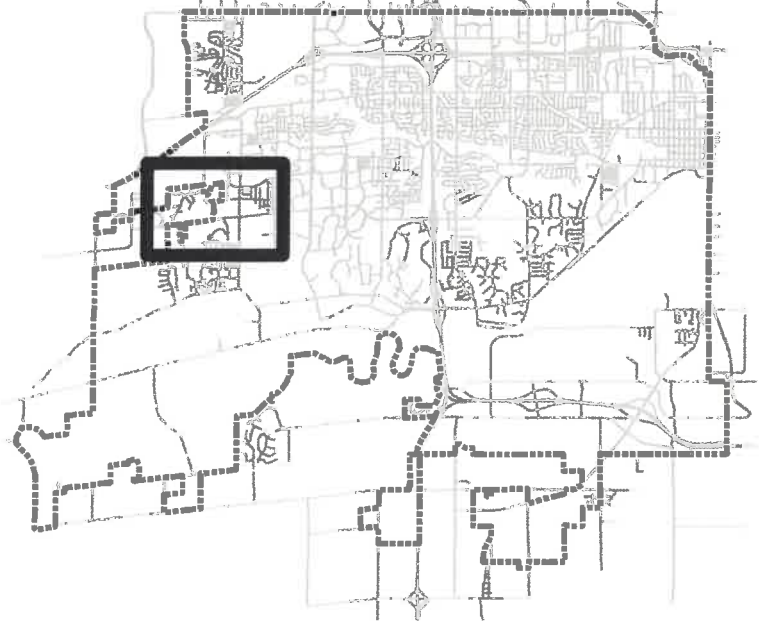
CITY OF WEST DES MOINES  
 CEDAR RIDGE SANITARY SEWER  
 ESTIMATE OF COST

20-Mar-19

Item	Description	Unit	Estimated Quantity	Unit Price	Extended Price
1	8" Sanitary Sewer in Place	LF	1637	\$110	\$180,070
2	Manholes - Type SW 301 - 48"	EA	9	\$6,500	\$58,500
3	Connection to Existing Manhole	EA	1	\$7,500	\$7,500
4	Rip-Rap	TONS	90	\$75	\$6,750
5	Steel Sheeting	SF	375	\$40	\$15,000
6	Seeding	ACRE	5	\$3,000	\$15,000
7	Field Tile	LF	100	\$25	\$2,500
8	Wetland Protection Snow Fence	LF	200	\$5	\$1,000
8	Fence Removal and Replacement - Woven Wire	LF	200	\$10	\$2,000
9	Video Inspection	LF	1637	\$4	\$6,548
10	SWPPP Preparation and Management	ACRE	1	\$7,500	\$7,500
11	Silt Fence	LF	4500	\$3	\$13,500
12	Wattle	LF	200	\$5	\$1,000
13	Rolled Erosion Control Product	SY	1345	\$10	\$13,450
14	Clearing and Grubbing	LS	1	\$30,000	\$30,000
15	Construction Staking	LS	1	\$10,000	\$10,000
<b>Total Estimated Construction Cost</b>					<b>\$370,318</b>




**VICINITY MAP**



**LEGEND**

PROJECT LOCATION 



	PROJECT: <b>Cedar Ridge Sewer Extension</b>		
	LOCATION: <b>Exhibit "A"</b>		
DRAWN BY: JDR	DATE: 12/18/2018	PROJECT NUMBER/NAME: 0510-054-2018	SHT. 1 of 1

CITY OF WEST DES MOINES  
CITY COUNCIL MEETING COMMUNICATION

DATE: April 1, 2019

**ITEM:**

Resolution - Ordering Construction  
South 33rd Street & Fuller Road Retaining Wall Improvements

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the South 33rd Street & Fuller Road Retaining Wall Improvements is \$308,657.45. Payments will be made from account no. 500.000.000.5250.490 with the ultimate funding intended to come from General Obligation Bonds.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, April 24, 2019 and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, May 6, 2019. The contract would be awarded on Monday, May 6, 2019 and work will begin shortly thereafter.

This project includes the removal of the existing City-owned timber retaining walls on Fuller Road east and west of South 33rd Street. The retaining wall west of South 33rd Street will be removed and the area regraded as agreed to by the affected property owners. The retaining wall east of South 33rd Street will be removed and replaced with two tiers of modular block retaining wall located on private property and owned/maintained by the adjacent property owner as agreed to previously. The project will also include new sidewalk from the western limits of the project to the eastern limits of the project to relocate the sidewalk further away from back of curb to allow for better snow storage and snow removal. The overhead electric transmission poles at the northeast corner of the South 33rd Street & Fuller Road intersection were recently relocated to accommodate regrading on that corner of the intersection to improve sight distance for motorists. The project is anticipated to be completed by September 27, 2019.

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

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the South 33rd Street & Fuller Road Retaining Wall Improvements.
- Fixing 2:00 p.m. on Wednesday, April 24, 2019 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., City Engineer *BH*

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**RESOLUTION ORDERING CONSTRUCTION AND NOTICE OF PUBLIC HEARING ON PLANS,  
SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COST, AND DIRECTING ADVERTISEMENT  
FOR BIDS**

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

**South 33rd Street & Fuller Road Retaining Wall Improvements  
Project No. 0510-037-2017**

is hereby ordered to be constructed according to the Plans and Specifications prepared by Calhoun-Burns & 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, May 6, 2019, 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, April 24, 2019.

**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, April 24, 2019 and the results of said bids shall be considered at a meeting of this Council on Monday, May 6, 2019 at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** on this **1st** day of **April, 2019**.

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

ATTEST:

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

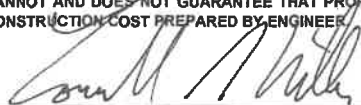
OPINION OF PROBABLE CONSTRUCTION COSTS

CITY OF WEST DES MOINES  
PROJECT NO. 0510-037-2017  
CB&A NO. 2017206

REMOVAL OF RETAINING WALLS AND GRADING  
FULLER ROAD BETWEEN  
S. 35TH ST. & S. 28TH ST.

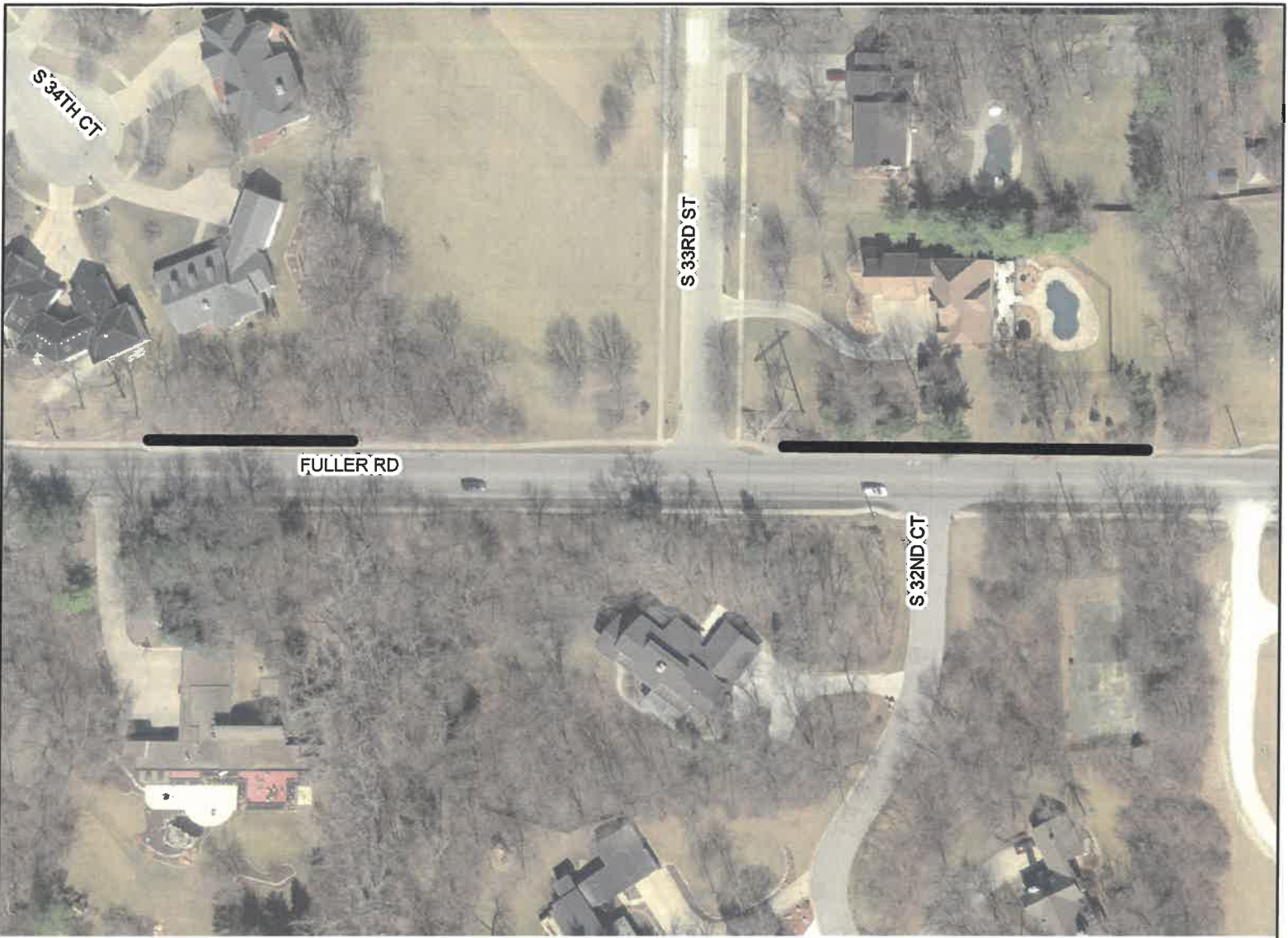
TOTAL ESTIMATED QUANTITIES							
REF. NO.	CODE NO.	ITEM	UNIT	QUANTITY	PRICE	TOTAL	
		<b>SECTION 1090 – MEASUREMENT AND PAYMENT</b>					
1.01		EXPLORATORY CURB VALVE WORK	LS	1	\$1,700.00	\$1,700.00	
1.02		LOWER UTILITY SERVICE	LS	1	\$2,000.00	\$2,000.00	
		<b>SECTION 2010 – EARTHWORK, SUBGRADE AND SUBBASE</b>					
2.01	2010-108-B-0	CLEARING AND GRUBBING	ACRE	0.5	\$60,000.00	\$30,000.00	
2.02	2010-108-D-1	TOPSOIL, ON-SITE	CY	825	\$11.00	\$9,075.00	
2.03	2010-108-E-0	EXCAVATION, CLASS 10, ROADWAY AND BORROW	CY	1,973	\$18.00	\$35,514.00	
		<b>SECTION 4030 – PIPE CULVERTS</b>					
4.01	4030-108-A-1	PIPE CULVERT, TRENCHED, RCP, 24 IN.	LF	8	\$225.00	\$1,800.00	
4.02	4030-108-B-0	PIPE APRON, RCP, 24 IN.	EA	1	\$1,700.00	\$1,700.00	
		<b>SECTION 4040 – SUBDRAINS AND FOOTING DRAINS</b>					
4.03	4040-108-A-0	SUBDRAIN, HDPE, 6 IN.	LF	40	\$25.00	\$1,000.00	
4.04	4040-108-D-0	SUBDRAIN OUTLETS AND CONNECTIONS, CMP, 6 IN.	EA	2	\$225.00	\$450.00	
		<b>SECTION 7010 – PORTLAND CEMENT CONCRETE PAVEMENT</b>					
7.01	7010-108-A-0	PAVEMENT, PCC, 8 IN.	SY	23.7	\$225.00	\$5,332.50	
		<b>SECTION 7030 – SIDEWALKS, SHARED USE PATHS, AND DRIVEWAYS</b>					
7.02	7030-108-A-0	REMOVAL OF SIDEWALK	SY	485.9	\$23.00	\$11,175.70	
7.03	7030-108-E-0	SIDEWALK, PCC, 4 IN.	SY	408.8	\$75.00	\$30,660.00	
7.04	7030-108-E-0	SIDEWALK, PCC, 6 IN.	SY	29.0	\$90.00	\$2,610.00	
7.05	7030-108-G-0	DETECTABLE WARNING	SF	20	\$55.00	\$1,100.00	
7.06	7030-108-H-2	DRIVEWAY, GRANULAR	TON	20	\$55.00	\$1,100.00	
		<b>SECTION 7040 – PAVEMENT REHABILITATION</b>					
7.07	7040-108-H-0	PAVEMENT REMOVAL	SY	23.7	\$45.00	\$1,066.50	
		<b>SECTION 8030 – TEMPORARY TRAFFIC CONTROL</b>					
8.01	8030-108-A-0	TRAFFIC CONTROL	LS	1	\$12,000.00	\$12,000.00	
		<b>SECTION 9020 - SODDING</b>					
9.01	9020-108-A-0	SOD	SQ	315	\$90.00	\$28,350.00	
		<b>SECTION 9040 – EROSION AND SEDIMENT CONTROL</b>					
9.02	9040-108-D-1	FILTER SOCK, 12 IN.	LF	2,015	\$6.00	\$12,090.00	
9.03	9040-108-D-2	FILTER SOCKS, REMOVAL	LF	2,015	\$1.25	\$2,518.75	
9.04	9040-108-J-0	RIP RAP, EROSION STONE	TON	25	\$55.00	\$1,375.00	
9.05	9040-108-Q-1	EROSION CONTROL MULCHING, HYDROMULCHING	ACRE	0.8	\$2,500.00	\$2,000.00	
9.06	9040-108-T-1	INLET PROTECTION DEVICE, DROP-IN INTAKE PROTECTION	EA	6	\$250.00	\$1,500.00	
9.07	9040-108-T-2	INLET PROTECTION DEVICE, MAINTENANCE	EA	6	\$60.00	\$360.00	
		<b>SECTION 9070 – LANDSCAPE RETAINING WALLS</b>					
9.08	9070-108-A-0	MODULAR BLOCK RETAINING WALL	SF	1,276	\$55.00	\$70,180.00	
		<b>SECTION 10,010 - DEMOLITION</b>					
10.01	10,010-108-A	DEMOLITION WORK	LS	1	\$35,000.00	\$35,000.00	
		<b>SECTION 11,010 – CONSTRUCTION SURVEY</b>					
11.01	11,010-108-A	CONSTRUCTION SURVEY	LS	1	\$7,000.00	\$7,000.00	
					<b>TOTAL</b>	<b>\$308,657.46</b>	

ENGINEER'S OPINIONS OF PROBABLE CONSTRUCTION COST ARE MADE ON THE BASIS OF ENGINEER'S EXPERIENCE AND QUALIFICATIONS AND REPRESENT ENGINEER'S BEST JUDGMENT AS AN EXPERIENCED AND QUALIFIED PROFESSIONAL GENERALLY FAMILIAR WITH THE CONSTRUCTION INDUSTRY. HOWEVER, SINCE ENGINEER HAS NO CONTROL OVER THE COST OF LABOR, MATERIALS, EQUIPMENT, OR SERVICES FURNISHED BY OTHERS, OR OVER CONTRACTORS' METHODS OF DETERMINING PRICES, OR OVER COMPETITIVE BIDDING OR MARKET CONDITIONS, ENGINEER CANNOT AND DOES NOT GUARANTEE THAT PROPOSALS, BIDS, OR ACTUAL CONSTRUCTION COST WILL NOT VARY FROM OPINIONS OF PROBABLE CONSTRUCTION COST PREPARED BY ENGINEER.

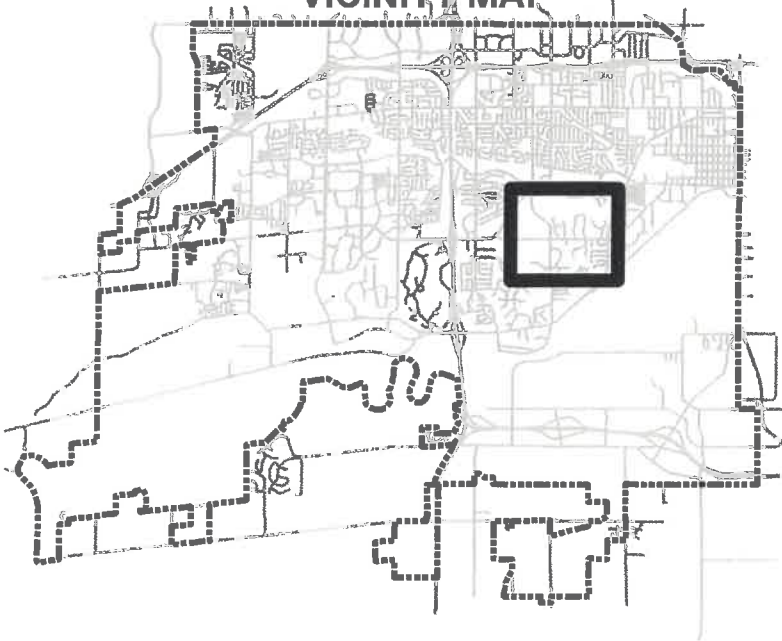
  
Lowell G. Miller, P.E.

3-26-19  
Date





**VICINITY MAP**



**LEGEND**

PROJECT LOCATION 



PROJECT: **S 33rd St & Fuller Rd Retaining Wall Improvements**

LOCATION: **South 33rd Street & Fuller Road**

DRAWN BY: JDR

DATE: 07/21/2017

PROJECT NUMBER : 0510-037-2017  
SUBDIVISION NAME:

SHT. 1 of 1

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

**DATE: April 1, 2019**

**ITEM:**

Resolution - Ordering Construction  
Public Safety Station #21 Generator Replacement

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the Public Safety Station #21 Generator Replacement is \$230,972.00 for the Base Bid and \$39,236.00 for Alternate No. 1 for a total of \$270,208.00. Payments will be made from account no. 500.000.000.5250.490 with the ultimate funding intended to come from General Obligation Bonds.

**BACKGROUND:**

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, April 24, 2019 and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, May 6, 2019. The contract would be awarded on Monday, May 6, 2019 and work will begin shortly thereafter.

The project includes removing an existing outdoor natural gas generator and providing a new outdoor diesel generator and transfer switch to back-up the entire Public Safety Station #21 located at 3421 Ashworth Road. Additional work includes providing new utility metering equipment, installing a new screening fence around the new generator and an existing patio, and related site work. Alternate work includes replacing the facility's existing main distribution panel and one sub-panel. The project is anticipated to be completed by November 29, 2019.

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

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution Ordering Construction of the Public Safety Station #21 Generator Replacement.
- Fixing 2:00 p.m. on Wednesday, April 24, 2019 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., City Engineer *Booth*

**STAFF REVIEWS**

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

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

Published In	
Dates(s) Published	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

**RESOLUTION ORDERING CONSTRUCTION AND NOTICE OF PUBLIC HEARING ON PLANS,  
SPECIFICATIONS, FORM OF CONTRACT, ESTIMATE OF COST, AND DIRECTING  
ADVERTISEMENT FOR BIDS**

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

**Public Safety Station #21 Generator Replacement  
Project No. 0510-015-2018**

is hereby ordered to be constructed according to the Plans and Specifications prepared by Alvine & Associates, Inc. of 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, May 6, 2019, 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, April 24, 2019.

**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, April 24, 2019 and the results of said bids shall be considered at a meeting of this Council on Monday, May 6, 2019 at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** on this 1st day of **April, 2019**.

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

ATTEST:

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



# Cost Opinion

City of West Des Moines Public Safety Station 21 Generator Replacement

March 25, 2019

Public Safety Station 21		
CONSTRUCTION COSTS	BASE BID	ALTERNATES
Base Bid (Electrical and Site Work)	\$230,972	
Alternate No. 1 (Panel A and MDP)		\$39,236
<b>Subtotal</b>	<b>\$230,972</b>	<b>\$39,236</b>
<b>Total Bid (Base Bid plus all Alternates)</b>		<b>\$270,208</b>

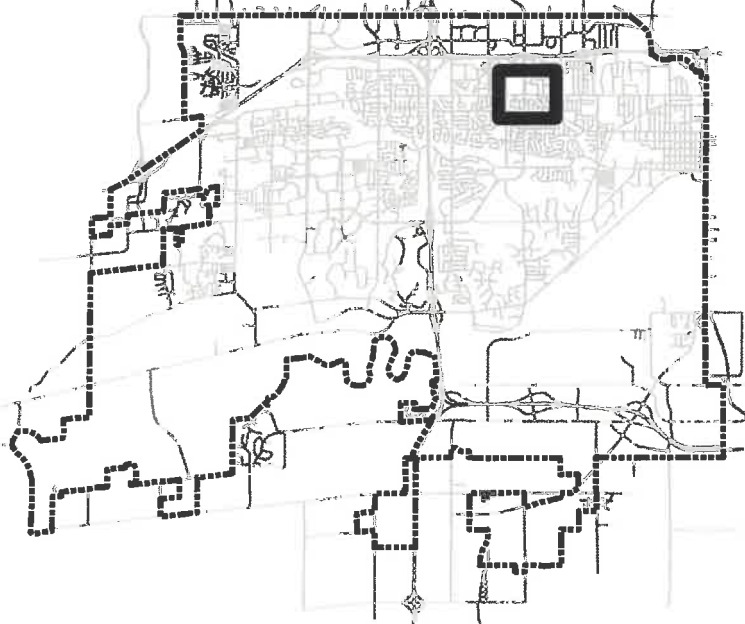
ARV/mdg

	<p>I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.</p>
	<p><u>Andrew R. Venzke</u>      <u>3/25/19</u>          ANDREW R. VENZKE      (date)          License Number 17764          My license renewal date is December 31, 2019</p> <p>Pages or sheets covered by this seal:  <u>This page only.</u></p>

*The above Cost Opinion represents the opinion of Alvine Engineering and Olsson and Associates of construction costs based on documentation developed to the level of detail indicated and should not be considered firm bid costs or a guaranteed maximum price. All costs provided are costs to Prime and do not include Prime Contractor overhead and profit. This statement does include subcontractor overhead and profit and, where applicable, sales tax on materials and performance bond. Design contingency, if noted, is included as determined appropriate for the level of design.*



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT: **Public Safety Station #21 Generator Replacement**

LOCATION: **3421 Ashworth Road**

DRAWN BY: JDR

DATE: 3/18/2019

PROJECT NUMBER/NAME: 0510-015-2018

SHT. 1 of 1

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

**DATE:** April 1, 2019

**ITEM:** Resolution - Order Construction and Notice of Public Hearing on Plans, Specifications, Form of Contract, Estimate of Cost, and Direct Advertisement of Bids – Whisper Point Park Improvements

**FINANCIAL IMPACT:** None at this time. The preliminary estimated cost of the project is \$695,490, with one add alternate estimated at \$37,620. Expenses to be paid from G/L account 500.000.000.5250.490. Funding will be covered out of FY 17-18, 18-19 and 19-20 CIP allocated to Whisper Point Park (Project No. 0525 063-0510 038 2018). There is a total of approximately \$725,000 available for the construction of this project.

**BACKGROUND:** A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, April 24, 2019, and a Public Hearing on the project scheduled for 5:35 p.m. on Monday, May 6, 2019. The contract would be awarded on Monday, May 6, 2019, and work would begin shortly thereafter. This project is scheduled to be completed in the fall of 2019.

This resolution is for the construction of multiple improvements at Whisper Point Park located at 9125 Bridgewood Boulevard. The project includes overall grading of the park site and installation of site utilities, construction of a restroom facility, shelter footings, playground equipment & surfacing, concrete sidewalks & trails, stormwater & water quality improvements, site restoration and other miscellaneous items. One add alternate is being bid which includes the construction of a concrete trail extension and a viewing deck located within an existing stand of large trees. Two small shelters and the parking lot will be constructed as part of parkland dedication requirements for area developments, and are not part of this contract.

**OUTSTANDING ISSUES:** None.

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

**Lead Staff Member:** David Sadler, Superintendent of Parks 

**STAFF REVIEWS**

Department Director	Sally Ortgies, Director of Parks and Recreation 
Appropriations/Finance	Tim Stiles, Finance Director 
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

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

Published In	N/A
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation	Yes	No	Split

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

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

**Whisper Point Park Improvements**

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

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

**BE IT FURTHER RESOLVED,** that the City Clerk is hereby directed to publish notice of hearing on the Plans and Specifications, Form of Contract, Bid Security and Estimate of Costs for said project to be held at 5:35 p.m. on **Monday, May 6, 2019** 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 o'clock p.m. on **Wednesday, May 6, 2019.**

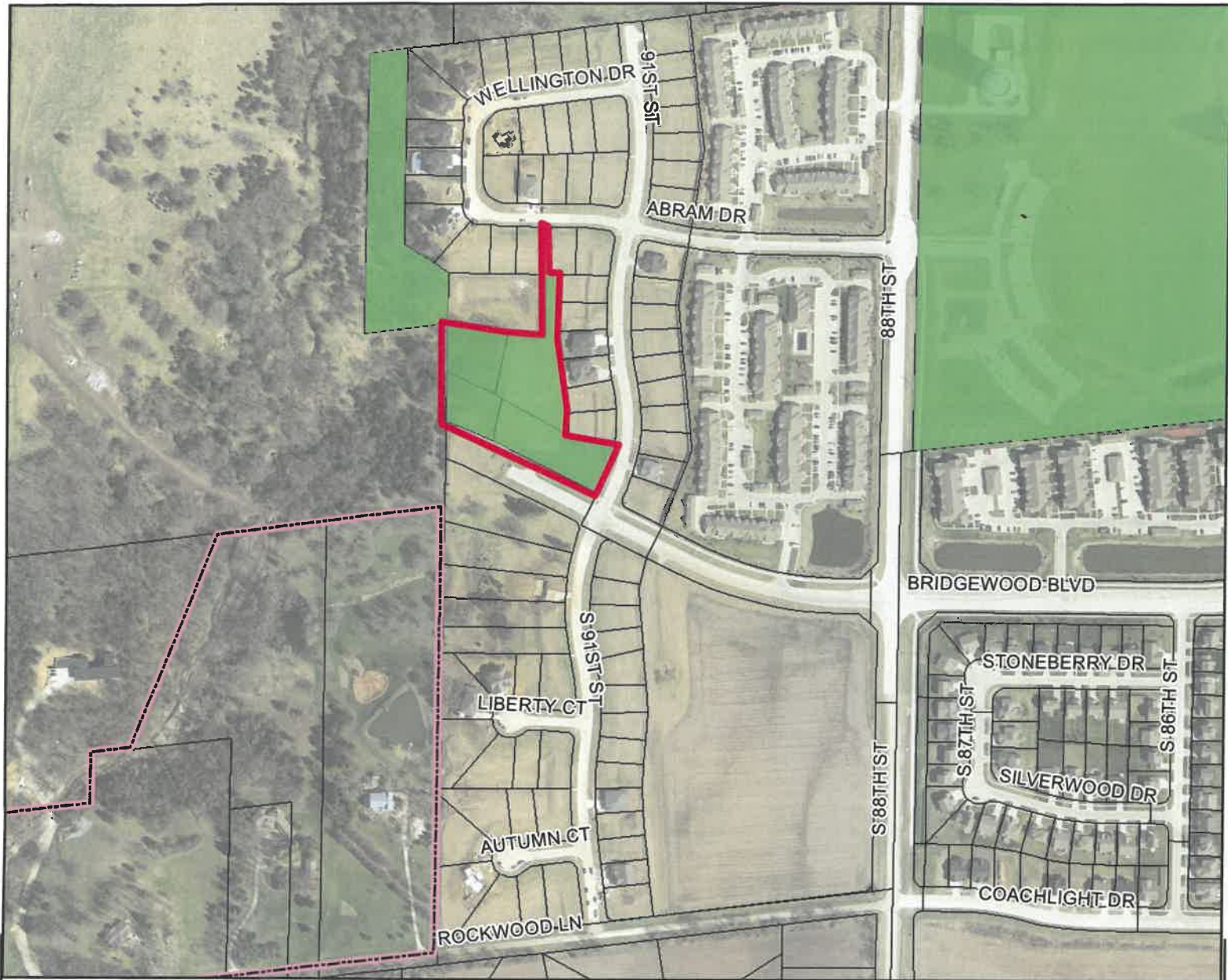
**BE IT FURTHER RESOLVED,** that bids received for construction of said improvements will be opened, publicly read and tabulated by the City Clerk, Deputy City Clerk, or City Clerk designee at 2:00 o'clock p.m. on **Wednesday, April 24, 2019** and the results of said bids shall be considered at a meeting of this Council on **Monday, May 6, 2019** at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

**PASSED AND APPROVED** this 1<sup>st</sup> day of **April, 2019.**

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

ATTEST:

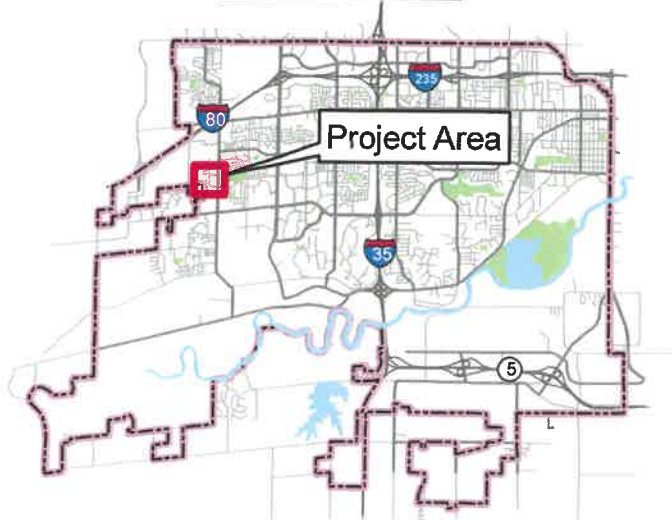
\_\_\_\_\_  
Ryan T. Jacobson, City Clerk



**VICINITY MAP**

**LEGEND**

 Project Location



PROJECT:

**WHISPER POINT PARK**

LOCATION:

**BRIDGEWOOD BLVD & 91ST STREET**

DRAWN BY: **MAA**

DATE: **1/24/2018**

PROJECT NO.: -

SHT. **1 of 1**



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

**ITEM:** Approval to Initiate a Development Agreement between The Iowa Clinic West Lakes I, LLC, The Iowa Clinic, P.C. and the City of West Des Moines      **DATE:** April 1, 2019

**RESOLUTION:** Approval to proceed with the preparation of a Development Agreement

**FINANCIAL IMPACT:** The applicant has proposed a stair-stepped minimum assessment starting at \$45 million and maxing out at \$52 million over the lifetime of the Minimum Assessment Agreement (MAA). The company will need to sign a development agreement with the City, including the MAA to guarantee the valuation for the lifetime of the MAA, and to retain at least 600 (six hundred) full-time employees and create an additional 100 (one hundred) full-time employees upon completion of the project.

**BACKGROUND:** The Iowa Clinic is planning to expand their existing campus at 60th Street and University Avenue. The plans describe a three-story medical office building addition and an attached 4-tier parking deck onto the existing Iowa Clinic building at 5950 University Avenue. The Iowa Clinic has proposed a stair-stepped minimum assessment starting at \$45 million and maxing out at \$52 million over the lifetime of the MAA. The Iowa Clinic is a property tax payer due to the nature of their incorporation.

In addition, to the building construction, the Iowa Clinic, would be retaining 600 (six hundred) positions and adding 100 (one hundred) new positions.

The project site is currently within the Westown V Urban Renewal area; however, due to the timeline of this Agreement, the City will be obligated to create a new urban renewal Plan to facilitate the Development Agreement. This will require an amendment of the Westown V Urban Renewal Plan and the adoption of a new urban renewal plan.

This item was taken to the June 14, 2017 Finance and Administration Council Subcommittee meeting for informational purposes. This item has been in negotiation since that time.

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

**RECOMMENDATION:** Staff is recommending the adoption of a resolution approving initiation of the Development Agreement.

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

**STAFF REVIEWS**

Department Director	Clyde Evans, Community and Economic Development Director <i>CHE</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	<i>JD</i>
Agenda Acceptance	<i>KN</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	June 14, 2017
Recommendation	N/A

**ATTACHMENTS:**

Exhibit I- Resolution

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

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, AUTHORIZING STAFF TO INITIATE THE PREPARATION OF A DEVELOPMENT AGREEMENT FOR ECONOMIC DEVELOPMENT ASSISTANCE CONTRACT BETWEEN THE IOWA CLINIC WEST LAKES I, LLC, THE IOWA CLINIC, P.C., AND THE CITY OF WEST DES MOINES.**

**WHEREAS**, The Iowa Clinic West Lakes I, LLC, proposes to undertake the addition to an existing medical building located at 5950 University Avenue; and

**WHEREAS**, The Iowa Clinic P.C. has committed to retaining at least 600 (six hundred) full-time equivalent jobs and creating at least 100 (one hundred) new full-time equivalent jobs; and

**WHEREAS**, this item was presented to the Finance and Administration City Council Subcommittee at their meeting on June 14, 2017; and

**WHEREAS**, the City is prepared to offer economic development assistance in anticipation of this project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA HAS** directed staff to initiate the preparation of a Development Agreement on behalf of the City with The Iowa Clinic West Lakes I, LLC and The Iowa Clinic, P.C.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of April, 2019.

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

Attest:

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

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

**DATE:** April 1, 2019

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreements and Conveyance of Property Interests for Construction of the Ashworth Road Reconstruction Project (I-80 Bridge to 98<sup>th</sup> Street).

**FINANCIAL IMPACT:** \$17,955.00 (previously budgeted)

**SYNOPSIS:** Property interests necessary for Construction of the Ashworth Road Reconstruction Project (I-80 Bridge to 98<sup>th</sup> 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. 0510-074-2017.


**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 Construction of the Ashworth Road Reconstruction Project (I-80 Bridge to 98<sup>th</sup> Street).

**Lead Staff Member:** Brian J. Hemesath, P.E., 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 CONSTRUCTION OF  
THE ASHWORTH ROAD RECONSTRUCTION PROJECT  
(1-80 BRIDGE TO 98<sup>TH</sup> STREET, PROJECT NO. 0510-074-2017)**

**WHEREAS**, on August 20, 2018, the City Council of the City of West Des Moines, Iowa established the fair market value and authorized the acquisition of property and easement(s), including any leasehold interests, necessary for construction of the Ashworth Road Reconstruction Project (I-80 Bridge to 98<sup>th</sup> Street, Project No. 0510-074-2017); 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 obtained property interests through 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 1<sup>st</sup> day of April, 2019.**

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

ATTEST:

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

**Exhibit "A"**

**PROJECT ASHWORTH ROAD RECONSTRUCTION  
(I-80 BRIDGE TO 98<sup>th</sup> STREET, PROJECT NO. 0510-074-2017)**

<b>PARCEL</b>	<b>PROPERTY OWNER</b>	<b>ACQUIRED PRICE-FMV</b>	
"07-F" "07-T"	Chase Trust Parcel ID 1603400024	\$2,908.00	<b>*includes additional \$608 administrative settlement in lieu of condemnation</b>
"15-F" "15-T-01" "15-T-02"	Chase Trust Parcel ID 1610200001	\$15,047.00	<b>*includes additional \$3,147 administrative settlement in lieu of condemnation</b>
	<b>TOTAL</b>	<b>\$17,955.00</b>	

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

**DATE: April 1, 2019**

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement(s) and Conveyance of Property Interests for Construction of the Booneville Road Reconstruction Project – South 88<sup>th</sup> Street to West of South 100<sup>th</sup> Street.

**FINANCIAL IMPACT:** \$2,742.60 (previously budgeted)

**SYNOPSIS:** Property interests necessary for Construction of the Booneville Road Reconstruction Project – South 88<sup>th</sup> Street to West of South 100<sup>th</sup> Street have been acquired through negotiated purchase agreement(s) at the appraised fair market value established by compensation estimate(s) prepared by JCG Land Services, Inc. from the owner(s) shown on **Exhibit “A”**, with additional comments and/or additional costs not reflected in the compensation estimate(s) shown in bold, if any. The attached resolution approves the purchase agreement(s) and, for policy and title purposes, formally accepts the property interests and authorizes the filing of all relevant document(s). Costs associated with acquisition of the property interests will be paid from Account No. 500.000.000.5550.730, Project No. 0510-006-2017.

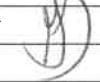
**OUTSTANDING ISSUES** (if any): None.

**RECOMMENDATION:**

Adopt a Resolution approving and accepting Purchase Agreement(s) and Conveyance of Property Interests to the City of West Des Moines for Construction of the Booneville Road Reconstruction Project – South 88<sup>th</sup> Street to West of South 100<sup>th</sup> Street.

**Lead Staff Member:** Brian J. Hemesath, P.E., 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 AGREEMENT(S) AND  
CONVEYANCE OF PROPERTY INTERESTS FOR CONSTRUCTION OF  
THE BOONEVILLE ROAD RECONSTRUCTION PROJECT – SOUTH 88<sup>TH</sup> STREET TO WEST OF  
SOUTH 100<sup>TH</sup> STREET, PROJECT NO. 0510-006-2017**

**WHEREAS**, on December 26, 2018, the City Council of the City of West Des Moines, Iowa established the fair market value and authorized the acquisition of property and easement(s), including any leasehold interests, necessary for construction of the Booneville Road Reconstruction Project – South 88<sup>th</sup> Street to West of South 100<sup>th</sup> Street (Project No. 0510-006-2017); 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 agreement(s) for the acquisition of property interests necessary for the Project; and

**WHEREAS**, the names of the property owner(s) and the fair market value, established by compensation estimate(s) prepared by JCG Land Services, Inc., of the property to be acquired through purchase agreement(s) are attached hereto as **Exhibit “A”** and made a part of this resolution; and

**WHEREAS**, document(s) 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 document(s).

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

1. The document(s) described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council’s approval and acceptance.
3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreement(s) to acquire the property interests.
4. The document(s) shall be filed with the county recorder as appropriate.
5. The Director of Finance is authorized to make payment to the property owner(s) shown on the attached **Exhibit “A”** pursuant to the terms and conditions of the Purchase Agreements.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of April, 2019.

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

ATTEST:

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



**Exhibit "A"**

**BOONEVILLE ROAD RECONSTRUCTION  
SOUTH 88<sup>TH</sup> STREET TO WEST OF SOUTH 100<sup>TH</sup> STREET  
PROJECT NO. 0510-006-2017**

<b>PARCEL</b>	<b>PROPERTY OWNER</b>	<b>ACQUIRED PRICE-FMV</b>	
1	Westwoods, LLC Parcel ID No. 1621200005	\$1,180.00	
7	King's Landing Homeowners Assoc Parcel ID No. 1622302007	\$0.00	<b>*donation</b>
20	Franson, Cody & Abbi Jtrs 9296 Sugar Creek Circle	\$760.00	
21	Farrell, John R. & Amanda R. 9284 Sugar Creek Circle	\$802.60	
36, 37	Community Business Lenders Service Company LLC Parcel ID Nos. 1622127013 1622279001	\$0.00	<b>*donation</b>
	<b>TOTAL</b>	<b>\$2,742.60</b>	

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

**DATE: April 1, 2019**

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement(s) and Conveyance of Property Interests for the Project Osmium Public Infrastructure (SW 60<sup>th</sup> Street - Veterans Parkway South)

**FINANCIAL IMPACT:** \$200.00 (previously budgeted).

**SYNOPSIS:** Property interests necessary for the Project Osmium Public Infrastructure (SW 60<sup>th</sup> Street - Veterans Parkway South) have been acquired through negotiated purchase agreement(s) at the appraised fair market value established by compensation estimate(s) prepared by JCG Land Services, Inc. from the owner(s) shown on **Exhibit "A"** with attached additional comment(s) and/or additional cost(s) not reflected in the compensation estimate(s) shown in bold, if any. The attached resolution, for policy and title purposes, formally accepts the property interests and authorizes the filing of all relevant document(s). Costs associated with acquisition of the property interests will be paid from Account No. 500.000.000.5550.730, Project No. 0510 013 2017.

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

**RECOMMENDATION:**

Adopt a Resolution approving and accepting Purchase Agreement(s) and Conveyance of Property Interests for the Project Osmium Public Infrastructure (SW 60<sup>th</sup> Street - Veterans Parkway South).

**Lead Staff Member:** Brian J. Hemesath, P.E., 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 AGREEMENT(S) AND  
CONVEYANCE OF PROPERTY INTERESTS FOR CONSTRUCTION OF THE  
PROJECT OSMIUM PUBLIC INFRASTRUCTURE  
(SW 60<sup>TH</sup> STREET – VETERANS PARKWAY SOUTH, PROJECT NO. 0510-013-2017)**

**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 easement(s), including any leasehold interests, necessary for the construction of the Project Osmium Public Infrastructure (SW 60<sup>th</sup> Street – Veterans Parkway South, Project No. 0510-013-2017); 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 agreement(s) for the acquisition of property interests necessary for the Project; and

**WHEREAS**, the names of the property owner(s) and the fair market value, established by compensation estimate(s) prepared by JCG Land Services, Inc., of the property to be acquired through purchase agreement(s) are attached hereto as **Exhibit “A”** and made a part of this resolution; and

**WHEREAS**, document(s) 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 document(s).

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

1. The document(s) described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council’s approval and acceptance.
3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreement(s) to acquire the property interest.
4. The document(s) shall be filed with the county recorder as appropriate.
5. The Director of Finance is authorized to make payment to the property owner(s) shown on the attached **Exhibit “A”** pursuant to the terms and conditions of the Purchase Agreement(s).

**PASSED AND ADOPTED** this 1<sup>st</sup> day of April, 2019.

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

ATTEST:

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

**Exhibit "A"**

**PROJECT OSMIUM PUBLIC INFRASTRUCTURE  
(SW 60TH STREET – VETERANS PARKWAY SOUTH, PROJECT NO. 0510-013-2017)**

<u>PARCEL #</u>	<u>PROPERTY OWNER</u>	<u>ACQUIRED PRICE- FMV</u>
4	Joseph G. Van Ginkel, III Revocable Trust A part of Parcel A in the NW¼ of Section 12, Township 77 North, Range 26 West of the 5 <sup>th</sup> P.M., Madison County, IA	\$200.00
	<b>TOTAL</b>	<b>\$ 200.00</b>

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

**DATE:** April 1, 2019

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement(s) and Conveyance of Property Interests for Construction of the South 33<sup>rd</sup> & Fuller Road Retaining Wall Improvements Project.

**FINANCIAL IMPACT:** \$2,145.00 (previously budgeted)

**SYNOPSIS:** Property interests necessary for Construction of the South 33<sup>rd</sup> & Fuller Road Retaining Wall Improvements Project have been acquired through negotiated purchase agreement(s) at the appraised fair market value established by compensation estimate(s) prepared by JCG Land Services, Inc. from the owner(s) shown on **Exhibit "A"**, with additional comments and/or additional costs not reflected in the compensation estimate(s) shown in bold, if any. The attached resolution approves the purchase agreement(s) and, for policy and title purposes, formally accepts the property interests and authorizes the filing of all relevant document(s). Costs associated with acquisition of the property interests will be paid from Account No. 500.000.000.5550.730, Project No. 0510-037-2017.





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

**RECOMMENDATION:**

Adopt a Resolution approving and accepting Purchase Agreement(s) and Conveyance of Property Interests to the City of West Des Moines for Construction of the South 33<sup>rd</sup> & Fuller Road Retaining Wall Improvements Project.

**Lead Staff Member:** Brian J. Hemesath, P.E., 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 AGREEMENT(S) AND  
CONVEYANCE OF PROPERTY INTERESTS FOR CONSTRUCTION OF  
THE SOUTH 33<sup>RD</sup> STREET & FULLER ROAD RETAINING WALL IMPROVEMENTS  
PROJECT NO. 0510-037-2017**

**WHEREAS**, on January 21, 2019, the City Council of the City of West Des Moines, Iowa established the fair market value and authorized the acquisition of property and easement(s), including any leasehold interests, necessary for construction of the South 33<sup>rd</sup> Street & Fuller Road Retaining Wall Improvements, Project 0510-037-2017); 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 agreement(s) for the acquisition of property interests necessary for the Project; and

**WHEREAS**, the names of the property owner(s) and the fair market value, established by compensation estimate(s) prepared by JCG Land Services, Inc., of the property to be acquired through purchase agreement(s) are attached hereto as **Exhibit "A"** and made a part of this resolution; and

**WHEREAS**, document(s) 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 document(s).

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

1. The document(s) described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council's approval and acceptance.
3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreement(s) to acquire the property interests.
4. The document(s) shall be filed with the county recorder as appropriate.
5. The Director of Finance is authorized to make payment to the property owner(s) shown on the attached **Exhibit "A"** pursuant to the terms and conditions of the Purchase Agreements.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of April, 2019.

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

ATTEST:

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

**Exhibit "A"**  
**SOUTH 33<sup>RD</sup> STREET & FULLER RETAINING WALL IMPROVEMENTS**  
**PROJECT NO. 0510-037-2017**

<b>PARCEL</b>	<b>PROPERTY OWNER</b>	<b>ACQUIRED PRICE-FMV</b>
2	Thomas and Rebecca Cunningham 694 S. 34 <sup>th</sup> Court West Des Moines, IA 50265	\$1,715.00
4	Jeffrey S. McKinney Revocable Trust and Ami T. Hokomoto-McKinney Revocable Trust 2801 Fuller Road West Des Moines, IA 50265	\$430.00
	<b>TOTAL</b>	<b>\$2,145.00</b>

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

**DATE:** April 1, 2019

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement(s) and Conveyance of Property Interests for Construction of the South 88<sup>th</sup> Street & Mills Civic Parkway Reconstruction Project.

**FINANCIAL IMPACT:** \$1,550.00 (previously budgeted)

**SYNOPSIS:** Property interests necessary for Construction of the South 88<sup>th</sup> Street & Mills Civic Parkway Reconstruction Project have been acquired through negotiated purchase agreement(s) at the appraised fair market value established by compensation estimate(s) prepared by JCG Land Services, Inc. from the owner(s) shown on **Exhibit "A"**, with additional comments and/or additional costs not reflected in the compensation estimate(s) shown in bold, if any. The attached resolution approves the purchase agreement(s) and, for policy and title purposes, formally accepts the property interests and authorizes the filing of all relevant document(s). Costs associated with acquisition of the property interests will be paid from Account No. 500.000.000.5550.730, Project No. 0510-048-2018.

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

**RECOMMENDATION:**

Adopt Resolution Approving and Accepting Purchase Agreement(s) and Conveyance of Property Interests to the City of West Des Moines for Construction of the South 88<sup>th</sup> Street & Mills Civic Parkway Reconstruction Project.

**Lead Staff Member:** Brian J. Hemesath, P.E., 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 AGREEMENT(S) AND  
CONVEYANCE OF PROPERTY INTERESTS FOR CONSTRUCTION OF  
SOUTH 88<sup>TH</sup> STREET & MILLS CIVIC PARKWAY RECONSTRUCTION  
PROJECT NO. 0510-048-2018**

**WHEREAS**, on December 26, 2018, the City Council of the City of West Des Moines, Iowa established the fair market value and authorized the acquisition of property and easement(s), including any leasehold interests, necessary for construction of South 88<sup>th</sup> Street & Mills Civic Parkway Reconstruction Project, Project No. 0510-048-2018); 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 agreement(s) for the acquisition of property interests necessary for the Project; and

**WHEREAS**, the names of the property owner(s) and the fair market value, established by compensation estimate(s) prepared by JCG Land Services, Inc., of the property to be acquired through purchase agreement(s) are attached hereto as **Exhibit "A"** and made a part of this resolution; and

**WHEREAS**, document(s) 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 document(s).

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

1. The document(s) described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council's approval and acceptance.
3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreement(s) to acquire the property interests.
4. The document(s) shall be filed with the county recorder as appropriate.
5. The Director of Finance is authorized to make payment to the property owner(s) shown on the attached **Exhibit "A"** pursuant to the terms and conditions of the Purchase Agreement(s).

**PASSED AND ADOPTED** this 1<sup>st</sup> day of April, 2019.

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

ATTEST:

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

**Exhibit "A"**

**SOUTH 88<sup>TH</sup> STREET & MILLS CIVIC PARKWAY RECONSTRUCTION PROJECT  
PROJECT NO. 0510-048-2018**

<b>PARCEL</b>	<b>PROPERTY OWNER</b>	<b>ACQUIRED PRICE-FMV</b>	
23A	J. Larson Homes, LLC Portion of Lot 40, Cedar Ridge Plat 2	\$0.00	<b>*donation</b>
23C	Chayse Holdings, LLC Part of Lots 19 – 23, Cedar Ridge Plat 2	\$0.00	<b>*donation</b>
24	Dennis Jay Bierbaum 33815 335th Street Waukee, IA 50263	\$1,550.00	
	<b>TOTAL</b>	<b>\$1,550.00</b>	

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

**DATE:** April 1, 2019

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement(s) and Conveyance of Property Interests for the Construction of the Cedar Ridge Sewer Extension Project.

**FINANCIAL IMPACT:** \$32,870.00 (previously budgeted)

**SYNOPSIS:** Property interests necessary for Construction of the Cedar Ridge Sewer Extension Project have been acquired through negotiated purchase agreement(s) at the appraised fair market value established by compensation estimate(s) and appraisal(s) prepared by JCG Land Services, Inc. and Commercial Appraisers of Iowa from the owner(s) shown on **Exhibit "A"**, with additional comment(s) and/or additional costs not reflected in the compensation estimate(s) and appraisal(s) shown in bold, if any. The attached resolution for policy and title purposes, formally accepts the interests and authorizes the filing of all relevant document(s). Costs associated with acquisition of the property interests will be paid from Account No. 640.000.000.5550.730, Project No. 0510-054-2018.

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

**RECOMMENDATION:**

Adopt a Resolution approving and accepting Purchase Agreement(s) and Conveyance of Property Interests to the City of West Des Moines for Construction of Cedar Ridge Sewer Extension Project.

**Lead Staff Member:** Brian J. Hemesath, P.E., 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 AGREEMENT(S) AND  
CONVEYANCE OF PROPERTY INTERESTS FOR CEDAR RIDGE SEWER EXTENSION PROJECT,  
PROJECT NO. 0510-054-2018**

**WHEREAS**, on December 26, 2018, the City Council of the City of West Des Moines, Iowa established the fair market value and authorized the acquisition of property and easement(s), including any leasehold interests, necessary for Cedar Ridge Sewer Extension Project, Project No. 0510-054-2018; 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 agreement(s) for the acquisition of property interests necessary for the Project; and

**WHEREAS**, the name(s) of the property owner(s) and the fair market value, established by compensation estimate(s) and appraisal(s) prepared by JCG Land Services, Inc., of the property to be acquired through purchase agreement(s) are attached hereto as **Exhibit "A"** and made a part of this resolution; and

**WHEREAS**, document(s) 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 document(s).

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

1. The document(s) described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council's approval and acceptance.
3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreement(s) to acquire the property interests.
4. The document(s) shall be filed with the county recorder as appropriate.
5. The Director of Finance is authorized to make payment to the property owner(s) shown on the attached **Exhibit "A"** pursuant to the terms and conditions of the Purchase Agreement(s).

**PASSED AND ADOPTED** this 1<sup>st</sup> day of **April, 2019**.

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

ATTEST:

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

**Exhibit "A"**

**CEDAR RIDGE SEWER EXTENSION PROJECT,  
PROJECT NO. 0510-054-2018**

<b>PARCEL</b>	<b>PROPERTY OWNER</b>	<b>ACQUIRED PRICE-FMV</b>	
2	William and Elaine Rice Hickory Knolls Place Replat Lot 5 Dallas County, IA	\$23,400.00	<b>*includes additional \$2,500 in landscaping</b>
5	Bruce Cockram 9189 Mills Civic Parkway West Des Moines, IA 50325	\$8,790.00	
6	Todd and Cindy Herren 9141 Mills Civic Parkway West Des Moines, IA	\$680.00	
7 – 10	Chayse Holdings LLC Parcel IDs 1615251008, 1615251007, 1615277001, 1615277002	\$0.00	<b>*donation</b>
	<b>TOTAL</b>	<b>\$32,870.00</b>	

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

**DATE: April 1, 2019**

**ITEM:** Resolution - Approval of Settlement

**FINANCIAL IMPACT:** \$10,000.00

**SYNOPSIS:** On November 28, 2016, the City Council ordered construction of the Grand Avenue West Segment 6F Sewer Extension Project, Project No. 0510-074-2015 ("Project"). Steven Morrell, a tenant farmer on land adjacent to the Project, filed suit against the City and other defendants, in Dallas County Case No. LACV040863, alleging crop damage from the Project. Costs associated with this settlement will be paid from Account No. 150.000.000.5230.547.

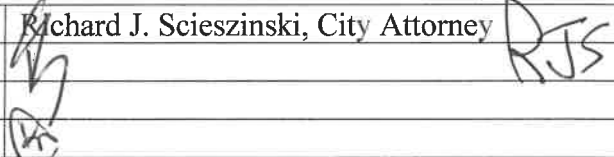
The Plaintiff is agreeable to a \$15,000.00 settlement payment for damages. This claim is covered by insurance and the City will be responsible for its deductible of \$10,000.00.

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

**RECOMMENDATION:** Adopt Resolution Approving the Settlement.

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

**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	None		
Date Reviewed			
Recommendation			

**RESOLUTION APPROVING SETTLEMENT**

**WHEREAS**, on November 28, 2016, the City Council ordered construction of the Grand Avenue West Segment 6F Sewer Extension Project, Project No. 0510-074-2015 (“Project”); and

**WHEREAS**, Steven Morrell, a tenant farmer on a field adjacent to the Project, filed a lawsuit the Iowa District Court for Dallas County entitled *Steven Morrell v. Westport Development, LLC, Huber Grading and Land Development, Inc., Valley Plumbing Co., Inc., d/b/a Rhiner’s Plumbing, Heating and Cooling, and City of West Des Moines, Iowa*, Case No. LACV040863, and alleged the City was responsible for damages to his crop; and

**WHEREAS**, the parties have reached a proposed settlement and seek to memorialize the terms of the settlement; and

**WHEREAS**, approval of a \$15,000.00 settlement is in the best interest of the City of West Des Moines.

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

1. The City Council hereby approves a \$15,000.00 settlement in the case of *Steven Morrell v. Westport Development, LLC, Huber Grading and Land Development, Inc., Valley Plumbing Co., Inc., d/b/a Rhiner’s Plumbing, Heating and Cooling, and City of West Des Moines, Iowa*, Case No. LACV040863.
2. The City’s Finance Department is authorized to make appropriate payment to ICAP for the City’s deductible.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of April, 2019.

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

ATTEST:

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

March 26, 2019

City of West Des Moines  
C/O: Tim Stiles, Finance Director  
Via e-mail

RE: Claim No: ICP048873A1  
Member: City of West Des Moines  
Claimant: Steven Morrell  
Date of Loss: 05/01/17

We have now completed the settlement of the above captioned claim for a total of \$15,000. Your certificate of coverage provides for a \$10,000 deductible, making you responsible for the first \$10,000 of each claim.

At this time we are requesting that you please forward a check in the amount of \$10,000 made payable to Iowa Communities Assurance Pool to 5701 Greendale Road, Johnston, IA 50131.

If you have any questions, please contact the undersigned at [jbaum@icapiowa.com](mailto:jbaum@icapiowa.com) or at (515) 419-9885.

Sincerely,

John Baum  
Litigation Claims Manager  
Iowa Communities Assurance Pool



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

**DATE: April 1, 2019**

**ITEM:** Resolution - Approval of Settlement Agreement

**FINANCIAL IMPACT:** Settlement Amount \$14,545.00;  
Costs to be paid from Account No. 640.000.000.5550.730,  
Project No. 0510 055 2015 (Case number CVCV040892).

**SYNOPSIS:** On November 29, 2017, the City acquired property interests for the Maple Grove Lift Station Project for \$55,000 from the William B. Chase Trust through eminent domain. In December, 2017 the property owners filed an appeal of the condemnation award in Dallas County District Court, presenting an appraisal of \$111,000 for the property.





The parties have reached a proposed settlement in which the subject property and two additional properties, not part of this claim but also owned by the Chase Trust and necessary for the project will be acquired. The attached Settlement Agreement sets forth the terms of the settlement and requires the property owner to dismiss the appeal with prejudice.

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

**RECOMMENDATION:** Adopt Resolution Approving the Settlement Agreement.

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

**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	None		
Date Reviewed			
Recommendation			

**RESOLUTION APPROVING SETTLEMENT WITH TRUSTEE OF THE WILLIAM B. CHASE TRUST U/A APRIL 21, 2006**

**WHEREAS**, on December 11, 2017, the City Council approved payment of the condemnation award to Trustee of the William B. Chase Trust U/A April 21, 2006 for property interests necessary for the Maple Grove Lift Station Project, Project No. 0510-055-2015; and

**WHEREAS**, the Trustee of the William B. Chase Trust U/A April 21, 2006 filed an appeal of the condemnation award in the Iowa District Court for Dallas County entitled *William B. Chase, Trustee of the William B. Chase Trust U/A dated April 21, 2006; and Carolyn H. Chase v. City of West Des Moines, Iowa and Dallas County, Iowa*. Case No. CVCV040892; and

**WHEREAS**, the parties have reached a proposed settlement of the appeal and seek to memorialize the terms of the settlement; and

**WHEREAS**, approval of the Settlement Agreement is in the best interest of the City of West Des Moines.

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

1. The attached negotiated Settlement Agreement in *William B. Chase, Trustee of the William B. Chase Trust U/A dated April 21, 2006; and Carolyn H. Chase v. City of West Des Moines, Iowa and Dallas County, Iowa* Case No. CVCV040892 is approved.
2. The Mayor is authorized to sign the Settlement Agreement on behalf of the City and the City Clerk is directed to attest to the Mayor's signature.
3. The City's Finance Department is authorized to make appropriate payment as provided by the terms of the Settlement Agreement.

**PASSED AND ADOPTED** this 1<sup>st</sup> day of April, 2019.

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

ATTEST:

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

## SETTLEMENT AGREEMENT AND MUTUAL RELEASE

**THIS SETTLEMENT AGREEMENT AND MUTUAL RELEASE** (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between Trustee of the William B. Chase Trust U/A dated April 21, 2006 (“Chase Trust”), Carolyn H. Chase (“Chase”) and the City of West Des Moines, Iowa, an Iowa municipal corporation (“City”).

**WHEREAS**, On November 29, 2017 the City condemned certain real property owned by Chase Trust through its powers of eminent domain, in connection with the City’s Maple Grove Lift Station Project, City Project Number 0510-055-2015. On November 29, 2017, the Dallas County Compensation Commission (“Commission”) awarded \$55,000.00 to Chase Trust for the condemnation of its property. On December 21, 2017, Chase Trust and Chase filed an appeal of the amount awarded by the Commission in Dallas County District Court. The case is captioned, *William B. Chase, Trustee of the William B. Chase Trust U/A dated April 21, 2006; and Carolyn H. Chase v. City of West Des Moines, Iowa and Dallas County, Iowa* (Dallas County Case No. CVCV040892) (“Appeal”).

**WHEREAS**, the Parties desire to compromise, settle and fully resolve the claims and controversies among them and in connection with the above referenced Lawsuit.

### **Terms and Conditions of Agreement**

**NOW, THEREFORE**, in consideration of the premises set forth in the Agreement and other good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Consideration**. In consideration of a total payment in the amount of sixty-nine thousand, five hundred forty-five dollars (\$69,545.00), made payable by the City to Chase Trust, the Parties do hereby

release, acquit and forever discharge each other, together with their successors, agents, heirs, and assigns, from any and all liability arising out of this Appeal. Chase Trust has already received payment in the amount of \$55,000.00 from the award entered by the Dallas County Compensation Commission. City shall issue an additional payment to Chase Trust in the amount of fourteen thousand, five-hundred forty-five dollars (\$14,545.00). Said payment made payable by City to Chase Trust and shall be delivered to the offices of Lillis, O'Malley, Olson, Manning, Pose, Templeman LLP within ten (10) days of execution of this Agreement by City.

2. **Dismissal of Lawsuit.** The Parties acknowledge this Agreement is being given in contemplation of and in association with the settlement and dismissal of the Appeal brought by Chase Trust and Chase against the City. Upon receipt of the consideration described in paragraph 1 of this Agreement, Chase Trust and Chase shall immediately file a Dismissal with Prejudice of their Appeal in the District Court for Dallas County, Iowa.

3. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the Parties hereto and to their respective legal representatives, successors, and assigns.

4. **Governing Law and Forum.** The laws of the State of Iowa shall govern the validity, construction, interpretation and effect of this Agreement, regardless of any applicable law regarding the conflicts of law or the interpretation of contracts. The Parties agree and consent to the exclusive jurisdiction of the Iowa District Court of Dallas County for the resolution of claims arising from or related to this Agreement.

5. **Entire Agreement.** This Agreement contains the entire agreement between the Parties with respect to its subject matter. All discussions and agreements previously entered into between the Parties

concerning the subject matter of this Agreement are merged into this Agreement. Except as otherwise expressly provided herein, the Parties may amend this Agreement, in writing signed by the Parties.

6. **Condemnation.** The parties have executed this Agreement with the understanding that there are no further proceedings of condemnation to be initiated by the City against Chase Trust as it relates to the City's Maple Grove Lift Station Project.

7. **Terms.** The terms of this Agreement are fully understood and voluntarily accepted by Chase Trust and Chase and the City for the purpose of making full and final settlement of any claims of any nature, disputed or otherwise, on account of any damages existing or potentially existing arising from the taking of the Chase Trust property for the City's Maple Grove Lift Station Project, including any claim for relocation benefits under the Federal Uniform Relocation Act and under Chapter 316 of the Code of Iowa.

Provided that all of the terms and conditions of this Agreement have been complied with by City, then Chase Trust and Chase hereby waive and relinquish all rights as provided in the Code of Iowa as to the Property, subject to the terms of this Agreement, with the exception of those damages not apparent at the time of this Agreement, pursuant to Iowa Code Section 6B.52.

8. **Continued Validity.** Should any part or provision of this Agreement be determined to be invalid for any reason, the Parties understand and agree that the remaining portions shall continue to be in full force and effect.

9. **Reliance on Own Judgment; Competency.** The Parties acknowledge and represent that they are relying on their own judgment, belief and knowledge, as well as on the advice of their attorneys in

entering into this Agreement. The Parties further warrant that they are of legal age, legally competent to execute this Agreement, and accept full responsibility for the signing of this Agreement.

**IN WITNESS WHEREOF**, the undersigned have caused this Agreement to be executed as of the date indicated below.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

**TRUSTEE OF THE WILLIAM B. CHASE  
TRUST U/A DATED APRIL 21, 2006 AND  
CAROLYN H. CHASE**

\_\_\_\_\_  
**William B. Chase as Trustee**

\_\_\_\_\_  
**Carolyn H. Chase**

STATE OF IOWA            )  
  ) ss  
COUNTY OF \_\_\_\_\_)

This record was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019 by William B. Chase, as Trustee of William B. Chase Trust U/A Dated April 21, 2006 on behalf of whom the record was executed.

\_\_\_\_\_  
Notary Public in and for said State

STATE OF IOWA            )  
  ) ss  
COUNTY OF \_\_\_\_\_)

This record was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019 by Carolyn H. Chase.

\_\_\_\_\_  
Notary Public in and for said State

CITY OF WEST DES MOINES, IOWA,  
an Iowa municipal corporation

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

ATTEST:

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

STATE OF IOWA    )  
                          ) ss:  
COUNTY OF POLK )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me a Notary Public in and for said County, personally appeared Steven K. Gaer and Ryan T. Jacobson, 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 Municipal Corporation, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing record is the seal of said Municipal Corporation, and that said record was signed and sealed on behalf of said Municipal Corporation by authority and resolution of its City Council as contained in the Resolution adopted under Roll Call No. 19-\_\_\_\_\_, and said Mayor and City Clerk acknowledged said record to be the free act and deed of said Municipal Corporation by it voluntarily executed.

\_\_\_\_\_  
Notary, State of Iowa

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

**Date: April 1, 2019**

**ITEM:** Amendment to City Code, Title 9 (Zoning), Chapter 1 (Entitlements – Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations), Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) to update regulations pertaining to building setback and separation requirements and bulk density regulations – City Initiated (AO-003581-2017)  
**Continued from the February 4<sup>th</sup>, 2019 and March 4, 2019 meetings**

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The City of West Des Moines requests an amendment to the following in Title 9 (Zoning) to update regulations pertaining to building setback and separation requirements and bulk density regulations for commercial and residential development within the City. (See Exhibit II – Proposed Ordinance):

- Chapter 1 *Entitlements – Process and Procedures*
  - Section 9 *Filing and Processing of Application Requests*, Subsection A4
- Chapter 2 *Zoning Rules and Definitions*
  - Section 2 *Definitions*
- Chapter 4 *Zoning Districts and Maps*
  - Section 3 *Definition of Districts*, Subsection A9 and A10
- Chapter 5 *Agricultural/Open Space and Residential Zoning District*
  - Section 4 *Specific Use Regulations*
  - Section 6 *Suffixes to Zoning Districts*, Subsection B
  - Section 7 *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsection C
- Chapter 7 *Setback and Bulk Density Regulations*
  - Section 4 *Setback and Bulk Density Regulations*
  - Section 5 *Miscellaneous Regulations*
- Chapter 10 *Performance Standards*
  - Section 4 *Specific Use Regulations*, Subsection A
- Chapter 19 *Landscaping*
  - Section 4 *Applicability*, Subsection A2
  - Section 8 *Landscape Provisions*, Subsection E2

**Previous Council Actions:**

Vote: 4-0 for approval, Council member Mickelson absent

Date: March 4, 2019

Motion: Continue item to the April 1, 2019, City Council meeting

During the review of the item at the March 4, 2019 meeting, the staff provided a presentation to the Council on several aspects of the amendment related to the allowance of footprint (postage stamp) lots in single family zoning and on the updated language for performance standards on exterior building design for multi-family developments. After discussion, the Council recommended continuing this item to the April 1<sup>st</sup> Council meeting to allow time for staff to share it with developers so they can review it and provide feedback on the architecture amendment aspect.

Staff has reached out to the Greater Des Moines Homebuilders Association and has arranged for a presentation to the Developer's Council at their April meeting to review the proposed updates to the performance standards on exterior design and materials. To allow time to meet with the Developer's Council, Staff is recommending that the proposed changes to the performance standards on exterior design and materials (Chapter 10, Section 4, Subsections



E and F) be removed from this ordinance for consideration at a later date. These subsections have been removed from the proposed ordinance (Exhibit II).

Staff was also able to review the proposed changes to bulk regulations and the footprint lots in single family zoning with several of the civil engineering firms that do work within the City. All were supportive of the changes proposed indicating that they believe it will provide more options for developers.

Plan and Zoning Commission Actions:

Vote: 6-0 approval, Commissioner Hatfield absent

Date: January 28, 2019

Motion: Defer item to the February 25, 2019, Plan & Zoning Commission meeting

During the review of the item at the January 28, 2019 meeting, the Commission had several questions on the amendment related to the allowance of footprint (postage stamp) lots in single family zoning and on the updated language for performance standards on exterior building design for multi-family developments. To aid in their consideration of the amendment, the Commission recommended continuing discussion on this item to the February 25<sup>th</sup> Commission meeting to allow staff time to compile additional information on how footprint lots may affect neighborhood continuity in infill applications and a comparison of the proposed architectural standards to other metro area communities. Staff will provide a short presentation of their research during the City Council discussion on this item.

Vote: 6-0 Approval, Commissioner Drake absent

Date: February 25, 2019

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

To address the concerns of neighborhood continuity, staff recommended the proposed ordinance include additional language in the Building Form Regulations section of Chapter 5 (Agricultural/Open Space and Residential Zoning District). The Commission agreed with staff's recommendation, and that language is now incorporated in the ordinance.

The Commission recognized the need for having some standards for design and hard materials as a starting point, but also recognized that a building with a high percentage of brick or stone doesn't automatically mean a good design or attractive building. Therefore, in their recommendation for approval, the Commission requested the addition of language in the architecture section of Chapter 10 (Performance Standards) enabling the City Council to waive a portion of the required cladding area for masonry in order to maintain flexibility in meeting the overall intent of achieving good design.

**OUTSTANDING ISSUES:** There are no outstanding issues. Please see Exhibit III – Proposed Ordinance Commentary, for detailed information on the changes.

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

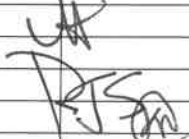
- Applicant's Request
- Previous Plan and Zoning Commission Action
- City Council Subcommittee – *February 25, 2016, August 8, 2016, October 3, 2016 and December 10, 2018*
- Staff Review and Comment
  - *Purpose and summary of the update*
- Noticing Information
- Staff Recommendation and Conditions of 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 1 (Entitlements – Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations), Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) to update regulations pertaining to building setback and separation requirements and bulk density regulations.

Lead Staff Member: Linda Schemmel, AIA 

[https://wdmiowa.sharepoint.com/sites/ds/CommDev Documents/\\_\\_\\_Development Projects/\\_ Ordinance Amendments/Building Separation Bulk Regulations/Building Separation/AO-003581-2017\\_SR\\_Building Separation\\_CC 1st\\_04-01-2019.doc](https://wdmiowa.sharepoint.com/sites/ds/CommDev Documents/___Development Projects/_ Ordinance Amendments/Building Separation Bulk Regulations/Building Separation/AO-003581-2017_SR_Building Separation_CC 1st_04-01-2019.doc)

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Date(s) Published	January 18, 2019
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	February 25, 2016, August 8, 2016, October 3, 2016 and December 10, 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 B – Proposed Ordinance Commentary (*moved to Exhibit III*)
- Exhibit C – Draft Additional Ordinance Language (*incorporated in Exhibit II*)
- Exhibit II - Proposed Ordinance
- Exhibit III - Proposed Ordinance Commentary

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

**Meeting Date:** February 25, 2019

**Item:** Amendment to City Code, Title 9 (Zoning), Chapter 1 (Entitlements – Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations) Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) to update regulations pertaining to building setback and separation requirements and bulk density regulations – City Initiated (AO-003581-2017) **Continued from January 28, 2019**

**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 the following in Title 9 (Zoning) to update regulations pertaining to building setback and separation requirements and bulk density regulations for commercial and residential development within the City. (See Attachment A, Exhibit A – Proposed Ordinance):

- Chapter 1 *Entitlements – Process and Procedures*
  - Section 9 *Filing and Processing of Application Packets*, Subsection 4
- Chapter 2 *Zoning Rules and Definitions*
  - Section 2 *Definitions*
- Chapter 4 *Zoning Districts and Maps*
  - Section 3 *Definition of Districts*, Subsection A9 and A10
- Chapter 5 *Agricultural/Open Space and Residential Zoning District*
  - Section 4 *Specific Use Regulations*
  - Section 6 *Suffixes to Zoning Districts*, Subsection B
  - Section 7 *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsection C
- Chapter 7 *Setback and Bulk Density Regulations*
  - Section 4 *Setback and Bulk Density Regulations*
  - Section 5 *Miscellaneous Regulations*
- Chapter 10 *Performance Standards*
  - Section 4 *Specific Use Regulations*, Subsections A, E and F
- Chapter 19 *Landscaping*
  - Section 4 *Applicability*, Subsection A2
  - Section 8 *Landscaping*, Subsection E2

**Previous Plan and Zoning Commission Action:**

Vote: 6-0 approval, Commissioner Hatfield absent

Date: January 28, 2019

Motion: Defer item to the February 25, 2019, Plan & Zoning Commission meeting

During the review of the item at the January 28, 2019 meeting, the Commission had several questions on the amendment related to the allowance of footprint lots in single family zoning and on the updated language for performance standards on exterior building design for multi-family developments. To aid in their consideration of the amendment, the Commission recommended continuing discussion on this item to the February 25<sup>th</sup> Commission meeting to allow staff time to compile additional information on how footprint lots may affect neighborhood continuity in infill applications and a comparison of the proposed architectural standards to other metro area communities.

To address the concerns of neighborhood continuity, staff is recommending the proposed ordinance include additional language in the Building Form Regulations section of Chapter 5 (Agricultural/Open Space and Residential Zoning District). See Exhibit C for recommended language.

Staff also realized that the term “postage stamp lot” may be giving the incorrect impression that this lot type is small, therefore the dwelling would be small. This is not the case, the dwelling can be as large as desired. The lot size and configuration for this lot type is determined by establishing a property line 7-10 feet outside the building footprint and will include any outdoor living space associated with the dwelling. With this in mind, Staff has changed the “postage stamp lot” terminology within the ordinance amendment to “footprint lot”.

**City Council Subcommittee:** Varying building setbacks and building separations for multi-family buildings based on building size was discussed at the February 25, 2016 and the August 8, 2016, Development and Planning City Council Subcommittee meetings. Architectural design standards were discussed at the October 3, 2016 Development and Planning Subcommittee meeting. The remaining changes were discussed at the December 10, 2018, Development and Planning City Council Subcommittee meeting. The subcommittee was supportive of the proposed changes.

**Staff Review and Comment:** There are no outstanding issues. Staff summarizes the following key points of interest. Please see Exhibit B – Proposed Ordinance Commentary, for detailed information on the changes.

*Purpose and summary of the update:* Updating building setbacks and building separations for multi-family buildings based on building size is in response to several multi-family developers requesting reduced building separation requirements for their projects to allow better utilization of the land and to eliminate “penalties” for small multi-family buildings that are currently required to comply with the same separation requirements as large multi-family buildings. A comparison of developed density vs. allowed density for medium and high density zoning done as part of the Comprehensive Plan update has found that developed densities are half of the maximum density allowed for the zoning district. Larger setbacks and building separations for multi-family buildings is a likely contributor to the disparity between developed and allowed density.

In addition, optimizing residential bulk regulations is one of the suggested policy changes included in the Housing Needs Assessment as a way to allow developments to move actual developed density closer to allowed density, distributing land costs over more units. Also included in the amendment is the ability to use footprint lots and cluster development in single family zoning, reflecting current development trends and to provide options that may help offset the high cost of land. Those options along with optimizing bulk regulations may help “move the needle” on attainable housing. Allowing detached townhomes (on footprint lots) in single family zoning will allow more than one dwelling unit on what would be considered a single-family lot. However, this type of development will not be allowed to exceed the maximum density as stated for the zoning district to preclude being more intense than would be allowed if it was a typical residential subdivision development. For instance, for R-1 zoning (minimum 7,500 square foot lot size), it would take a lot size of 15,000 square feet to allow two footprint lots on a parcel. A 30,000 square foot R-1 zoned parcel could contain up to 4 footprint lots. These developments will also require the additional step of a site plan review.

Several “housekeeping” changes have been implemented: Residential building types and terminology have been updated and outdated or extraneous terms deleted. Sections 4 and 5 within Chapter 7 (setback and bulk density matrices) are reformatted to provide clarity. Conflicting or missing information has been corrected. Minimum lot requirements were evaluated and revised as needed to bring consistency to the bulk regulations.

Setback and bulk regulations that have been subject to multiple variance requests in the past have been evaluated and adjusted as appropriate. Case in point, front yard setbacks for lots in existing developed areas will be able to follow the setback distances of the adjacent building even when non-conforming. Accessory structures in residential zoning districts will have different setbacks and separations based on building size, similar to how multi-family buildings are treated, to focus regulation on impact rather than specific requirements by zoning district. For example, accessory structures under 1,000 sf in Residential Estate zoning will now have the same setbacks as other smaller residential districts, larger accessory structures would be required to meet the current greater setback (20 feet) to push the building mass away from an adjoining property.

As part of the discussion with the Development and Planning Subcommittee on architectural guidelines, Staff noted that current regulation language is ambiguous, generic, confusing, and gives no design direction. Also, there are several gaps in the zoning ordinance on architectural standards including those for multi-family housing. In an effort to address the issue, performance standards for multi-family buildings have been updated. Medium and High

Density Residential subsections have been combined into one Multi-Family Residential subsection. Architectural design standards which only existed for high density zoning districts will now apply to all multi-family zoning districts. More specific language on materials is being incorporated in the standards, including a minimum amount of masonry materials. Strategies on mitigating the impact of large building mass and garage dominated facades characteristic of multi-family residential buildings have also been added to the design requirements.

In researching the metro area design requirements, most communities that have had recent multi-family housing projects have noted a general decline in the architectural design for these projects. Four of the eight communities studied have specific design requirements city wide, seven of eight have specific requirements in PUD's or special districts. All but one of the communities that do not currently have specific requirements within the base zoning ordinance are exploring adding more specific exterior design requirements as part of an update.

Open porches for all residential dwelling units will be allowed to encroach into the front yard setback as an incentive to help mitigate the garage dominate "snout house" look and to promote resident interaction with the neighborhood. Allowing the porch to encroach will also reduce variance requests and non-conformities for homes in older developed areas.

**Notice Information:** On January 18, 2019, notice of the January 28, 2019, Plan and Zoning Commission and February 4, 2019 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 with the additional language in the Building Form Regulations section as noted in Exhibit C.

**Attachments:**

- Attachment A – Plan and Zoning Commission Resolution
- Exhibit A – Proposed Ordinance
- Exhibit B – Proposed Ordinance Commentary
- Exhibit C – Draft Additional Ordinance Language.

RESOLUTION NO. PZC-19-009

**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 1 (ENTITLEMENTS – PROCESS AND PROCEDURES), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 4 (ZONING DISTRICTS AND MAPS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS) CHAPTER 10 (PERFORMANCE STANDARDS), AND CHAPTER 19 (LANDSCAPING) TO UPDATE REGULATIONS PERTAINING TO BUILDING SETBACK AND SEPARATION REQUIREMENTS AND BULK DENSITY REGULATIONS.**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 *Zoning*, Chapter 1 *Entitlements – Process and Procedures*, Section 9 *Filing and Processing of Application Packets*, Subsection 4 and Chapter 2 *Zoning Rules and Definition*, Section 2 *Definitions* and Chapter 4 *Zoning Districts and Maps*, Section 3 *Definition of Districts*, Subsection A9 and A10 and Chapter 5 *Agricultural/Open Space and Residential Zoning District*, Section 4 *Specific Use Regulations*, Section 6 *Suffixes to Zoning Districts*, Subsection B and Chapter 7 *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsection C, and Chapter 7 *Setback and Bulk Density Regulations*, Section 4 *Setback and Bulk Density Regulation* and Section 5 *Miscellaneous Regulations* and Chapter 10 *Performance Standards* Section 4 *Specific Use Regulations*, Subsections A, E and F and Chapter 19 *Landscaping*, Section 4 *Applicability*, Subsection A2 and Section 8 *Landscaping*, Subsection E2 to update regulations pertaining to building setback and separation requirements and bulk density regulations for commercial and residential development within the City;

**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-003581-2017) 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 25, 2019.

  
\_\_\_\_\_  
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 25, 2019, by the following vote:

AYES: ANDERSEN, COSTA, CROWLEY, ERICKSON, HATFIELD, SOUTHWORTH

NAYS:

ABSTENTIONS:

ABSENT: DRAKE

ATTEST:

  
Recording Secretary

Prepared by: L. Schemmel, 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 2019 BY AMENDING TITLE 9 (ZONING), CHAPTER 1 (ENTITLEMENTS – PROCESS AND PROCEDURES), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 4 (ZONING DISTRICTS AND MAPS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS) CHAPTER 10 (PERFORMANCE STANDARDS), AND CHAPTER 19 (LANDSCAPING) TO UPDATE REGULATIONS PERTAINING TO BUILDING SETBACK AND SEPARATION REQUIREMENTS AND BULK DENSITY REGULATIONS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS WITHIN THE CITY.

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

**Section 1. Amendment.** Title 9 (*Zoning*), Chapter 1 (*Entitlements – Process and Procedures*), Section 9 (*Filing and Processing of Application Requests*), Subsection A4 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

4. Project Completion: A development project is considered completed when *the following conditions are met based on the project scope:*
  - a. All structures ~~in a single family detached project~~ have passed a final building inspections by the building official, and site improvements or off site works have been completed and any bonds guaranteeing improvements have been released or continued at the discretion of the ~~public works director~~ *city and final certificates of occupancy have been issued.*
  - b. ~~A certificate of occupancy has been issued by the building official verifying that all single family attached, multi-family, commercial, office or industrial structures, and site improvements or off site work have been completed and any bonds guaranteeing improvements have been released or continued at the discretion of the public works director.~~
  - e.b. When the director of ~~community~~ development *services or designee* verifies that a use or activity, not involving a building or grading permit, has occurred on the subject site in accordance with all applicable provisions of this title and any adopted conditions.

**Section 2. Amendment.** Title 9 (*Zoning*), Chapter 2 (*Zoning Rules and Definitions*), Section 2 (*Definitions*) is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text in alphabetical order:

***BUILDING PROJECTION: Any building element such as roof eaves and overhangs, fireplaces, window bays and deck or floor cantilevers that project past the foundation line of the building or structure.***



**CLUSTER DEVELOPMENT:** *A planned development that limits the developed area to protect sensitive areas and unique features within the development. The area of the parcel not developed must be legally restricted from further development and is in addition to any required Open Space for the developed area.*

**DECK:** *A permanent uncovered outdoor living area elevated above grade. A deck is considered a porch if it is covered by a roof.*

**DWELLING, MULTI-FAMILY:** *A building containing two (2) or more dwelling units. ~~A building or buildings on a common lot, containing three (3) or more dwelling units of which at least one unit is located over another unit, commonly known as an apartment building or condominium building, but does not include single family attached dwellings as defined herein. Each individual multi-family dwelling unit may be occupied by a single family, as defined herein, or by any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.~~*

**DWELLING, SINGLE FAMILY ATTACHED:** *A building with at least two (2) single family dwelling units attached in a row, with no unit located over another unit, and designed for and used exclusively for residential purposes by one family per dwelling unit.*

**DWELLING, SINGLE FAMILY BI ATTACHED:** *A building designed for and used exclusively for occupancy by two (2) families living independently of each other and containing two (2) dwelling units.*

**DWELLING, SINGLE-FAMILY DETACHED:** *A building containing one (1) dwelling unit that has land associated with the building meeting the requirements in Chapter 7 (Setback and Bulk Density Regulations), Table 7.1 and Table 7.2 of this Title for its respective zoning district. ~~A detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.~~*

**LEAN-TO:** *A structure which has been added to an existing building, sharing at least one wall with the building which may also be providing structural support. A Lean-to can be enclosed on up to two sides, including the wall common to the existing building. Lean-to structures are intended for the storage or protection of things, and do not include structures that function as a carport or outdoor living area. Lean-to structures must meet the design and bulk regulations of the building they are attached to.*

**OPEN SPACE:** *A specific percentage of the site unencumbered by buildings, off street parking areas and vehicle use areas.*

**OUTDOOR LIVING AREA:** *An improved outdoor area adjoining a residential dwelling intended to provide a useable space for the enjoyment of the occupant or to promote interaction and connection within the neighborhood such as a patio, deck or porch.*

**PATIO:** *A permanent uncovered outdoor living area installed at grade.*

**PORCH:** *A permanent covered outdoor living area attached to a building.*

**PORCH, ENCLOSED:** *A porch with a solid enclosure four feet (4') or higher above the floor surface.*

**PORCH, OPEN:** *A porch with a railing or solid enclosure less than four feet (4') above the floor surface.*

**ROOF:** *A permanent hard material cover which provide complete protection from the elements for an area below. If the cover is comprised of a lightweight material or fabric, or is designed to be more than 50% open to the elements, it is not considered a roof for the purposes of this Title.*

**SECOND DWELLING UNIT (SDU):** *An additional dwelling on a residential lot that is considered a principal use. These dwellings are independent structures, not part of or attached to the main dwelling and are not accessory in nature.*

**Section 3. Amendment.** Title 9 (*Zoning*), Chapter 4 (*Zoning Districts and Map*), Section 3 (*Definition of Districts*), Subsection A9 and A10 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

A. Categories and Purposes: The categories and purposes of land use zones that have been established within the municipality are as follows:

9. RM - Residential Medium-Density District:

a. The purpose of this district is to foster a residential environment typified by ***multi-family dwelling units of no more than 12 du/acre.*** ~~single family attached homes and low density multi family dwellings. This district is important to the housing market as it is geared to both owners and renters. Sites designated as such shall be oriented to arterial and collector streets, transit routes, convenience shopping, local and regional services, and employment centers. The district allows for single family attached and multi family dwelling units of no more than 12 du/acre.~~ Suffixes shall be used in the RM district to identify the maximum allowed density for the subject property.

10. RH - Residential High-Density District:

a. The purpose of this district is to provide for a ~~relatively high density~~ ***compact*** residential environment, ***allowing multi-family dwellings of no more than 18 du/acre.*** ~~This land use category may be utilized as a transition between commercial retail and office uses, and lower density residential uses. Developments within this land use district shall be oriented to arterial or collector streets, transit routes, convenience shopping, local and regional services, and employment centers. This district allows single family attached and multi family dwellings of no greater than 18 du/acre. Higher densities may be permitted with the approval of the city council in accordance with the provisions in the comprehensive plan. Suffixes shall be used in the RH district to identify the maximum allowed density for the subject property.~~

**Section 4. Amendment.** Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 4 (*Specific Use Regulations*), is hereby amended by adding the bold italic text at the end of the section:

***F. The design, size and placement of second dwelling units on a lot shall conform to all applicable codes for the zoning district. The property owner must occupy either the main or second dwelling unit as their permanent residence. The second dwelling unit can be used as a rental, but cannot be sold separately from the main dwelling unit.***

**Section 5. Amendment.** Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 6 (*Suffixes to Zoning Districts*), Subsection B is hereby amended by deleting the highlighted strike-thru text:

B. For the purpose of establishing the maximum density of ~~single family attached and multi family~~ developments in the RM and RH districts, ~~and single family detached in the MH district,~~ a numerical suffix shall follow the zoning district code. The numerical suffix shall denote the maximum density per acre allowed within the subject property.

**Section 6. Amendment.** Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts*), Subsection C is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

C. Zoning District Compatibility And Transitioning:

1. Transition Of Densities: To assure an appropriate transition in lot sizes or densities with other existing residential development in the area, any residential development proposed for review and approval after the effective date hereof shall meet the following requirements:

a. The density of multi-family developments should not differ more than fifty percent (50%) from the average density of the developed properties within two hundred feet (200') of the subject property.

- b. Developed properties are defined as those properties that are zoned residential and platted as a detached unit residential subdivision prior to the subject property obtaining final plat or site plan permit approval.
  - c. Proposed development that will not meet the density transition guidelines as noted above, shall mitigate the impact of the development by transitioning the building form within the development as noted below.
2. Transition Of Building Form: To assure compatibility of residential developments that do not meet the density transition noted above, the number of units per building, length of the building and the number of stories per building will be restricted according to the following:
- a. Applicability: Building mass buffer will apply as follows:
    - (1) Will apply to medium or high density residentially zoned properties with plat or site plan permits approved after ~~the effective date hereof~~ **October 19, 2012**.
    - (2) Will not apply to any property with a PUD in existence prior to ~~the effective date hereof~~ **October 19, 2012**.
    - (3) ***Will not apply along an adjacent property when a developing property modifies their zoning classification prior to development of the adjacent property that then triggers the need for the building mass buffer.***
  - b. Multi-Family Zoning Districts; Building Mass Buffer: One hundred fifty feet (150') from any adjacent developed property where the proposed development cannot meet the density transition as provided in subsection C1a of this section.
    - (1) Buffer is measured from the lower density property line and includes the ROW if a street separates the subject properties.
    - (2) Buffer will overlay any required setbacks, landscape buffer park or easements on the property.
  - c. Restrictions: Within the building mass buffer, the following shall apply:
    - (1) No more than six (6) attached units per building.
    - (2) No more than two (2) stories in height.
    - (3) Maximum building length (measured from foundation of parallel walls of greatest distance apart):
      - (A) Residential buildings: Maximum length of one hundred sixty feet (160').
      - (B) Garage buildings: Maximum length of one hundred feet (100').
    - (4) For every eight (8) garage bays, there must be a total garage building separation of no less than twenty feet (20').
    - (5) The above restrictions apply to the entirety of any building located fully or partially within the building mass buffer.
3. ***Transition to Existing Context: To assure compatibility of new construction within already developed single family residential developments, the size of the proposed buildings will be restricted according to the following:***
- a. ***Applicability: Context Transition Buffer requirements will apply as follows:***
    - (1) ***Will apply to single family residentially zoned properties with proposed development that is required to obtain site plan permits.***
    - (2) ***Will not apply to any property with a PUD in existence prior to \_\_\_\_\_, 2019.***
    - (3) ***Will not apply for the length of the contiguous property line that is adjacent to undeveloped property or property developed in non-single family uses.***

*(4) The city council reserves the right to waive or modify to a lesser restriction any provision or requirement of the context transition buffer, provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property.*

**b. Single Family Zoning Districts; Context Transition: One hundred fifty feet (150') from any adjacent single family developed property.**

*(1) Buffer is measured from the adjacent property line and includes the ROW if a street separates the subject properties.*

*(2) Buffer will overlay any required setbacks, landscape buffer park or easements on the property.*

*(3) Should the property be subject to buffer areas that overlap, the minimum and maximum size requirements generated by those separate buffers can be averaged to determine the restrictions for the areas of the property containing the overlapping buffers.*

*(4) In the situation where a property modifies their zoning classification to single family zoning, any adjacent single family zoned property would not be required to comply with the buffer regulations just because of the change in zoning designation of the adjacent property.*

**c. Restrictions: Within the Context Transition Buffer, the following shall apply:**

*(1) Total above grade floor area of each dwelling (including vehicle storage) within the buffer shall be no smaller than seventy-five percent (75%) of the average above grade floor area (including vehicle storage) of the dwelling(s) contained in the directly adjacent property.*

*(2) Total above grade floor area of each dwelling (including vehicle storage) within the buffer shall be no larger than one-hundred and fifty percent (150%) of the average above grade floor area (including vehicle storage) of the dwelling(s) contained in the directly adjacent property.*

*(3) The above restrictions apply to the entirety of any building located fully or partially within the context transition buffer.*

**Section 7. Amendment.** Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations), Section 4 (Setback and Density Regulations) is hereby amended by deleting the entire section and replacing it with the following text:

**9-7-4: SETBACK AND DENSITY REGULATIONS:**

- A. Setback and building separation requirements noted below do not preclude any part of a structure from meeting all applicable building and fire code requirements.
- B. See Chapter 19, Section 8 (Landscape Provisions) of this Title on how building separation and setbacks are applied along required buffers.
- C. The following regulations shall apply to development within the residentially zoned districts and single-family residential development in the Open Space and Valley Junction Historic Business districts.

1. Zoning District abbreviations:

OS	Open Space district	SF-VJ	Single Family Valley Junction district
RE	Residential Estate district	MH	Manufactured Housing district
RS	Residential Single-Family district	RM	Residential Medium-Density district
R-1	Single-Family Residential district	RH	Residential High-Density district

2. See Chapter 5, Section 7 of this Title (Building Form Regulations and Zoning District Compatibility for Residential Districts) for descriptions of residential building types.
3. All setbacks or separations are measured from the closest part of the foundation of the building or structure.
  - a. For structures with setbacks of seven feet (7') or larger:
    - (1) Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation; however, no part of any structure, including eaves and overhangs, may be closer than five feet (5') to a property line.
    - (2) Building projections that are allowed to encroach within a setback cannot exceed a distance of four feet (4') from the foundation line. Should the projection exceed four feet (4'), any setbacks and building separations will be measured from the closest part of the projection for the extent of the projection.
    - (3) No window well or any ground mounted mechanical equipment may be closer than three feet (3') to a property line.
  - b. For structures with setbacks of less than seven feet (7'):
    - (1) Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation as long as they meet all applicable building codes on fire resistive construction.
    - (2) No window well or any ground mounted mechanical equipment may be closer than two feet (2') to a property line.
  - c. Setbacks from private streets and drives:
    - (1) Unless otherwise noted, the minimum setback for attached or detached garages facing a street or drive measured perpendicularly from the garage opening to the closest point of the sidewalk or back of curb of the intersecting private street or drive (whichever is more restrictive) shall be as follows:
      - i. Twenty-five feet (25') or greater, or
      - ii. Ten feet (10') or less
    - (2) Unless otherwise noted, the minimum setback for a residential structure shall be fifteen feet (15') from the back of curb of an adjacent private street or drive. This setback shall apply to all structures, including accessory or ancillary structures such as maintenance sheds, clubhouses or leasing offices.
  - d. See footnotes in Table 7.2 and 7.3 in this Section for setbacks on outdoor living areas for footprint lots.
4. Maximum building height for single family dwellings is three (3) stories.
5. Bulk Regulations for Residential Districts:

TABLE 7.1

Maximum Unit Density										
Required Standards	OS	RE	RS	R-1	SF-CR	SF-VJ	VJHB	MH	RM	RH
Maximum du/acre	0.1	0.91	6.0	5.8	5.8	6.0	6.0	12.0	12.0	18.0

Lot Area – Standard Lots (not footprint lots <sup>2</sup> )										
Required Standards	OS	RE	RS	R-1	SF-CR	SF-VJ	VJHB	MH	RM	RH
Minimum Lot Area	10 acres	40,000 sq. ft.	5,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	5,300 sq. ft.	2 acres	2 acres
Minimum Lot Size - Non-Residential Uses	n/a	2.5 acres	1 acre	1 acre	1 acre	18,000 sq. ft.	n/a	6,500 sq. ft.	2 acres	2 acres
Minimum open space (%)	75	25	25	25	25	25	25	25	25	25

Lot Width - Standard Lots (not footprint lots <sup>2</sup> )													
Required Standards (in feet)	OS	RE	RS (sq. ft.)				R-1	SF-CR	SF-VJ	VJHB	MH	RM	RH
			5,000 to 7,999	8,000 to 9,999	10,000 to 14,999	15,000 or greater							
Minimum lot width at building setback line <sup>1</sup>	200	100	50	70	80	100	50	50	40	40	50		
Minimum street frontage	40	40	40	40	40	40	40	40	40	40	40	100	150

**Notes:**

- The minimum lot width for corner lots shall be increased by twenty-five feet (25').
  - Lot area and dimensions of footprint lots are dictated by setback requirements noted in Table 7.2 and Table 7.3.
6. Minimum Setbacks and Building Separations for Principal Buildings (Dwellings) in Single Family Zoning Districts:

TABLE 7.2

Setbacks - Standard Lots <sup>3</sup>											
Required Standards (in feet)	OS	RE	RS (sq. ft.)				R-1	SF-CR	SF-VJ	MH <sup>5</sup>	VJHB
			5,000 to 7,999	8,000 to 9,999	10,000 to 14,999	15,000 or greater					
Front yard setback <sup>1,2</sup>	50	50	30	35	35	35	30	20	20	20	20
Rear yard setback	50	50	35	35	35	35	35	20	35	10	35
Minimum side yard setback on any one side	50	20	7	8	8	8	7	5	5	5	5
Minimum sum of side yard setbacks	100	40	14	20	20	20	14	10	10	10	10

**Setbacks and Building Separation for Detached Dwellings on Footprint Lots<sup>3,6,7</sup>**

<b>Required Standards (in feet)</b>	<b>OS</b>	<b>RE</b>	<b>RS</b>	<b>R-1</b>	<b>SF-CR</b>	<b>SF-VJ</b>	<b>MH</b>	<b>VJHB</b>
Minimum setback of all yards for footprint lot <sup>4</sup>	7	7	7	7				
Maximum setback of all yards for footprint lot <sup>4</sup>	10	10	10	10				
Minimum separation between principal structures	14	14	14	14				

Notes:

1. In any existing platted property where the average front yard setback is different than that required for the specific zoning district, the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. Resulting front yard setback shall not be less than the minimum required side yard setback for the zoning district. Front yard setback measured from the face of any garage accessed from the street will be a minimum of twenty-five feet (25') regardless of the averaged front yard depth. If the overall depth of the lot from the subject front yard is fifty feet (50') or less, the setback for any garage accessed from the street will be a minimum of twenty feet (20').
  2. Open porches with a minimum depth of six feet (6') are allowed to encroach up to eight feet (8') into the standard lot front yard setback.
  3. Accessory buildings over one-thousand square feet (1,000 sf), which are only permitted in Residential Estate and Open Space zoning, shall meet the minimum front yard setback of their respective zoning district and be setback a minimum of twenty feet (20') from the side and rear property lines.
  4. Outdoor living areas associated with and adjacent to the dwelling unit for footprint lots must be contained in the footprint lot and meet the following setback requirements:
    - a. Patios: setback a minimum of one foot (1') from the footprint property line.
    - b. Decks that do not exceed thirty inches (30") in height or open trellises: setback a minimum of five feet (5') from footprint property line.
    - c. Structures that exceed thirty inches (30") in height such as decks, porches and sunrooms: setback a minimum of seven feet (7') from footprint property line.
  5. Manufactured Homes within a land lease Manufactured Home Park must be completely contained within the land lease area and comply with separation or fire protection requirements under the authority of 42 U.S.C. § 5403 (Federal Manufactured Home Construction and Safety Standards). Manufactured Homes not within a land lease Manufactured Home Park must meet the setback and separation distances of the applicable zoning district.
  6. Maximum unit density, aggregate minimum lot area, minimum street frontage and building setbacks for the development must meet applicable zoning district requirements.
  7. Developments with footprint lots will require review and approval of a Site Plan Permit in addition to any other required review process.
7. Minimum Setbacks and Building Separations for Principal and Accessory Buildings or Structures in Multi Family Zoning Districts:

TABLE 7.3

<b>Detached Dwellings</b> (Detached Townhomes)		
Required Standards (in feet)	RM	RH
Front yard setback <sup>1</sup>	30	30
Rear yard setback	35	35
Side yard setback	7	7
Minimum of all yards for footprint lot <sup>2</sup>	7	7
Maximum of all yards for footprint lot <sup>2</sup>	10	10
Minimum separation between principal buildings	14	14
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings <sup>4</sup>	10	10

<b>Attached Dwelling Building</b> <b>Up to 2 story, 4 units or less per building</b> (Townhomes, Apartments or Condominiums)		
Required Standards (in feet)	RM	RH
Minimum setback <sup>1</sup> - From perimeter of development	35	35
Front and Rear yard setback <sup>1</sup> - Internal to the development - The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb.	15	15
Side yard setback - Internal to the development	7	7
Minimum of all yards for footprint lot <sup>2</sup>	7	7
Maximum of all yards for footprint lot <sup>2</sup>	10	10
Minimum separation between principal buildings	14	14
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings <sup>4</sup>	10	10

<b>Attached Dwelling Building</b> <b>Up to 2 story, more than 4 units per building</b> <b>or</b> <b>3 story or greater, 4 units or less per building</b> (Townhomes, Apartments or Condominiums)		
Required Standards (in feet)	RM	RH
Front yard setback <sup>1,3</sup> - From perimeter of development	50	50
Rear and Side yard setback <sup>3</sup> - From perimeter of development	35	35



Front and Rear yard setback <sup>1,3</sup> - Internal to the development - The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb.	20	20
Side yard setback <sup>3</sup> - Internal to the development	10	10
Minimum of all yards for footprint lot <sup>2</sup>	7	7
Maximum for all yards of a footprint lot <sup>2</sup>	10	10
Minimum separation between principal buildings	20	20
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings <sup>4</sup>	20	20

**Attached Dwelling Building**  
**3 story or greater, more than four units per building**  
(Townhomes, Apartments or Condominiums)

Required Standards (in feet)	RM	RH
Front yard setback <sup>1,3</sup> - From perimeter of development	60	60
Rear and Side yard setback <sup>3</sup> - From perimeter of development	35	35
Front and Rear yard setback <sup>1</sup> - Internal to the development	30	30
Side yard setback - Internal to the development	15	15
Minimum for all yards of a footprint lot <sup>2</sup>	7	7
Maximum for all yards of a footprint lot <sup>2</sup>	10	10
Minimum separation between principal buildings	30	30
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings <sup>4</sup>	20	20

**Notes:**

1. Open porches with a minimum depth of six feet (6') are allowed to encroach up to eight feet (8') into the standard lot front yard setback. Porches are not allowed to encroach into any perimeter setback.
2. Outdoor living areas associated with, and adjacent to the dwelling unit for footprint lots must be contained in the footprint lot and meet the following setback requirements:
  - a. Patios: setback a minimum of one foot (1') from the footprint property line.
  - b. Decks that do not exceed thirty inches (30") in height or open trellises: setback a minimum of five feet (5') from footprint property line.
  - c. Structures that exceed thirty inches (30") in height such as decks, porches and sunrooms: setback a minimum of seven feet (7') from footprint property line.
3. For any building over three (3) stories, an additional ten feet (10') of building setback is required for every story over three (3) stories.

4. Accessory buildings over one-thousand, five hundred square feet (1,500 sf) must meet primary building setbacks and separations, including setbacks adjusted for primary building height.
8. Minimum Setbacks and Bulk Regulations for Principal Buildings of Non-Residential Uses (Daycares, Churches, Schools) in Residential Zoning Districts:

TABLE 7.4

Minimum Setback (in feet) <sup>1</sup>								
Required Standards (in feet)	RE	RS	R-1	SF-CR	SF-VJ	MH	RM	RH
Front yard setback	100	50	50	20	20	35	50	50
Rear yard setback	100	50	50	20	20	35	50	50
Side yard setback	50	25	25	15	15	10	25	25

Lot Size								
Minimum lot width (in feet)	100	100	100	50	50	50	100	150
Minimum street frontage (in feet)	50	50	50	50	50	50	100	150
Minimum open space (%)	25	25	25	25	25	25	25	25

Building Height (in feet)								
Maximum height of principal building <sup>2</sup>	40	40	40	40	40	40	40	40
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20	20

Notes:

1. See Subsection C9 and Table 7.5 of this Section for detached accessory structure setbacks in residential zoning districts.
  2. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
9. Bulk Regulations, Minimum Setbacks and Building Separations for Accessory Buildings and Structures in Residential Districts:
- a. See Chapter 14 of this Title (Accessory Structures) for additional standards and construction requirements for accessory buildings and structures.
  - b. Accessory buildings and structures that meet the minimum separation distance from the principal building are considered detached accessory structures. In such case, the detached accessory structure must meet the setback requirements as noted in Table 7.5 below.
  - c. Accessory structures that do not meet the minimum separation from the principal structure are considered part of the principal structure, no matter if they are physically separate from the principal structure. In such case, the accessory structure must meet the setback requirements for a principal structure except as noted below.

- (1) Accessory structures (other than fences and walls) that do not exceed thirty inches (30”) in height as measured from grade to the highest element and any railing or trellis designed to be open 50% or more may follow the detached accessory structure setbacks, no matter their proximity to the principal structure.
- d. See Chapter 10 of this Title (Performance Standards), Section 4 (Specific Use Regulations) for additional separation requirements for accessory structures that will house animals.
  - e. Accessory structures cannot encroach into any buffer area or perimeter setback.
  - f. In a footprint development, detached accessory structures and fences are not allowed within footprint lots and are only allowed for development use on common property.
  - g. Accessory buildings over one-thousand square feet (1,000 sf), which are only permitted in Residential Estate and Open Space zoning, shall meet the minimum front yard setback of their respective zoning district and be setback a minimum of twenty feet (20’) from the side and rear property lines.
  - h. Accessory buildings over one-thousand, five hundred square feet (1,500 sf) in multi-family residential districts must meet primary building setbacks and separations including setbacks adjusted for primary building height.

TABLE 7.5

Detached Accessory Structures – Single Family Zoning Districts									
Required Standards	OS	RE	RS (ft.)		R-1	SF-CR	SF-VJ	MH <sup>2</sup>	VJHB
			<8,000	8,000>					
Front yard setback <sup>1</sup>	50	50	30	35	30	20	20	20	20
Rear and Side yard setback	5	5	5	5	5	5	5	5	5
Setback from alleys where the structure accesses the alley	20	20	20	20	20	20	20	20	20
Minimum separation between accessory buildings or structures under 1,000 sf and all other buildings	10	10	10	10	10	10	10	10	10

Detached Accessory Structures – Multi-Family Zoning Districts <sup>2</sup>		
Required Standards	<u>MD</u>	<u>HD</u>
Front yard setback <sup>1</sup>	35	35
Rear and Side yard setback	10	10
Setback from alleys where the structure accesses the alley	20	20
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings	See Table 7.3	See Table 7.3

**Notes:**

1. In any existing platted property where the average front yard setback is different than that required for the specific zoning district, the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. Resulting front yard setback shall not be

less than the minimum required side yard setback for the zoning district. Front yard setback measured from the face of any garage accessed from the street will be a minimum of twenty-five feet (25') regardless of the averaged front yard depth. If the overall depth of the lot from the subject front yard is fifty feet (50') or less, the setback for any garage accessed from the street will be a minimum of twenty feet (20').

2. Accessory buildings or structures within a land lease Manufactured Home Park must be completely contained within the land lease area and comply with adopted building code separation and fire protection requirements from all other structures. Accessory structures not within a land lease Manufactured Home Park must meet the setback and separation distances of the applicable zoning district requirements.

D. The following regulations shall apply to development within the commercial, office and industrial zoned districts and non-residential development in the Open Space and Valley Junction Historic Business districts.

1. Zoning District abbreviations:

RC	Regional Commercial district	VJC	Valley Junction Commercial district	LI	Light Industrial district
CMC	Community Commercial district	VJHB	Valley Junction Historic Business district	GI	General Industrial district
NC	Neighborhood Commercial district	WR	Warehouse Retail district	OF	Office district
CVC	Convenience Commercial district	BP	Business Park district	PCP	Professional Commerce Park district
SC	Support Commercial district	VJLI	Valley Junction Light Industrial district	OS	Open Space district

2. All setbacks or separations are measured from the closest part of the foundation of the building or structure.
  - a. Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation.
  - b. Any part of the structure, including eaves and overhangs, must meet all applicable building and fire codes on fire resistive construction based on distance from the property line or proximity to adjacent buildings.
  - c. Building projections that are allowed to encroach within a setback cannot exceed a distance of four feet (4') from the foundation line. Projections that exceed four feet (4') from the foundation line will need to meet required setbacks and separation distances.
  - d. No window well or any ground mounted mechanical equipment may be closer than three feet (3') to a property line.
  - e. Except for the following, all detached accessory structures must meet primary building setback and separation requirements.
    - (1) Trash and mechanical enclosures may use off-street parking setbacks for their respective district along the side and rear yards, however no enclosure may be located closer than five feet (5') from a property line.

- (2) Maintenance sheds or garages equal to or less than one hundred and twenty square feet (120') in floor area may use off-street parking setbacks for their respective district along the side and rear yards, however no shed or garage may be located closer than five feet (5') from a property line.

3. Bulk Regulations and Setbacks for Principal and Accessory Buildings or Structures in Commercial Districts:

TABLE 7.6

Lot Size								
Required Standards	RC	CMC	NC	CVC	SC	VJC	VJHB	WR
Minimum lot area (square feet)	60,000	60,000	60,000	40,000	60,000	20,000	6,250	20,000
Minimum lot width (feet)	50	50	50	50	50	50	50	50
Minimum open space (%)	25	25	25	25	25	25	0	25

Minimum Setback (in feet)								
Required Standards	RC	CMC	NC	CVC	SC	VJC	VJHB	WR
Front yard setback	100	100	45	45	100	35	0	50
Rear yard setback <sup>1</sup>	50	50	35	35	50	35	0	50
Side yard setback <sup>1</sup>	50	50	35	50	50	35	0	50

Building Height (in feet)								
Required Standards	RC	CMC	NC	CVC	SC	VJC	VJHB	WR
Maximum height of principal building or structure	36 <sup>2</sup>	36 <sup>2</sup>	30	30	36 <sup>2</sup>	30	36	60 <sup>2</sup>
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20	20

Notes:

1. Setback of zero feet (0') allowed if the property abuts a similar district.
2. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.

4. Bulk Regulations and Setbacks for Principal and Accessory Buildings or Structures in Industrial, Office and Open Space Districts:

TABLE 7.7

Lot Size							
Required Standards	BP	VJLI	LI	GI	OF	PCP	OS
Minimum lot area	20,000 square feet	7,250 square feet	10,000 square feet	20,000 square feet	10,000 square feet	60,000 square feet	10 acres
Minimum lot width (feet)	75	50	75	75	80	150	200
Minimum open space (%)	35	20	20	20	25	35	75

Minimum Setback (in feet)							
Required Standards	BP	VJLI	LI	GI	OF	PCP	OS
Front yard setback	50	15	30	40	30	50	50
Rear yard setback	50	10 (from alleyway)	35	35	35	50	50
- If abuts like zoning district			15		15	25	
Side yard setback	50	10 <sup>2</sup>	20 <sup>2</sup>	35 <sup>2</sup>	10 <sup>2</sup>	50	50
- If abuts like zoning district						25	

Building Height (in feet)							
Required Standards	BP	VJLI	LI	GI	OF	PCP	OS
Maximum height of principal building or structure	60 <sup>1</sup>	15 30 <sup>3</sup>	60 <sup>1</sup>	60 <sup>1</sup>	36 <sup>1</sup>	60 <sup>1</sup>	60 <sup>1</sup>
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20

Notes:

1. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
2. Setback of zero feet (0') allowed if abuts a similar district.
3. Maximum height of thirty feet (30') allowed with a building side yard setback of twenty feet (20').

**Section 8. Amendment.** Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 5 (*Miscellaneous Regulations*) is hereby deleted.

**Section 9. Amendment.** Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Specific Use Regulations*), Subsection A is hereby amended by adding the bold italic text in numerical order:

***27. Cluster Developments: In order to be considered a cluster development, a minimum of 50% of the development area must be set aside, identified for preservation or protection and deed restricted from further development. Cluster Development may utilize footprint lots or multiple buildings on one lot, as noted in Chapter 7 of this Title (Setback and Bulk Density Regulations), Table 7.2.***

***Preservation areas must be identified and legally restricted from further development. These protected areas must be unencumbered by structures, off street parking areas and vehicle use areas but may include landscaped areas, buffers, fences, pedestrian sidewalks/trails and plazas or recreation areas. Stormwater management facilities may be included if they are designed as development or community amenity such as ponds or created wetlands.***

**Section 10. Amendment.** Title 9 (*Zoning*), Chapter 19 (*Landscaping*), Section 4 (*Applicability*), Subsection A2 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

2. The requirements herein do apply to:
  - a. All new nonresidential structures;
  - b. All new ***developments in multi-family zoning districts*** ~~and single family attached dwellings~~;
  - c. Major modifications to structures or sites;
  - d. All subdivision plats where buffers are required;
  - e. Minor modifications except that the requirements of this chapter shall only apply to the area of the site impacted by the minor modification.

**Section 11. Amendment.** Title 9 (*Zoning*), Chapter 19 (*Landscaping*), Section 8 (*Landscape Provisions*), Subsection E2 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

2. Conditions for Requiring a Buffer: The following conditions shall require a buffer between abutting districts and uses:
  - a. Any ~~single family attached residential~~ ***multi-family residential*** development greater than four (4) dwelling units per building, ~~multi-family residential~~ and all commercial, office and industrial uses or any undeveloped residential high density district (RH), residential medium density district (RM), manufactured housing district (MH) and all commercial and industrial districts which abut any ***single family residential estate zoning*** district (***RE***), ~~residential single family district (RS), single family residential district (R-1)~~ or single-family detached uses shall be buffered as required in this section.
  - b. Any multi-family residential and all commercial, office and industrial uses or any undeveloped residential high-density district (RH), all commercial, office and industrial districts which abut any residential medium-density district (RM) ***or*** manufactured housing district (MH), ~~or single family attached uses~~ shall be buffered as required in this section.

**Section 12. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 13. 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 14. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 & 2 of the City Code of the City of West Des Moines, Iowa.

**Section 15. 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 16. 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 \_\_\_\_\_, 2019, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019, and was published in the Des Moines Register on \_\_\_\_\_, 2019.

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



# EXHIBIT III

**Section 1. Amendment.** Title 9 (*Zoning*), Chapter 1 (*Entitlements – Process and Procedures*), Section 9 (*Filing and Processing of Application Requests*), Subsection A4 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

**Commented [SL1]:** Updates in terminology.

4. Project Completion: A development project is considered completed when *the following conditions are met based on the project scope:*
  - a. All structures in a single-family detached project have passed a final **building inspections by the building official**, and site improvements or off site works have been completed and any bonds guaranteeing improvements have been released or continued at the discretion of the **public works director city and final certificates of occupancy have been issued.**
  - b. A certificate of occupancy has been issued by the building official verifying that all single-family attached, multi-family, commercial, office or industrial structures, and site improvements or off site work have been completed and any bonds guaranteeing improvements have been released or continued at the discretion of the public works director.
  - e.b. When the director of community development services or designee verifies that a use or activity, not involving a building or grading permit, has occurred on the subject site in accordance with all applicable provisions of this title and any adopted conditions.

**Section 2. Amendment.** Title 9 (*Zoning*), Chapter 2 (*Zoning Rules and Definitions*), Section 2 (*Definitions*) is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text in alphabetical order:

**Commented [SL2]:** Updates in terminology.

**BUILDING PROJECTION:** *Any building element such as roof eaves and overhangs, fireplaces, window bays and deck or floor cantilevers that project past the foundation line of the building or structure.*

**CLUSTER DEVELOPMENT:** *A planned development that limits the developed area to protect sensitive areas and unique features within the development. The area of the parcel not developed must be legally restricted from further development and is in addition to any required Open Space for the developed area.*

**DECK:** *A permanent uncovered outdoor living area elevated above grade. A deck is considered a porch if it is covered by a roof.*

**DWELLING, MULTI-FAMILY:** *A building containing two (2) or more dwelling units. A building or buildings on a common lot, containing three (3) or more dwelling units of which at least one unit is located over another unit, commonly known as an apartment building or condominium building, but does not include single-family attached dwellings as defined herein. Each individual multi-family dwelling unit may be occupied by a single family, as defined herein, or by any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.*

**DWELLING, SINGLE-FAMILY ATTACHED:** *A building with at least two (2) single-family dwelling units attached in a row, with no unit located over another unit, and designed for and used exclusively for residential purposes by one family per dwelling unit.*

**DWELLING, SINGLE-FAMILY BI-ATTACHED:** *A building designed for and used exclusively for occupancy by two (2) families living independently of each other and containing two (2) dwelling units.*

**DWELLING, SINGLE-FAMILY DETACHED:** *A building containing one (1) dwelling unit that has land associated with the building meeting the requirements in of Chapter 7 (*Setback and Bulk Density Regulations*), Table 7.1 and Table 7.2 of this Title for its respective zoning district. A detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.*

**LEAN-TO:** *A structure which has been added to an existing building, sharing at least one wall with the building which may also be providing structural support. A Lean-to can be enclosed on up to two sides, including the wall*

*common to the existing building. Lean-to structures are intended for the storage or protection of things, and do not include structures that function as a carport or outdoor living area. Lean-to structures must meet the design and bulk regulations of the building they are attached to.*

***OPEN SPACE:*** *A specific percentage of the site unencumbered by buildings, off street parking areas and vehicle use areas.*

***OUTDOOR LIVING AREA:*** *An improved outdoor area adjoining a residential dwelling intended to provide a useable space for the enjoyment of the occupant or to promote interaction and connection within the neighborhood such as a patio, deck or porch.*

***PATIO:*** *A permanent uncovered outdoor living area installed at grade.*

***PORCH:*** *A permanent covered outdoor living area attached to a building.*

***PORCH, ENCLOSED:*** *A porch with a solid enclosure four feet (4') or higher above the floor surface.*

***PORCH, OPEN:*** *A porch with a railing or solid enclosure less than four feet (4') above the floor surface.*

***ROOF:*** *A permanent hard material cover which provide complete protection from the elements for an area below. If the cover is comprised of a lightweight material or fabric, or is designed to be more than 50% open to the elements, it is not considered a roof for the purposes of this Title.*

***SECOND DWELLING UNIT (SDU):*** *An additional dwelling on a residential lot that is considered a principal use. These dwellings are independent structures, not part of or attached to the main dwelling and are not accessory in nature.*

**Section 3. Amendment.** Title 9 (Zoning), Chapter 4 (Zoning Districts and Map), Section 3 (Definition of Districts), Subsection A9 and A10 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

**Commented [SL3]:** Removing carry over language from Comp Plan, this language as not pertinent to zoning

A. Categories and Purposes: The categories and purposes of land use zones that have been established within the municipality are as follows:

9. RM - Residential Medium-Density District:

a. The purpose of this district is to foster a residential environment typified by ***multi-family dwelling units of no more than twelve (12) du/acre. single-family attached homes and low-density multi-family dwellings.*** This district is important to the housing market as it is geared to both owners and renters. Sites designated as such shall be oriented to arterial and collector streets, transit routes, convenience shopping, local and regional services, and employment centers. The district allows for single-family attached and multi-family dwelling units of no more than 12 du/acre. Suffixes shall be used in the RM district to identify the maximum allowed density for the subject property.

10. RH - Residential High-Density District:

a. The purpose of this district is to provide for a ~~relatively high-density compact~~ residential environment, ***allowing multi-family dwellings of no more than eighteen (18) du/acre.*** This land-use category may be utilized as a transition between commercial retail and office uses, and lower-density residential uses. ~~Developments within this land-use district shall be oriented to arterial or collector streets, transit routes, convenience shopping, local and regional services, and employment centers. This district allows single-family attached and multi-family dwellings of no greater than 18 du/acre. Higher densities may be permitted with the approval of the city council in accordance with the provisions in the comprehensive plan. Suffixes shall be used in the RH district to identify the maximum allowed density for the subject property.~~

**Section 4. Amendment.** Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 4 (Specific Use Regulations), is hereby amended by adding the bold italic text at the end of the section:

**Commented [SL4]:** Added performance standards. No change in allowance of secondary dwelling units.

*F. The design, size and placement of second dwelling units on a lot shall conform to all applicable codes for the zoning district. The property owner must occupy either the main or second dwelling unit as their permanent residence. The second dwelling unit can be used as a rental, but cannot be sold separately from the main dwelling unit.*

**Section 5. Amendment.** Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 6 (Suffixes to Zoning Districts), Subsection B is hereby amended by deleting the highlighted strike-thru text:

**Commented [SL5]:** Updates in terminology.

B. For the purpose of establishing the maximum density of ~~single-family attached and multi-family~~ developments in the RM and RH districts, ~~and single-family detached in the MH district~~, a numerical suffix shall follow the zoning district code. The numerical suffix shall denote the maximum density per acre allowed within the subject property.

**Section 5. Amendment.** Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 6 (Suffixes to Zoning Districts), Subsection B is hereby amended by deleting the highlighted strike-thru text:

B. For the purpose of establishing the maximum density of ~~single-family attached and multi-family~~ developments in the RM and RH districts, ~~and single-family detached in the MH district~~, a numerical suffix shall follow the zoning district code. The numerical suffix shall denote the maximum density per acre allowed within the subject

**Section 6. Amendment.** Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 7 (Building Form Regulations and Zoning District Compatibility for Residential Districts), Subsection C is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

**Commented [SL6]:** Subsection 3 added to address the concerns of single family neighborhood continuity with a footprint lot development.

C. Zoning District Compatibility And Transitioning:

1. Transition Of Densities: To assure an appropriate transition in lot sizes or densities with other existing residential development in the area, any residential development proposed for review and approval after the effective date hereof shall meet the following requirements:
  - a. The density of multi-family developments should not differ more than fifty percent (50%) from the average density of the developed properties within two hundred feet (200') of the subject property.
  - b. Developed properties are defined as those properties that are zoned residential and platted as a detached unit residential subdivision prior to the subject property obtaining final plat or site plan permit approval.
  - c. Proposed development that will not meet the density transition guidelines as noted above, shall mitigate the impact of the development by transitioning the building form within the development as noted below.
2. Transition Of Building Form: To assure compatibility of residential developments that do not meet the density transition noted above, the number of units per building, length of the building and the number of stories per building will be restricted according to the following:
  - a. Applicability: Building mass buffer will apply as follows:
    - (1) Will apply to medium or high density residentially zoned properties with plat or site plan permits approved after ~~the effective date hereof~~ **October 19, 2012.**
    - (2) Will not apply to any property with a PUD in existence prior to ~~the effective date hereof~~ **October 19, 2012.**
    - (3) ***Will not apply along an adjacent property when a developing property modifies their zoning classification prior to development of the adjacent property that then triggers the need for the building mass buffer.***

b. Multi-Family Zoning Districts; Building Mass Buffer: One hundred fifty feet (150') from any adjacent developed property where the proposed development cannot meet the density transition as provided in subsection C1a of this section.

(1) Buffer is measured from the lower density property line and includes the ROW if a street separates the subject properties.

(2) Buffer will overlay any required setbacks, landscape buffer park or easements on the property.

c. Restrictions: Within the building mass buffer, the following shall apply:

(1) No more than six (6) attached units per building.

(2) No more than two (2) stories in height.

(3) Maximum building length (measured from foundation of parallel walls of greatest distance apart):

(A) Residential buildings: Maximum length of one hundred sixty feet (160').

(B) Garage buildings: Maximum length of one hundred feet (100').

(4) For every eight (8) garage bays, there must be a total garage building separation of no less than twenty feet (20').

(5) The above restrictions apply to the entirety of any building located fully or partially within the building mass buffer.

3. *Transition to Existing Context: To assure compatibility of new construction within already developed single family residential developments, the size of the proposed buildings will be restricted according to the following:*

a. *Applicability: Context Transition Buffer requirements will apply as follows:*

(1) *Will apply to single family residentially zoned properties with proposed development that is required to obtain site plan permits.*

(2) *Will not apply to any property with a PUD in existence prior to \_\_\_\_\_, 2019.*

(3) *Will not apply for the length of the contiguous property line that is adjacent to undeveloped property or property developed in non-single family uses.*

(4) *The city council reserves the right to waive or modify to a lesser restriction any provision or requirement of the context transition buffer, provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property.*

b. *Single Family Zoning Districts; Context Transition: One hundred fifty feet (150') from any adjacent single family developed property.*

(1) *Buffer is measured from the adjacent property line and includes the ROW if a street separates the subject properties.*

(2) *Buffer will overlay any required setbacks, landscape buffer park or easements on the property.*

(3) *Should the property be subject to buffer areas that overlap, the minimum and maximum size requirements generated by those separate buffers can be averaged to determine the restrictions for the areas of the property containing the overlapping buffers.*

(4) *In the situation where a property modifies their zoning classification to single family zoning, any adjacent single family zoned property would not be required to comply with the buffer regulations just because of the change in zoning designation of the adjacent property.*

c. *Restrictions: Within the Context Transition Buffer, the following shall apply:*

- (1) Total above grade floor area of each dwelling (including vehicle storage) within the buffer shall be no smaller than seventy-five percent (75%) of the average above grade floor area (including vehicle storage) of the dwelling(s) contained in the directly adjacent property.
- (2) Total above grade floor area of each dwelling (including vehicle storage) within the buffer shall be no larger than one-hundred and fifty percent (150%) of the average above grade floor area (including vehicle storage) of the dwelling(s) contained in the directly adjacent property.
- (3) The above restrictions apply to the entirety of any building located fully or partially within the context transition buffer.

**Section 7. Amendment.** Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations), Section 4 (Setback and Density Regulations) is hereby amended by deleting the entire section and replacing it with the following text:

**9-7-4: SETBACK AND DENSITY REGULATIONS:**

- A. Setback and building separation requirements noted below do not preclude any part of a structure from meeting all applicable building and fire code requirements.
- B. See Chapter 19, Section 8 (Landscape Provisions) of this Title on how building separation and setbacks are applied along required buffers.
- C. The following regulations shall apply to development within the residentially zoned districts and single family residential development in the Open Space and Valley Junction Historic Business districts.

1. Zoning District abbreviations:

OS	Open Space district	SF-VJ	Single Family Valley Junction district
RE	Residential Estate district	MH	Manufactured Housing district
RS	Residential Single-Family district	RM	Residential Medium-Density district
R-I	Single-Family Residential district	RH	Residential High-Density district
SF-CR	Single Family Commerce district	VJHB	Valley Junction Historic Business district

2. See Chapter 5, Section 7 of this Title (Building Form Regulations and Zoning District Compatibility for Residential Districts) for descriptions of residential building types.
3. All setbacks or separations are measured from the closest part of the foundation of the building or structure.
  - a. For structures with setbacks of seven feet (7') or larger:
    - (1) Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation; however, no part of any structure, including eaves and overhangs, may be closer than five feet (5') to a property line.
    - (2) Building projections that are allowed to encroach within a setback cannot exceed a distance of four feet (4') from the foundation line. Should the projection exceed four feet (4'), any setbacks and building separations will be measured from the closest part of the projection for the extent of the projection.
    - (3) No window well or any ground mounted mechanical equipment may be closer than three feet (3') to a property line.

**Commented [SL7]:** Replacing entire section. See comments below for differences between existing and new.

**Commented [SL8]:** Added references

**Commented [SL9]:** Since we now have residential and commercial uses allowed in both these districts, added this distinction

**Commented [SL10]:** Added reference

**Commented [SL11]:** Added regulations and clarifications for residential setbacks. Also added information for buildings with 5' setbacks.

- b. For structures with setbacks of less than seven feet (7’):
- (1) Building projections are allowed to encroach up to two feet (2’) from each building into minimum setback or separation as long as they meet all applicable building codes on fire resistive construction.
  - (2) No window well or any ground mounted mechanical equipment may be closer than two feet (2’) to a property line.
- c. Setbacks from private streets and drives:
- (1) Unless otherwise noted, the minimum setback for attached or detached garages facing a street or drive measured perpendicularly from the garage opening to the closest point of the sidewalk or back of curb of the intersecting private street or drive (whichever is more restrictive) shall be as follows:
    - i. Twenty five feet (25’) or greater, or
    - ii. Ten feet (10’) or less
  - (2) Unless otherwise noted, the minimum setback for a residential structure shall be fifteen feet (15’) from the back of curb of an adjacent private street or drive. This setback shall apply to all structures, including accessory or ancillary structures such as maintenance sheds, clubhouses or leasing offices.
- d. See footnotes in Table 7.2 and 7.3 in this Section for setbacks on outdoor living areas for footprint lots.
4. Maximum building height for single family dwellings is three (3) stories.
5. Bulk Regulations for Residential Districts:

TABLE 7.1.

Maximum Unit Density										
Required Standards	OS	RE	RS	R-1	SF-CR	SF-VJ	VJHB	MH	RM	RH
Maximum du/acre	0.1	0.91	6.0	5.8	5.8	6.0	6.0	12.0	12.0	18.0

Lot Area – Standard Lots (not footprint lots <sup>2</sup> )										
Required Standards	OS	RE	RS	R-1	SF-CR	SF-VJ	VJHB	MH	RM	RH
Minimum Lot Area	10 acres	40,000 sq. ft.	5,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	5,300 sq. ft.	2 acres	2 acres
Minimum Lot Size - Non-Residential Uses	n/a	2.5 acres	1 acre	1 acre	1 acre	18,000 sq. ft.	n/a	6,500 sq. ft.	2 acres	2 acres
Minimum open space (%)	75	25	25	25	25	25	25	25	25	25

**Commented [SL12]:** Moved up from Section 5

**Commented [SL13]:** Added reference since we now have criteria for outdoor living area on footprint lots.

**Commented [SL14]:** Added since we had no stated height limit for Single Family. This matches the building code.

**Commented [SL15]:** In general, we are splitting tables into subcategories to provide better table organization.

Table 7.1 content is the same except for the following:

1. Minimum lot size for OS was dropped to 10 ac from 20 ac. Maximum du/ac for OS was updated to reflect the change.
2. VJHB was added
3. Separate lot areas for building types (SF, attached SF, multi-family) were removed as we are no longer using the term attached SF. Also, stated minimum lot size of 2,000 sf for attached single family was confusing. We are now addressing footprint lot size with min/max setbacks from building.
4. Term “non-dwelling” was changed to “non-residential”
5. Minimum lot width and street frontage was moved up from Table 7.2
  - Minimum lot width for OS was changed to 200’ from 100’ to be realistic with required side yards
  - Minimum lot width for R-1 was changed from 60’ to 50’ to be consistent with other 7,500 sf lots.
  - Minimum street frontage was changed to 40’ for all SF districts to be consistent.

Lot Width - Standard Lots (not footprint lots) <sup>2</sup>													
Required Standards (in feet)	OS	RE	RS (sq. ft.)				R-1	SF-CR	SF-VJ	VJHB	MH	RM	RH
			5,000 to 7,999	8,000 to 9,999	10,000 to 14,999	15,000 or greater							
Minimum lot width at building setback line <sup>1</sup>	200	100	50	70	80	100	50	50	40	40	50		
Minimum street frontage	40	40	40	40	40	40	40	40	40	40	100	150	

**Notes:**

- The minimum lot width for corner lots shall be increased by twenty five feet (25').
  - Lot area and dimensions of footprint lots are dictated by setback requirements noted in Table 7.2 and Table 7.3.
6. Minimum Setbacks and Building Separations for Principal Buildings (Dwellings) in Single Family Zoning Districts:

TABLE 7.2

Setbacks - Standard Lots <sup>3</sup>											
Required Standards (in feet)	OS	RE	RS (sq. ft.)				R-1	SF-CR	SF-VJ	MH <sup>5</sup>	VJHB
			5,000 to 7,999	8,000 to 9,999	10,000 to 14,999	15,000 or greater					
Front yard setback <sup>1,2</sup>	50	50	30	35	35	35	30	20	20	20	20
Rear yard setback	50	50	35	35	35	35	35	20	35	10	35
Minimum side yard setback on any one side	50	20	7	8	8	8	7	5	5	5	5
Minimum sum of side yard setbacks	100	40	14	20	20	20	14	10	10	10	10

**Commented [SL16]:** 1. Moved up the corner lot width note from 7.2  
 2. Removed table notes on prefabricated vs. stick built housing and condo ownership – ownership not pertinent, also see note #5, table 7.2 on manufactured housing.  
 3. Added reference to footprint lots

**Commented [SL17]:** Table 7.2 content is the same except for the following:  
 1. RM and RH removed from table  
 2. Minimum side yard setback for OS was changed from 100' to 50'  
 3. Total side yards for RS-5 and R-1 have changed from 15' to 14' (double the minimum) Side yards for SF-CR and SF-VJ have already been changed to 5'/10'  
 4. Lot width and frontage moved up to Table 7.1  
 5. Added category on footprint lots.

**NOTE:** This will allow detached TH (footprint lots) in OS, RE, RS and R-1. Intent is to allow additional ownership methods in single family (if it looks and acts like a single family home, why prevent it). Footprint ownership can facilitate cluster development and possibly reduce housing costs with less land associated with unit (but association fees could offset the savings).

Setbacks and Building Separation for Detached Dwellings on Footprint Lots <sup>3,6,7</sup>								
Required Standards (in feet)	OS	RE	RS	R-1	SF-CR	SF-VJ	MH	VJHB
Minimum setback of all yards for footprint lot <sup>4</sup>	7	7	7	7				
Maximum setback of all yards for footprint lot <sup>4</sup>	10	10	10	10				
Minimum separation between principal structures	14	14	14	14				

**Notes:**

1. In any existing platted property where the average front yard setback is different than that required for the specific zoning district, the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. Resulting front yard setback shall not be less than the minimum required side yard setback for the zoning district. Front yard setback measured from the face of any garage accessed from the street will be a minimum of twenty-five feet (25') regardless of the averaged front yard depth. If the overall depth of the lot from the subject front yard is fifty feet (50') or less, the setback for any garage accessed from the street will be a minimum of twenty feet (20').
2. Open porches with a minimum depth of six feet (6') are allowed to encroach up to eight feet (8') into the standard lot front yard setback.
3. Accessory buildings over one-thousand square feet (1,000 sf), which are only permitted in Residential Estate and Open Space zoning, shall meet the minimum front yard setback of their respective zoning district and be setback a minimum of twenty feet (20') from the side and rear property lines.
4. Outdoor living areas associated with and adjacent to the dwelling unit for footprint lots must be contained in the footprint lot and meet the following setback requirements:
  1. Patios: setback a minimum of one foot (1') from the footprint property line.
  2. Decks that do not exceed thirty inches (30") in height or open trellises: setback a minimum of five feet (5') from footprint property line.
  3. Structures that exceed thirty inches (30") in height such as decks, porches and sunrooms: setback a minimum of seven feet (7') from footprint property line.
5. Manufactured Homes within a land lease Manufactured Home Park must be completely contained within the land lease area and comply with separation or fire protection requirements under the authority of 42 U.S.C. § 5403 (Federal Manufactured Home Construction and Safety Standards). Manufactured Homes not within a land lease Manufactured Home Park must meet the setback and separation distances of the applicable zoning district.
6. Maximum unit density, aggregate minimum lot area, minimum street frontage and building setbacks for the development must meet applicable zoning district requirements.
7. Developments with footprint lots will require review and approval of a Site Plan Permit in addition to any other required review process.
7. Minimum Setbacks and Building Separations for Principal and Accessory Buildings or Structures in Multi Family Zoning Districts:

**TABLE 7.3**

<b>Detached Dwellings (Detached Townhomes)</b>		
<b>Required Standards (in feet)</b>	<b>RM</b>	<b>RH</b>
Front yard setback <sup>1</sup>	30	30
Rear yard setback	35	35
Side yard setback	7	7
Minimum of all yards for footprint lot <sup>2</sup>	7	7
Maximum of all yards for footprint lot <sup>2</sup>	10	10

**Commented [SL18]:** 1. Moved the corner lot width note to 7.1  
 2. Removed table notes on prefabricated vs. stick built housing and condo ownership – ownership not pertinent, also see note #5 on manufactured housing.  
 3. Existed platted property note (#1) has been revised  
 4. Setback "measured to" note has been moved up to C3  
 5. "Measured at" lot width note moved up to Table 7.1  
 6. Added #2-6  
 -#2 Is an incentive to add porches to help mitigate the garage dominate "snout house" look.  
 -#3 Allows accessory buildings under 1,000 sf in RE to have the same setback (5'/side/5' rear) as other residential districts. Will hopefully reduce variance requests. Will also help mitigate impact of larger second or accessory dwelling units.  
 -#4 Added for two reasons: Requirement for all dwelling units to have outdoor living area is being considered. Also provides direction on how attached accessory structures should be addressed on a footprint lot (will hopefully prevent the issues happening with Bridgewood detached TH's).  
 -#5 Added to provide direction on setbacks in MH parks where there are no property lines.  
 -#6 Added to ensure SF developments with detached townhomes (footprint lots) end up with the same max density as traditional development in the same zoning district.  
 -#7 Developments with non-standards lots can be complex, so site plan review will be required.

**Commented [SL19]:** Table 7.3 (Single Family Attached) and 7.4 (Multi-Family) have been combined.  
 1. Categories have been established based on building size.  
 2. Single Family zoning districts have been removed from this table.  
 3. Setbacks and building separations have been reduced for the smaller building sizes.  
 4. Minimum/Maximum setbacks have been added for footprint lots  
 5. Perimeter setbacks have been removed for detached townhomes  
 6. Internal setbacks have been included for attached multi-family for areas that will not have a perimeter setback  
 7. Accessory buildings over 1,500 sf in MF will now need to meet the principal building setbacks.



Minimum separation between principal buildings	14	14
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings <sup>4</sup>	10	10

<b>Attached Dwelling Building</b> <b>Up to 2 story, 4 units or less per building</b> <b>(Townhomes, Apartments or Condominiums)</b>		
Required Standards (in feet)	RM	RH
Minimum setback <sup>1</sup>	35	35
- From perimeter of development		
Front and Rear yard setback <sup>1</sup>	15	15
- Internal to the development		
- The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb.		
Side yard setback	7	7
- Internal to the development		
Minimum of all yards for footprint lot <sup>2</sup>	7	7
Maximum of all yards for footprint lot <sup>2</sup>	10	10
Minimum separation between principal buildings	14	14
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings <sup>4</sup>	10	10

<b>Attached Dwelling Building</b> <b>Up to 2 story, more than 4 units per building</b> <b>or</b> <b>3 story or greater, 4 units or less per building</b> <b>(Townhomes, Apartments or Condominiums)</b>		
Required Standards (in feet)	RM	RH
Front yard setback <sup>1,3</sup>	50	50
- From perimeter of development		
Rear and Side yard setback <sup>3</sup>	35	35
- From perimeter of development		
Front and Rear yard setback <sup>1,3</sup>	20	20
- Internal to the development		
- The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb.		
Side yard setback <sup>3</sup>	10	10
- Internal to the development		
Minimum of all yards for footprint lot <sup>2</sup>	7	7
Maximum for all yards of a footprint lot <sup>2</sup>	10	10
Minimum separation between principal buildings	20	20
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings <sup>4</sup>	20	20

**Attached Dwelling Building  
3 story or greater, more than four units per building  
(Townhomes, Apartments or Condominiums)**

Required Standards (in feet)	RM	RH
Front yard setback <sup>1,3</sup>	60	60
- From perimeter of development		
Rear and Side yard setback <sup>3</sup>	35	35
- From perimeter of development		
Front and Rear yard setback <sup>1</sup>	30	30
- Internal to the development		
Side yard setback	15	15
- Internal to the development		
Minimum for all yards of a footprint lot <sup>2</sup>	7	7
Maximum for all yards of a footprint lot <sup>2</sup>	10	10
Minimum separation between principal buildings	30	30
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings <sup>4</sup>	20	20

**Notes:**

- Open porches with a minimum depth of six feet (6') are allowed to encroach up to eight feet (8') into the standard lot front yard setback. Porches are not allowed to encroach into any perimeter setback.
  - Outdoor living areas associated with, and adjacent to the dwelling unit for footprint lots must be contained in the footprint lot and meet the following setback requirements:
    - Patios: setback a minimum of one foot (1') from the footprint property line.
    - Decks that do not exceed thirty inches (30") in height or open trellises: setback a minimum of five feet (5') from footprint property line.
    - Structures that exceed thirty inches (30") in height such as decks, porches and sunrooms: setback a minimum of seven feet (7') from footprint property line.
  - For any building over three (3) stories, an additional ten feet (10') of building setback is required for every story over three (3) stories.
  - Accessory buildings over one-thousand, five hundred square feet (1,500 sf) must meet primary building setbacks and separations, including setbacks adjusted for primary building height.
8. Minimum Setbacks and Bulk Regulations for Principal Buildings of Non-Residential Uses (Daycares, Churches, Schools) in Residential Zoning Districts:

**TABLE 7.4**

Required Standards (in feet)	Minimum Setback (in feet) <sup>1</sup>							
	RE	RS	R-1	SF-CR	SF-VJ	MH	RM	RH
Front yard setback	100	50	50	20	20	35	50	50
Rear yard setback	100	50	50	20	20	35	50	50
Side yard setback	50	25	25	15	15	10	25	25

**Commented [SL20]:** 1. Perimeter setback is incorporated in the table, so that table note has been removed  
 2. Removed table note on prefabricated vs. stick built housing – not valid anymore as MH removed from table.  
 3. Notes #1, 2 and 4 are new  
 - #1 Same Incentive as SF to mitigate snout houses  
 - #2 Same as SF above to address attached accessory structures  
 - #4 Intended to regulate accessory structures the same as main buildings by providing larger setbacks for larger accessory buildings. (1,500 sf is the approximate size of a 6 bay garage, which coordinates with building mass buffer regulations)

**Commented [SL21]:** Was Table 7.5 - Removed OS and VJHB as they allow non-residential uses.  
 Content is the same except for the following:  
 1. Lot width for RS & R-1 was reduced to 100' to be consistent with RE.  
 2. Lot width of SF-CR, SF-VJ and MH were changed to 50' to be consistent and to match street frontage.  
 3. Lot width for RM and RH were changed to match lot width in 7.1  
 4. Minimum street frontage was changed to 50' for all SF districts to be consistent and under the assumption that non-residential uses would require a 2-way drive.  
 5. Minimum street frontage for MH and RH were changed to match 7.1.  
 6. 1 story note on accessory structure height was removed.

Lot Size								
Minimum lot width (in feet)	100	100	100	50	50	50	100	150
Minimum street frontage (in feet)	50	50	50	50	50	50	100	150
Minimum open space (%)	25	25	25	25	25	25	25	25

Building Height (in feet)								
Maximum height of principal building <sup>2</sup>	40	40	40	40	40	40	40	40
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20	20

**Notes:**

1. See Subsection C9 and Table 7.5 of this Section for detached accessory structure setbacks in residential zoning districts.
  2. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
9. Bulk Regulations, Minimum Setbacks and Building Separations for Accessory Buildings and Structures in Residential Districts:
- a. See Chapter 14 of this Title (Accessory Structures) for additional standards and construction requirements for accessory buildings and structures.
  - b. Accessory buildings and structures that meet the minimum separation distance from the principal building are considered detached accessory structures. In such case, the detached accessory structure must meet the setback requirements as noted in Table 7.5 below.
  - c. Accessory structures that do not meet the minimum separation from the principal structure are considered part of the principal structure, no matter if they are physically separate from the principal structure. In such case, the accessory structure must meet the setback requirements for a principal structure except as noted below.
  - d. Accessory structures (other than fences and walls) that do not exceed thirty inches (30") in height as measured from grade to the highest element and any railing or trellis designed to be open 50% or more may follow the detached accessory structure setbacks, no matter their proximity to the principal structure.
  - e. See Chapter 10 of this Title (Performance Standards), Section 4 (Specific Use Regulations) for additional separation requirements for accessory structures that will house animals.
  - f. Accessory structures cannot encroach into any buffer area or perimeter setback.
  - g. In a footprint development, detached accessory structures and fences are not allowed within footprint lots and are only allowed for development use on common property.
  - h. Accessory buildings over one-thousand square feet (1,000 sf), which are only permitted in Residential Estate and Open Space zoning, shall meet the minimum front yard setback of their respective zoning district and be setback a minimum of twenty feet (20') from the side and rear property lines.
  - i. Accessory buildings over one-thousand, five hundred square feet (1,500 sf) in multi-family residential districts must meet primary building setbacks and separations including setbacks adjusted for primary building height.

**Commented [SL22]:** Added note #1 - There was no direction on if accessory structures for non-residential uses should meet principal building setbacks (like commercial zoning) or could meet reduced setbacks as other buildings in residential zoning.

**Commented [SL23]:** Added reference

**Commented [SL24]:** We are eliminating the setback table for attached accessory structures (they will now need to meet principal structure setbacks, with one exception as noted in C1). Will just have matrix for detached accessory buildings/structures

**Commented [SL25]:** Pushing all setback info for animal keeping to performance standards.

**Commented [SL26]:** Added note since this was not clear in previous version

**Commented [SL27]:** Added to provide clarity on what should be contained in a footprint lot.

**Commented [SL28]:** Restating what was noted in respective matrices above.

TABLE 7.5

Detached Accessory Structures – Single Family Zoning Districts									
Required Standards	OS	RE	RS (ft.)		R-1	SF-CR	SF-VJ	MH <sup>2</sup>	VJHB
			<8,000	8,000>					
Front yard setback <sup>1</sup>	50	50	30	35	30	20	20	20	20
Rear and Side yard setback	5	5	5	5	5	5	5	5	5
Setback from alleys where the structure accesses the alley	20	20	20	20	20	20	20	20	20
Minimum separation between accessory buildings or structures under 1,000 sf and all other buildings	10	10	10	10	10	10	10	10	10

Detached Accessory Structures – Multi-Family Zoning Districts <sup>2</sup>		
Required Standards	<u>MD</u>	<u>HD</u>
Front yard setback <sup>1</sup>	35	35
Rear and Side yard setback	10	10
Setback from alleys where the structure accesses the alley	20	20
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings	See Table 7.3	See Table 7.3

Notes:

1. In any existing platted property where the average front yard setback is different than that required for the specific zoning district, the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. Resulting front yard setback shall not be less than the minimum required side yard setback for the zoning district. Front yard setback measured from the face of any garage accessed from the street will be a minimum of twenty-five feet (25') regardless of the averaged front yard depth. If the overall depth of the lot from the subject front yard is fifty feet (50') or less, the setback for any garage accessed from the street will be a minimum of twenty feet (20').
2. Accessory buildings or structures within a land lease Manufactured Home Park must be completely contained within the land lease area and comply with adopted building code separation and fire protection requirements from all other structures. Accessory structures not within a land lease Manufactured Home Park must meet the setback and separation distances of the applicable zoning district requirements.

D. The following regulations shall apply to development within the commercial, office and industrial zoned districts and non-residential development in the Open Space and Valley Junction Historic Business districts

**Commented [SL29]:** Was Table 7.6 – Also removed Table 7.7 (attached accessory structures) as they are handled above. Content is the same except for the following:

1. SF and MF are split into separate tables
2. Changes SF-CR to 20' front yard setback (same as principal building setback).
3. Combined Side and Rear setback into one line in matrix
4. Combined building separation from accessory and main structures as they were the same.

**Commented [SL30]:** 1. Note #1 on average front yard has been updated (same as found under Table 7.2)

2. Note #2 added to provide direction on setbacks in MH parks where there are no property lines.
3. Removed the note requiring for screening of an accessory building in front of principle building. Not sure we have ever enforced it and the question pops up on how to enforce it on a corner lot with two front yards.
4. Setback note was moved to the top of the Section.
5. Note on housing animals was moved to above this table.

1. Zoning District abbreviations:

RC	Regional Commercial district	VJC	Valley Junction Commercial district	LI	Light Industrial district
CMC	Community Commercial district	VJHB	Valley Junction Historic Business district	GI	General Industrial district
NC	Neighborhood Commercial district	WR	Warehouse Retail district	OF	Office district
CVC	Convenience Commercial district	BP	Business Park district	PCP	Professional Commerce Park district
SC	Support Commercial district	VJLI	Valley Junction Light Industrial district	OS	Open Space district

**Commented [SL31]:** Added abbreviations table, did not have one for commercial districts in this section.

2. All setbacks or separations are measured from the closest part of the foundation of the building or structure.

- a. Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation.
- b. Any part of the structure, including eaves and overhangs, must meet all applicable building and fire codes on fire resistive construction based on distance from the property line or proximity to adjacent buildings.
- c. Building projections that are allowed to encroach within a setback cannot exceed a distance of four feet (4') from the foundation line. Projections that exceed four feet (4') from the foundation line will need to meet required setbacks and separation distances.
- d. No window well or any ground mounted mechanical equipment may be closer than three feet (3') to a property line.
- e. Except for the following, all detached accessory structures must meet primary building setback and separation requirements.
  - (1) Trash and mechanical enclosures may use off-street parking setbacks for their respective district along the side and rear yards, however no enclosure may be located closer than five feet (5') from a property line.
  - (2) Maintenance sheds or garages equal to or less than one hundred and twenty square feet (120') in floor area may use off-street parking setbacks for their respective district along the side and rear yards, however no shed or garage may be located closer than five feet (5') from a property line.

**Commented [SL32]:** Moved setback information to top rather than in the matrix tables, added information on projections.

**Commented [SL33]:** New setback regulation for trash enclosures and maintenance sheds to allow them to be tucked back in the site away from the building.

3. Bulk Regulations and Setbacks for Principal and Accessory Buildings or Structures in Commercial Districts:

TABLE 7.6

Required Standards	Lot Size							
	RC	CMC	NC	CVC	SC	VJC	VJHB	WR
Minimum lot area (square feet)	60,000	60,000	60,000	40,000	60,000	20,000	6,250	20,000
Minimum lot width (feet)	50	50	50	50	50	50	50	50
Minimum open space (%)	25	25	25	25	25	25	0	25

**Commented [SL34]:** Was Table 7.8. Content the same except added a line for accessory structure height.

Minimum Setback (in feet)								
Required Standards	RC	CMC	NC	CVC	SC	VJC	VJHB	WR
Front yard setback	100	100	45	45	100	35	0	50
Rear yard setback	50 <sup>1</sup>	50 <sup>1</sup>	35 <sup>1</sup>	35 <sup>1</sup>	50 <sup>1</sup>	35 <sup>1</sup>	0	50 <sup>1</sup>
Side yard setback	50 <sup>1</sup>	50 <sup>1</sup>	35 <sup>1</sup>	50 <sup>1</sup>	50 <sup>1</sup>	35 <sup>1</sup>	0	50 <sup>1</sup>

Building Height (in feet)								
Required Standards	RC	CMC	NC	CVC	SC	VJC	VJHB	WR
Maximum height of principal building or structure	36 <sup>2</sup>	36 <sup>2</sup>	30	30	36 <sup>2</sup>	30	36	60 <sup>2</sup>
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20	20

**Notes:**

- Setback of zero feet (0') allowed if the property abuts a similar district.
  - Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
4. Bulk Regulations and Setbacks for Principal and Accessory Buildings or Structures in Industrial, Office and Open Space Districts:

**Commented [SL35]:** Removed the condo ownership note and setback definition note – not needed.

**TABLE 7.7**

Lot Size							
Required Standards	BP	VJLI	LI	GI	OF	PCP	OS
Minimum lot area	20,000 square feet	7,250 square feet	10,000 square feet	20,000 square feet	10,000 square feet	60,000 square feet	10 acres
Minimum lot width (feet)	75	50	75	75	80	150	200
Minimum open space (%)	35	20	20	20	25	35	75

**Commented [SL36]:** Was Table 7.9. Content the same except for the following  
 1. OS minimum lot size was reduced from 20 ac to 10 ac (same as residential)  
 2. Added a line for accessory structure height.

Minimum Setback (in feet)							
Required Standards	BP	VJLI	LI	GI	OF	PCP	OS
Front yard setback	50	15	30	40	30	50	50
Rear yard setback	50	10 (from alleyway)	35	35	35	50	50
- If abuts like zoning district			15		15	25	
Side yard setback	50	10 <sup>2</sup>	20 <sup>2</sup>	35 <sup>2</sup>	10 <sup>2</sup>	50	50
- If abuts like zoning district						25	

Building Height (in feet)							
Required Standards	BP	VJLI	LI	GI	OF	PCP	OS
Maximum height of principal building or structure	60 <sup>1</sup>	15 30 <sup>3</sup>	60 <sup>1</sup>	60 <sup>1</sup>	36 <sup>1</sup>	60 <sup>1</sup>	60 <sup>1</sup>
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20

Notes:

1. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
2. Setback of 0 feet allowed if abuts a similar district.
3. Maximum height of thirty feet (30') allowed with a building side yard setback of twenty feet (20').

**Section 8. Amendment.** Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations), Section 5 (Miscellaneous Regulations) is hereby deleted.

Commented [SL37]: Added all this information into Section 4.

**Section 9. Amendment.** Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A is hereby amended by adding the bold italic text in numerical order:

***27. Cluster Developments: In order to be considered a cluster development, a minimum of 50% of the development area must be set aside, identified for preservation or protection and deed restricted from further development. Cluster Development may utilize footprint lots or multiple buildings on one lot, as noted in Chapter 7 of this Title (Setback and Bulk Density Regulations), Table 7.2.***

***Preservation areas must be identified and legally restricted from further development. These protected areas must be unencumbered by structures, off street parking areas and vehicle use areas but may include landscaped areas, buffers, fences, pedestrian sidewalks/trails and plazas or recreation areas. Stormwater management facilities may be included if they are designed as development or community amenity such as ponds or created wetlands.***

**Section 10. Amendment.** Title 9 (Zoning), Chapter 19 (Landscaping), Section 4 (Applicability), Subsection A2 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

Commented [SL38]: Terminology clean up.

2. The requirements herein do apply to:
  - a. All new nonresidential structures;
  - b. All new ***developments in multi-family zoning districts and single-family attached dwellings***;
  - c. Major modifications to structures or sites;
  - d. All subdivision plats where buffers are required;
  - e. Minor modifications except that the requirements of this chapter shall only apply to the area of the site impacted by the minor modification.

**Section 11. Amendment.** Title 9 (*Zoning*), Chapter 19 (*Landscaping*), Section 8 (*Landscaping*), Subsection E2 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

2. Conditions for Requiring a Buffer: The following conditions shall require a buffer between abutting districts and uses:

- a. Any ~~single family attached residential~~ ***multi-family residential*** development greater than four (4) dwelling units per building, ~~multi-family residential~~ and all commercial, office and industrial uses or any undeveloped residential high density district (RH), residential medium density district (RM), manufactured housing district (MH) and all commercial and industrial districts which abut any ***single family residential estate-zoning*** district (~~RE~~), ~~residential single family district (RS)~~, ~~single family residential district (R-1)~~ or single-family detached uses shall be buffered as required in this section.
- b. Any multi-family residential and all commercial, office and industrial uses or any undeveloped residential high density district (RH), all commercial, office and industrial districts which abut any residential medium density district (RM) *or* manufactured housing district (MH), ~~or single family attached uses~~ shall be buffered as required in this section.



## SECOND READING NO CHANGE FROM PREVIOUS READING

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

**ITEM:** Creation of 1525 Grand Urban Renewal Area - City Initiated      **DATE:** April 1, 2019

**ORDINANCE:** Approval of Second, Waiver of the Third Reading, and Final Adoption

**FINANCIAL IMPACT:** Under the Property Tax Rebate Program, the City anticipates rebating no more than \$433,405 to RB WDM Grand, LLC. That figure includes the development agreement with RB WDM Grand, LLC for the development of a Mercy Clinic on the sites of 1525 and 1535 Grand Avenue.

**BACKGROUND:** At the October 15, 2018, City Council meeting, the Council directed staff to initiate the process to approve a development agreement between the City and RB WDM Grand, LLC for the construction of a new 10,600 square foot general family practice medical building for Mercy Clinic and participation in the Property Tax Rebate Program. As part of that effort, the City also needs to initiate the process to create the 1525 Grand Urban Renewal Area and Plan.

As required by law, on March 11, 2019, the Plan and Zoning Commission made a finding that the 1525 Grand URP was in conformity with the Comprehensive Plan.

As required by law, on February 27, 2019, staff held a consultation meeting for all of the taxing entities. The only attendees were City of West Des Moines staff.


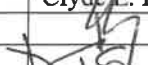


This item was distributed to the Finance and Administration Subcommittee on September 26, 2018. The Subcommittee members made the recommendation to take the item to full council for action.

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

**RECOMMENDATION:** Staff recommends the approval of the second reading, waiver of the third reading and final adoption of the TIF Ordinance.

Lead Staff Member: Rachel Wacker, Business Development Coordinator

**STAFF REVIEWS**

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

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

Published In	DM Register
Date(s) Published	2/8/2019
Letter sent to surrounding property owners	NA

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Finance & Administration		
Date Reviewed	9/26/2018		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I- Ordinance
- Exhibit II - 1525 Grand Urban Renewal Area

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

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 1525 Grand Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the members of the City Council of the City of West Des Moines, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 1525 Grand Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of West Des Moines, Iowa.

“County” shall mean Polk County, Iowa.

“Urban Renewal Area” shall mean the taxable real property situated in 1525 Grand Urban Renewal Area, the boundaries of which are set out below, such property having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on March 18, 2019:

BEGINNING AT THE SOUTHWEST CORNER OF LOT C MOUNTAIN PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF GRAND AVENUE AT THE INTERSECTION OF THE SOUTH LINE OF LOT D, MOUNTAIN PLACE WITH THE EASTERLY RIGHT OF WAY LINE OF GRAND AVENUE;

THENCE NORTH, ALONG THE WEST LINE OF LOT C, MOUNTAIN PLACE, TO THE NORTHWEST CORNER OF LOT C, BEING A POINT ON THE NORTH SIDE OF GRAND AVENUE;

THENCE NORTHEASTERLY, ALONG THE NORTH LINE OF LOT C AND THE NORTHERLY RIGHT OF WAY LINE OF GRAND AVENUE, TO THE SOUTHWEST CORNER OF LOT 4, MOUNTAIN PLACE;

THENCE NORTH ALONG THE WEST LINE OF LOT 4, MOUNTAIN PLACE, TO THE NORTHWEST CORNER OF LOT 4, MOUNTAIN PLACE;

THENCE NORTHEASTERLY, ALONG THE NORTH LINE OF LOT 4 AND 5, MOUNTAIN PLACE, TO THE NORTHEAST CORNER OF LOT 5, MOUNTAIN PLACE;

THENCE NORTHEASTERLY, ALONG THE NORTH LINE OF LOT 6, MOUNTAIN PLACE, A DISTANCE OF 64.8 FEET;

THENCE SOUTHEASTERLY, TO THE SOUTH LINE OF LOT 6, MOUNTAIN PLACE, AND THE NORTH RIGHT OF WAY LINE OF GRAND AVENUE AND ALSO BEING THE NORTH LINE OF LOT C, MOUNTAIN PLACE, BEING LOCATED 160 FEET SOUTHWESTERLY FROM THE SOUTHEAST CORNER OF LOT 6, MOUNTAIN PLACE;

THENCE NORTHEASTERLY, ALONG THE NORTH LINE OF GRAND AVENUE RIGHT OF WAY, ALSO BEING THE NORTH LINE OF LOT C, MOUNTAIN PLACE, TO THE NORTHEAST CORNER OF LOT C, MOUNTAIN PLACE;

THENCE SOUTH, ALONG THE EAST LINE OF LOT C, MOUNTAIN PLACE, TO THE SOUTHEAST CORNER OF LOT C, MOUNTAIN PLACE;

THENCE SOUTHWESTERLY, ALONG THE SOUTH RIGHT OF WAY LINE OF GRAND AVENUE, ALSO BEING THE SOUTH LINE OF LOT C, MOUNTAIN PLACE, TO THE POINT OF BEGINNING.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support

levy program of a school district imposed pursuant to Section 257.19 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

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

Section 5. Saving Clause. If any section, provision, 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 section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of West Des Moines, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF WEST DES MOINES, IOWA  
URBAN RENEWAL PLAN  
1525 GRAND URBAN RENEWAL AREA

April 1, 2019

## I. INTRODUCTION

Chapter 403 of the Code of Iowa authorizes counties to establish areas within their boundaries known as “urban renewal areas,” and to exercise special powers within these areas. Urban renewal powers were initially provided to cities in order that conditions of blight and of deterioration within cities might be brought under control. Gradually, urban renewal has been found to be a useful tool, as well, for economic development in previously undeveloped areas and for retention of enterprises and jobs in other areas.

In order to facilitate the use of urban renewal for economic development, in 1985, the Iowa General Assembly amended Chapter 403 to authorize City Councils to create “economic development” areas. An economic development urban renewal area may be any area of a city which has been designated by the City Council as an area which is appropriate for industrial, commercial and/or residential enterprises and in which the city seeks to encourage further development.

As an additional expression of the role for local governments in private economic development, the General Assembly also enacted Chapter 15A of the Code of Iowa, which declares that economic development is a “public purpose” and authorizes local governments to make grants, loans, guarantees, tax incentives and other financial assistance to private enterprise. The statute defines “economic development” as including public investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost.

The process by which an economic development urban renewal area may be created begins with a finding by the City Council that such an area needs to be established within the city. An urban renewal plan is then prepared for the area, which must be consistent with the city’s existing comprehensive or general plan. All other affected taxing entities must be notified and given an opportunity to comment on the plan. The City Council must hold a public hearing on the urban renewal plan, following which, the Council may approve the plan.

This document is intended to serve as the Urban Renewal Plan for the City of West Des Moines’s (the “City”) 1525 Grand Urban Renewal Area (the “Urban Renewal Area”) and will guide the City in promoting economic growth through the encouragement of commercial and industrial development in such Urban Renewal Area as detailed herein. This document is an Urban Renewal Plan within the meaning of Chapter 403 of the Code of Iowa and sets out proposed projects and activities within the Urban Renewal Area.

## **II. DESCRIPTION OF URBAN RENEWAL AREA**

A description of all property (the “Property”) that has been included within the Urban Renewal Area is attached hereto as Exhibit A.

## **III. URBAN RENEWAL OBJECTIVES**

The primary objectives for the development of the Urban Renewal Area are:

1. To contribute to a diversified, well-balanced local economy by creating job opportunities and strengthening the property tax base.
2. To assist in providing land and resources for new and expanded commercial and industrial development in a manner that is efficient from the standpoint of providing municipal services.
3. To stimulate through public action and commitment, private investment in commercial and industrial development, and to encourage commercial and industrial job retention, growth and expansion through the use of various federal, state and local incentives, including tax increment financing.
4. To provide municipal infrastructure, services and facilities that enhance possibilities for economic development and community attractiveness to private enterprise.
5. To help finance the cost of streets, water, sanitary sewer, storm sewer, or other public improvements in support of new commercial and industrial development.
6. To provide a more marketable and attractive investment climate.
7. To provide public facilities to enhance City services and enhance the economic attractiveness of the community.

## **IV. URBAN RENEWAL PROJECTS AND ACTIVITIES**

The following types of activities are examples of the specific actions which may be undertaken by the City within the Urban Renewal Area:

1. Preparation of plans related to the development and implementation of the Urban Renewal Area and specific urban renewal projects.
2. Construction of public improvements and facilities, including streets, public utilities or other facilities in connection with an urban renewal project.
3. Construction of buildings or specific site improvements such as grading and site preparation activities, access roads and parking, railroad spurs, fencing, utility connections, and related activities.

4. Acquisition, preparation and disposition of property for development and/or redevelopment.

5. Making available, as appropriate, financing for development projects, including conventional municipal borrowing and tax increment financing resulting from increased property values in the Urban Renewal Area.

6. Pursuant to state law, provision of direct financial assistance, including grants, loans and tax increment rebate agreements, to private persons engaged in economic development, in such form and subject to such conditions as may be determined by the City Council.

## V. SPECIFIC URBAN RENEWAL PROJECTS

The City has determined to undertake the following initiative in the Urban Renewal Area as an economic development urban renewal projects:

A)

**Name of Project:** RB WDM Grand LLC Development Project

**Date of Council Approval of Project:** April 1, 2019

**Description of the Project:** RB WDM Grand LLC (the “Developer”) has proposed to undertake the construction of new general family practice medical building (the “Project”) on certain real property situated at 1525 Grand Avenue in the Urban Renewal Area (the “Development Property”) for use in the business operations of Mercy Clinic.

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 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 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 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 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 Development Property. It is anticipated that the City’s total commitment of incremental property tax revenues with respect to the Project will not exceed \$450,000, plus the Admin Fees.

**B)**

**Name of Project:** Street Improvements Project

**Date of Council Approval of Project:** April 1, 2019

**Description of Project and Project Site:** The Street Improvements Project will consist of street widening and paving; and the incidental utility, landscaping, site clearance and cleanup work related thereto in the Urban Renewal Area on and along Grand Avenue from and including its intersection with Vine Street continuing northeast to and including its intersection with 14<sup>th</sup> Street. The Street Improvements Project will also include the installation of a traffic signal at the intersection of the Grand Avenue and 16<sup>th</sup> Street.

It is expected that the completed Street Improvements Project will cause increased and improved ability of the City to provide adequate transportation infrastructure for the growth and retention of commercial enterprises in the City.

**Description of Properties to be Acquired in Connection with Project:** The City will acquire such easement territory and rights-of-way as are necessary to successfully undertake the Street Improvements Project.

**Description of Use of TIF for the Project:** It is anticipated that the City will pay for the Street Improvements Project with borrowed funds and/or the proceeds of an internal advance of City funds on-hand. In any case, the City’s obligation will be repaid with incremental property tax revenues derived from the Urban Renewal Area. It is anticipated that the City’s use of incremental property tax revenues for the Street Improvements Project will not exceed \$1,000,000.

## **VI. LAND USE PLAN AND PROPOSED DEVELOPMENT**

The City has adopted a Comprehensive Land Use Plan which guides the establishment of commercial, residential and industrial land uses throughout the incorporated area. Land use in the Urban Renewal Area will be carried out in a manner that will maintain consistency with the Comprehensive Land Use Plan and the City’s zoning regulations.



## **VII. TAX INCREMENT FINANCING**

In order to assist in the development or retention of private enterprises, the City may be requested to acquire land, construct public improvements or provide economic development loans, grants or other tax incentives for the benefit of private enterprises in order to enhance the value of property in the Urban Renewal Area. As part of the Urban Renewal Area, the City has adopted an ordinance to create a tax increment district (the “TIF District”), within which the property taxes eventually paid by new private development may be used to pay costs of urban renewal projects for these types of activities, including reimbursing the City or paying debt service on obligations issued by the City. The use of these tax revenues is known as tax increment financing (“TIF”).

Depending upon the date upon which the TIF District is legally established and the date on which debt is initially certified within the TIF District, an original taxable valuation is established for the property within the TIF District, which is known as the “base valuation.” The “base valuation” is the assessed value of the taxable property in the TIF District as of January 1 of the calendar year preceding the calendar year in which the City first certifies the amount of any debt payable from TIF revenues to be generated within that TIF District. When the value of the property inside the TIF District increases by virtue of new construction or any other reason, the difference between the base valuation and the new property value is the “tax increment” or “incremental value.”

Procedurally, after tax increment debt has been incurred for the financing of improvements within the TIF District or for the payment of economic development incentives to private and public entities, property taxes levied by all local jurisdictions (city, county, school, area college) against the incremental value, with the exception of taxes levied to repay current or future debt incurred by local jurisdictions and the school district instructional support and physical plant and equipment levies, are allocated by state law to the City’s tax increment fund rather than to each local jurisdiction. These new tax dollars are then used to pay principal and interest on any tax increment debt incurred or to pay the costs of projects in the Urban Renewal Area.

## **VIII. EFFECTIVE PERIOD**

This Urban Renewal Plan will become effective upon its adoption by the City Council and will remain in effect until it is repealed by the City Council. The collection of incremental property taxes in the Urban Renewal Area will continue for the maximum number of years authorized by Chapter 403 of the Code of Iowa unless otherwise determined by action of the City Council.

## **IX. PLAN AMENDMENTS**

This Urban Renewal Plan may be amended in accordance with the procedures set forth in Chapter 403 of the Code of Iowa to, for example, change the project boundaries, modify urban renewal objectives or activities, or to carry out any other purposes consistent with Chapter 403 of the Code of Iowa.

**X. FINANCIAL INFORMATION**

1. Current constitutional debt limit	<u>\$396,559,236</u>
2. Outstanding general obligation debt:	<u>\$</u>
3. Proposed amount of debt to be incurred*:	<u>\$ 1,458,000</u>

\*Some or all of the debt incurred hereunder may be subject to annual appropriation by the City Council.

**EXHIBIT A  
LEGAL DESCRIPTION  
1525 GRAND URBAN RENEWAL AREA**

BEGINNING AT THE SOUTHWEST CORNER OF LOT C MOUNTAIN PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF GRAND AVENUE AT THE INTERSECTION OF THE SOUTH LINE OF LOT D, MOUNTAIN PLACE WITH THE EASTERLY RIGHT OF WAY LINE OF GRAND AVENUE;

THENCE NORTH, ALONG THE WEST LINE OF LOT C, MOUNTAIN PLACE, TO THE NORTHWEST CORNER OF LOT C, BEING A POINT ON THE NORTH SIDE OF GRAND AVENUE;

THENCE NORTHEASTERLY, ALONG THE NORTH LINE OF LOT C AND THE NORTHERLY RIGHT OF WAY LINE OF GRAND AVENUE, TO THE SOUTHWEST CORNER OF LOT 4, MOUNTAIN PLACE;

THENCE NORTH ALONG THE WEST LINE OF LOT 4, MOUNTAIN PLACE, TO THE NORTHWEST CORNER OF LOT 4, MOUNTAIN PLACE;

THENCE NORTHEASTERLY, ALONG THE NORTH LINE OF LOT 4 AND 5, MOUNTAIN PLACE, TO THE NORTHEAST CORNER OF LOT 5, MOUNTAIN PLACE;

THENCE NORTHEASTERLY, ALONG THE NORTH LINE OF LOT 6, MOUNTAIN PLACE, A DISTANCE OF 64.8 FEET;

THENCE SOUTHEASTERLY, TO THE SOUTH LINE OF LOT 6, MOUNTAIN PLACE, AND THE NORTH RIGHT OF WAY LINE OF GRAND AVENUE AND ALSO BEING THE NORTH LINE OF LOT C, MOUNTAIN PLACE, BEING LOCATED 160 FEET SOUTHWESTERLY FROM THE SOUTHEAST CORNER OF LOT 6, MOUNTAIN PLACE;

THENCE NORTHEASTERLY, ALONG THE NORTH LINE OF GRAND AVENUE RIGHT OF WAY, ALSO BEING THE NORTH LINE OF LOT C, MOUNTAIN PLACE, TO THE NORTHEAST CORNER OF LOT C, MOUNTAIN PLACE;

THENCE SOUTH, ALONG THE EAST LINE OF LOT C, MOUNTAIN PLACE, TO THE SOUTHEAST CORNER OF LOT C, MOUNTAIN PLACE;

THENCE SOUTHWESTERLY, ALONG THE SOUTH RIGHT OF WAY LINE OF GRAND AVENUE, ALSO BEING THE SOUTH LINE OF LOT C, MOUNTAIN PLACE, TO THE POINT OF BEGINNING.

# NO CHANGE FROM PREVIOUS READING

## CITY OF WEST DES MOINES CITY COUNCIL MEETING COMMUNICATION

**ITEM:** Creation of 8300 Mills Civic Parkway Urban Renewal Area  
- City Initiated

**DATE:** April 1, 2019

**ORDINANCE:** Approval of Second Reading, Waiver of the Third Reading, and Final Adoption

**FINANCIAL IMPACT:** The City anticipates spending no more than \$22,448,252 as economic development incentives in the form of economic development grants, property tax rebates, employment bonuses, and public infrastructure projects. That figure includes the development agreement with Midland National Life Insurance Company and Sammons Financial Group for the construction of the Sammons Financial Group corporate offices. Sammons plans to construct an office building, approximately 200,000 square-feet, and anticipates creating 200 additional jobs, and the potential of a Phase II construction of up to 150,000 square-feet.

**BACKGROUND:** At the December 10, 2018, City Council meeting, the Council passed a resolution authorizing the Mayor to sign the application to support Sammons Financial Group's consideration for the Iowa Economic Development Authority's High Quality Jobs Program. As part of that program, the sponsor community must agree to support the applicant with a local match. The City has offered Sammons an incentive package that would meet the local match requirement.

Sammons has proposed constructing a new 200,000-square-foot office building in West Des Moines, and anticipates the creation of 200 additional jobs in the near future.

Major public infrastructure projects to be completed include the construction of S. 85<sup>th</sup> St. and Cascade Ave., and the widening of S. 81<sup>st</sup> St. and Cascade Ave., and related public improvements.

This 8300 Mills Civic Parkway Urban Renewal Plan is necessary in order to facilitate the property tax rebate, economic development grant, employment bonus, and public improvements associated with this project. All costs associated with the incentive package will be covered by the proposed Minimum Assessment Agreement with Sammons.

### PREVIOUS COUNCIL ACTIONS

**Vote:** 3-0 (2 absent [Councilmembers Sandager and Trevillyan]) for approval

**Date:** March 18, 2019

**Motion:** Approval of the First Reading of the Ordinance.

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

**RECOMMENDATION:** Staff recommends the approval of the second reading, waiver of the third reading and final adoption of the Ordinance adopting the TIF District.

**Lead Staff Member:** Katie Hernandez, Business Development Coordinator

**STAFF REVIEWS**

Department Director	Clyde E. Evans, Director, Community and Economic Development	CEE
Appropriations/Finance	Tim Stiles, Finance Director	TS
Legal		JS
Agenda Acceptance		

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

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

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	F&A		
Date Reviewed	12/12/2018		
Recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

**ATTACHMENTS:**

Exhibit I - Ordinance

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

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 8300 Mills Civic Parkway Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the members of the City Council of the City of West Des Moines, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 8300 Mills Civic Parkway Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of West Des Moines, Iowa.

“County” shall mean Dallas County, Iowa.

“Urban Renewal Area” shall mean the taxable real property situated in 8300 Mills Civic Parkway Urban Renewal Area, the boundaries of which are set out below, such property having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on March 18, 2019:

Certain real property situated in the City of West Des Moines, Dallas County, State of Iowa more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL “AA” AS FILED IN BOOK 2014 PAGE 4167 OF THE DALLAS COUNTY RECORDER’S OFFICE, BEING A POINT ON THE EAST LINE OF LOT 5 SUNSET RIDGE AS FILED IN BOOK 6 PAGE 244 OF THE DALLAS COUNTY RECORDER’S OFFICE;

THENCE NORTH ALONG THE EAST LINE OF LOTS 5, 4, 3, 2, 1 AND LOT C (STREET) OF SAID SUNSET RIDGE, TO THE NORTHEAST CORNER OF SAID LOT C (STREET);

THENCE NORTH ON THE WEST LINE OF LOT 1, OF EILER’S SUBDIVISION, AS FILED IN BOOK 769 PAGE 98 OF THE DALLAS COUNTY RECORDER’S OFFICE, TO THE CURRENT NORTH RIGHT OF WAY LINE OF MILLS CIVIC PARKWAY, AS SHOWN ON SAID EILER’S SUBDIVISION;

THENCE EAST, ALONG SAID NORTH RIGHT OF WAY LINE OF MILLS CIVIC PARKWAY, TO THE EAST LINE OF LOT 3 OF SAID EILER’S SUBDIVISION;

THENCE NORTH, ALONG THE EAST LINE OF SAID LOT 3, EILER’S SUBDIVISION, TO THE NORTH LINE OF STREET LOT P, IN HERITAGE BEND PLAT 1, AS FILED IN BOOK 2006 PAGE 19236 OF THE DALLAS COUNTY RECORDER’S OFFICE;

THENCE EAST, ALONG THE NORTH LINE OF SAID STREET LOT P, IN HERITAGE BEND PLAT 1, AND PROJECTION THEREOF, TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 28 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, BEING THE NORTHEAST CORNER OF STREET LOT P;

THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 14 AND STREET LOT P, TO THE CENTER OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, BEING ALSO THE SOUTHEAST CORNER OF STREET LOT P OF HERITAGE BEND PLAT 1;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, TO THE SOUTHERLY POINT OF THE NORTH LINE OF STREET LOT 'B', THE CASCADES AT JORDAN CREEK PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

THENCE WEST, TO THE WEST RIGHT OF WAY LINE OF SOUTH 81ST STREET, SAID POINT BEING THE NORTHWEST CORNER OF SAID STREET LOT 'B';

THENCE WEST AND THENCE NORTHWEST ALONG THE SOUTHWESTERLY RIGHT OF WAY OF SOUTH 81ST STREET, TO THE SOUTHEAST CORNER OF STREET LOT 'A' OF THE CASCADES AT JORDAN CREEK PLAT 1, AS FILED IN BOOK 2015 PAGE 13814 OF THE DALLAS COUNTY RECORDER'S OFFICE;

THENCE SOUTHWESTERLY, ALONG THE SOUTH LINE OF SAID STREET LOT 'A' OF THE CASCADES AT JORDAN CREEK PLAT 1, TO THE SOUTHWEST CORNER OF SAID STREET LOT 'A';

THENCE NORTHWESTERLY, ALONG THE WEST LINE OF STREET LOT 'A', TO A POINT ON THE NORTH LINE OF PARCEL "AA" IN BOOK 2014 PAGE 4167;

THENCE SOUTHWESTERLY, ALONG THE NORTH LINE OF SAID PARCEL "AA", TO THE POINT OF BEGINNING.

**Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area.** After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include

the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support levy program of a school district imposed pursuant to Section 257.19 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

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

Section 5. Saving Clause. If any section, provision, 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 section, provision or part thereof not adjudged invalid or unconstitutional.



Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of West Des Moines, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Steven Gaer, Mayor

Attest:

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

Read First Time: March 18, 2019  
Read Second Time: \_\_\_\_\_, 2019



PROJECT:	<b>8300 Mills Civic Parkway</b>		
LOCATION:	<b>TIF District</b>		
AUTHOR:	<b>BJM</b>	DATE:	<b>12/31/2018</b>
		SHEET:	<b>1 OF 1</b>



**Legend**



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

**Date:** April 1, 2019

**ITEM:** Amendment to City Code Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) - Amend city code to modify garage requirements and establish a waiver process for single-family detached dwellings – City Initiated (AO-004123-2018)

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** At the end of 2018, Development Services Staff brought forward an amendment to eliminate the garage requirement for single-family detached and multi-family dwellings under a condominium regime. The Plan and Zoning Commission unanimously approved the amendment at the November 19, 2018 meeting. By a 3-2 vote, the City Council approved the first reading of the ordinance amendment but opted at the second reading to keep the garage requirement for single-family detached dwellings and establish waiver criteria to apply in situations in which the home is intended for low to moderate income households. Therefore, staff is requesting an amendment to the following in Title 9, Zoning to address garages for single-family detached dwellings with a waiver option for when specific provisions are met:

- Chapter 5, *Agricultural/Open Space and Residential Zoning District*; Section 4, *Specific Use Regulations*, Subsection E-4-b
- Chapter 5, *Agricultural/Open Space and Residential Zoning District*; Section 7, *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsections B-1-c;
- Chapter 10, *Performance Standards*, Section 4, *Special Use Regulations*, Subsection B of City Code

An ordinance to eliminate the garage requirement for multi-family condominium regimes was officially adopted by the City Council at their February 19, 2019 meeting.

**PLAN AND ZONING ACTION:**

Vote: 7-0 Approval

Date: March 11, 2019

Motion: Approve a resolution recommending the City Council approve the first reading of the amendment to Title 9, Zoning, Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) with a provision for only a one-year restriction on sale of the property.

**PLAN AND ZONING DISCUSSION:**

Although the Commission understood the desire to prevent quick flip of homes, they questioned the provision that a deed requirement would require the pro-rata reimbursement of the value of a garage should the home be sold to a family that was not at or below 80% AMI. The length and the reimbursement repayment schedule would be defined in the agreement; however, a 10-year agreement was anticipated which is a standard duration for these types of restrictions. The Commission felt this was onerous and could be a hindrance if the family needed to sell the home for financial reasons as it would reduce the pool of potential buyers. The Commission made a motion to approve the waiver process, but with only a one-year deed restriction on the sale of the home.

**CITY COUNCIL SUBCOMMITTEE:** Per the direction of the City Council at the January 21, 2019 Council meeting, staff presented the waiver criteria to the Development and Planning City Council Subcommittee at their February 4, 2019 meeting. The Subcommittee members were in agreement with the criteria and approach outlined by staff.

**OUTSTANDING ISSUES:** The duration and repayment terms of the deed restriction is an outstanding issue that staff seeks guidance on. Staff does not believe that a one-year restriction encourages homes remain for low to moderate-income households which is what the waiver provision is intended to achieve. A draft of a possible deed restriction is attached as Exhibit II.

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, January 21, 2019 and February 4, 2019*)
- Staff Review and Comment
  - *Waiver Criteria*
  - *Requirements in Lieu of a Garage*
  - *Home Retention Period*
  - *Applicable Single-Family Detached Structures*
  - *Existing Situations*
- 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 to modify garage requirements and establish a waiver process for single-family detached dwellings with a one-year deed restriction on the sale of the home.

It should be noted, the Commission’s motion specifically made reference to a one-year restriction, however, since the terms of the deed restriction are not specified in the proposed ordinance amendment, a super-majority vote of the City Council is not necessary. Since the garage value, terms of reimbursement and duration specified in code, the City Council can set the agreement parameters as they see fit.

Lead Staff Member: Lynne Twedt

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	<i>RJS</i>

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

Published In	Des Moines Register
Date(s) Published	March 1, 2019
Letter sent to surrounding property owners	N/A

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	February 4, 2019		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan and Zoning Commission Resolution
- Attachment B - Proposed Ordinance (*moved to Exhibit III*)
- Exhibit II - Draft Deed Restriction
- Exhibit III - Proposed Ordinance

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

**Meeting Date:** March 11, 2019

**Item:** Amendment to City Code – To Amend Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards), to modify garage requirements and establish a waiver process for single-family detached dwellings – City Initiated (AO-004123-2018)

**Requested Action:** Recommend approval of an Amendment to City Code

**Case Advisor:** Lynne Twedt 

**Applicant's Request:** At the end of 2018, Development Services Staff brought forward an amendment to eliminate the garage requirement for single-family detached and multi-family dwellings under a condominium regime. The Plan and Zoning Commission unanimously approved the amendment at the November 19, 2018 meeting. By a 3-2 vote, the City Council approved the first reading of the ordinance amendment but opted at the second reading to keep the garage requirement for single-family detached and establish waiver criteria to apply in situations in which the home is intended for ownership by low to moderate income households. Therefore, staff is requesting an amendment to the following in Title 9, Zoning to address garages for single-family detached dwellings with a waiver option when specific provisions are met:

- Chapter 5, *Agricultural/Open Space and Residential Zoning District*; Section 4, *Specific Use Regulations*, Subsection E-4-b-(1);
- Chapter 5, *Agricultural/Open Space and Residential Zoning District*; Section 7, *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsections B-1-c;
- Chapter 10, *Performance Standards*, Section 4, *Special Use Regulations*, Subsection B of City Code

An ordinance to eliminate the garage requirement for multi-family condominium regimes was officially adopted by the City Council at their February 19, 2019 meeting.

**City Council Subcommittee:** Per the direction of the City Council at the January 21, 2019 Council meeting, staff presented the waiver criteria to the Development and Planning City Council Subcommittee at their February 4, 2019 meeting. The Subcommittee members agreed with the criteria and approach outlined by staff.

**Staff Review and Comment:** There are no outstanding issues. Staff would summarize the following aspects related to the granting of a waiver:

- **Waiver Criteria:** In order to be considered for a waiver, the home subject of the waiver shall not exceed 1,600 square feet in size and the intended owner and occupant of the home must have a gross annual income that is below 80% Area Median Income (AMI). Proof of income qualification will be handled by the City's Housing Planner. Income verification will need to be confirmed before an occupancy permit (temporary or final) will be granted by the City's Building Division. Since the ultimate purchaser of the home may not be known at time of building permit issuance, the waiver process can be initiated by the builder with an understanding and agreement that income verification will need to occur before occupancy and should the ultimate buyer not meet income restrictions, a garage will need to be constructed prior to the issuance of an occupancy permit.
- **Requirements in Lieu of Garage:** In situations in which the garage is waived, all of the following must be provided:
  - Designated Storage: Part of the original intent of the requirement for single-family detached dwellings to have garages was to have a place in which to store lawn and garden equipment, toys, lawn furniture, etc. thus reducing clutter on a property. To still provide for storage, staff recommends that one of the following be implemented in lieu of the garage:

- Installation of a minimum 10'x10' shed;
    - Incorporation of a 100 square foot dedicated storage area into the back of the home which is accessible from the exterior via a minimum 4' wide door.
  - Paved Off-street Parking: Consistent with current City Code, two (2) off-street parking stalls will need to be provided for single-family detached dwellings. The stalls may be provided side-by-side or as tandem parking characteristic of a traditional driveway.
  - Increased Side Yard Setback: To accommodate the potential future construction of a garage for the single-family dwelling, a minimum 15' side yard shall be provided on one side of the property unless the property can otherwise be accessed off of an existing alley. The second side yard shall be the smaller of the required side yards for the respective zoning district.
- ***Home Retention Period:*** To encourage the waiver to be directed to low-moderate income households, as part of the waiver application process, a deed restriction shall be placed on the property requiring that the home be occupied by a household that is below 80% AMI. If the home is sold or rented prior to the expiration of the retention period to a household that does not meet the 80% AMI requirement, the pro-rata share of the value of the garage waiver program (currently estimated to be \$20,000) shall be repaid as outlined in the agreement.
  - ***Applicable Single-Family Detached Structures:*** The single-family detached garage requirement will apply to all new detached dwelling structures constructed or placed on a property with the exception of Tiny Homes. A provision has been added to code to require Tiny Homes to provide a minimum 10'x10' shed or 20'x14' garage on the same property as the home with exclusive use of the shed or garage by the occupants of the Tiny Home. Presence of the shed or garage will need to be verified prior to the release of the electrical meter for the Tiny Home.
  - ***Existing Situations:*** Installation of a garage will be required with the construction of all new single-family homes that are not otherwise granted a waiver per the provision within City Code. The following situations will not be required to provide a garage:
    - An existing single-family residence without a garage that is remodeled, enlarged, expanded or modified regardless of the value of the modifications;
    - All single-family residential properties which as of the Council's adoption of this ordinance amendment has a dwelling structure but no garage will be considered grandfathered; and,
    - Any property which at the direction of the City is required to remove an existing garage due to safety concerns.

**Noticing Information:** On March 1, 2019, notice of the March 11, 2019, Plan and Zoning Commission and March 18, 2019, 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 amendment to City Code.

**ATTACHMENTS:**

- Attachment A – Plan & Zoning Commission Resolution
- Exhibit A – Proposed Ordinance

## RESOLUTION NO. PZC-19-020

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO CITY CODE, TITLE 9 (ZONING), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), AND CHAPTER 10 (PERFORMANCE STANDARDS) TO MODIFY GARAGE REQUIREMENTS AND ESTABLISH A WAIVER PROCESS FOR SINGLE-FAMILY DETACHED DWELLINGS**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, City of West Des Moines Development Services Department requests an amendment to amend Title 9 (Zoning), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 4 (*Specific Use Regulations*), Subsection E-4-b-(1), and Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts*), Subsection B-1-c, and Chapter 10 (*Performance Standards*), Section 4 (*Special Use Regulations*), Subsection B to modify garage requirement and establish a waiver process for single-family detached dwellings;

**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;

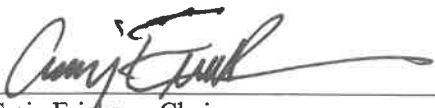
**WHEREAS**, on March 11, 2019, this Commission held a duly-noticed public hearing to consider the application for an amendment to ordinance;

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

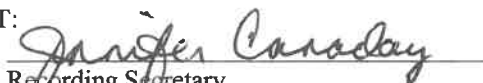
**SECTION 1.** The findings, for approval, in the staff report, dated March 11, 2019, or as amended orally at the Plan and Zoning Commission hearing of March 11, 2019, are adopted.

**SECTION 2.** The AMENDMENT TO ORDINANCE (AO-004123-2019) to modify garage requirement and establish a waiver process for single-family detached dwellings 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 March 11, 2019.

  
 Craig Erickson, Chair  
 Plan and Zoning Commission

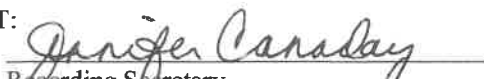
ATTEST:

  
 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 March 11, 2019, by the following vote:

AYES: ANDERSEN, COSTA, CROWLEY, DRAKE, ERICKSON, HATFIELD, SOUTHWORTH  
 NAYS:  
 ABSTENTIONS:  
 ABSENT:

ATTEST:

  
 Recording Secretary

**Prepared By/Return To: Christine Gordon, City of West Des Moines, 4200 Mills  
Civic Parkway, West Des Moines, IA 50265. 515-273-0770**

**DEED RESTRICTION**

THE STATE OF IOWA  
COUNTY OF POLK

The undersigned, \_\_\_\_\_ ("Owner"), is the owner of certain real property and improvements located at \_\_\_\_\_, in \_\_\_\_\_, Polk County, State of Iowa, and more particularly described on Exhibit A attached hereto and incorporated herein for all purposes (the "Property"). For value received, the adequacy and sufficiency of which are hereby acknowledged, Owner does hereby impress the Property with the following deed restrictions:

1. For purposes of these restrictions, the following terms have meaning indicated:  
  
"Retention Period" means period of ten (10) years beginning on the date hereof.  
  
"Lender" means City of West Des Moines.  
  
"GWP" means the Garage Waiver Program of the Lender.  
  
"Low- moderate-income household" means a family with an income below 80% of the median income for the area, with the income limit adjusted for household size in accordance with the methodology of the HUD standard.
2. The Lender will be given notice of any sale or refinancing of the Property that occurs prior to the end of the Retention Period.
3. In the event of a sale of the Property prior to the end of the Retention Period, an amount equal to a pro rata share of the \$20,000.00 (value of Garage Waiver Program), reduced by 1/10 for every year the selling Owner owned the Property, shall be repaid to the Lender from any net gain realized upon the sale of the Property after deduction for sales expenses, unless the Property is sold to a low-moderate-income household approved by the Lender within the guidelines of the current GWP.
4. Repayment of the value of the GWP shall be made to the Lender.



5. This instrument and these restrictions are subordinate to the rights and liens, if any, under any valid outstanding Mortgage or Deed of Trust, currently of record. The obligation to repay the value of the GWP shall terminate after any foreclosure, deed-in-lieu of foreclosure, or assignment of first Mortgage or Deed of Trust to the Secretary of the U. S. Department of Housing and Urban Development (HUD).
6. Owner understands and agrees that this instrument shall be governed by the laws of the State of Iowa and that venue for any action to enforce the provisions of this instrument shall be in Polk County, Iowa.

**EXECUTED this** \_\_\_\_\_ **day of** \_\_\_\_\_, **20**\_\_

\_\_\_\_\_  
Borrower Signature

\_\_\_\_\_  
Borrower Signature

\_\_\_\_\_  
(Printed name)

\_\_\_\_\_  
(Printed name)

THE STATE OF IOWA  
COUNTY OF POLK

On this \_\_\_\_\_, 20\_\_ before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, to me personally known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

My Commission Expires:

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

**Exhibit A**

**Legal Description of Property**

Prepared by: L. Twedt, 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 2019 BY AMENDING TITLE 9 (ZONING), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT) AND CHAPTER 10 (PERFORMANCE STANDARDS) TO MODIFY GARAGE REQUIREMENTS AND ESTABLISH A WAIVER PROCESS FOR SINGLE-FAMILY DETACHED DWELLINGS**

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

**Section 1. Amendment.** Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 4 (*Specific Use Regulations*), Subsection E-4-b-(1) is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text and renumbering as necessary:

4. Tiny Home: Is to be used as a place for long term residential occupancy: greater than one hundred eighty (180) consecutive days in any calendar year.

a. Use matrix:

Zoning	OS	RE	RS	R-1	SF-CR	SF-VJ	MH	RM	RH	VJHB
Tiny home	P	P	P	P	P	P	P			
Second dwelling unit	P	P	Pc	Pc						

b. Parking and drives:

~~(1) Must meet the specific use regulations for residential districts related to enclosed garage space (subsection 9-10-4B of this title).~~

(2) Must meet the off-street parking regulations for single-family detached dwellings (chapter 15 of this title).

*c. A minimum ten-foot by ten-foot (10'x10') storage shed or twenty-foot by fourteen-foot (20'x14') garage shall be provided within the property upon which the home is located for exclusive use by the occupants of the Tiny Home. Existence of the shed or garage shall be verified by the Development Services Director or designee prior to release of the electric meter for the Tiny Home.*

**Section 2. Amendment.** Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts*), Subsection B-1-c is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text:

B. Building Type:

1. Single-Family Detached (SF-D):

- a. Unit Arrangements: One unit, no attachment.
- b. Property Regime: Ownership of unit structure and real property. May have common property providing stormwater management or buffering requirements. Maintenance and management may be provided by an association.
- c. Garages: Minimum of ~~one and one-half (1 1/2) car~~ ***twenty-foot by fourteen-foot (20'x14')*** garage required (attached or detached) ***unless all waiver provisions as stated in Chapter 10, Section 4 within this title are adhered to and a waiver is granted by the City.***

**Section 3. Amendment.** Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Special Use Regulations*) Subsection B is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text and renumbering as necessary:

B. The Following Standards Shall Apply to All Residential Districts:

1. For the purpose of this subsection an "enclosed parking space" or reference to a "garage" shall mean a covered space fully surrounded by walls, including windows, doors and similar openings or architectural features.
2. ***Except for Tiny Homes as defined in Chapter 2 within this title, and unless a waiver is granted by the City, For*** for any detached single-family residential dwelling, a minimum of one enclosed garage parking space shall be required for the use. This garage may be attached or detached but shall be of a minimum twenty foot by fourteen-foot (20' x 14') size to accommodate one vehicle and additional storage.
  - a. ***A waiver from the garage requirement may be authorized by the Director of Development Services or designee if consistent with all of the following:***
    - (1) ***The dwelling structure does not exceed 1,600 square feet in size.***
    - (2) ***The home is owned and occupied by a low to moderate-income household. For purposes of this waiver, a low to moderate-income household shall mean a family with an annual gross income (as defined in 24 CFR Part 5 – General HUD Program Requirements; Waivers) at or below 80% the Area Median Income (AMI), with the income limit adjusted for household size in accordance with the methodology of the HUD standard. Proof of owner/occupant income will need to be verified by the City prior to issuance of an Occupancy (temporary or final) Permit for the dwelling.***
    - (3) ***A minimum ten-foot by ten-foot (10'x10') detached shed is provided within the rear yard of the subject property, or a minimum one-hundred (100) square foot indoor area dedicated to storage is constructed on or within the back of the home, accessed directly from the exterior and includes a minimum four foot (4') wide access door.***
    - (4) ***A minimum fifteen-foot (15') side yard setback, as measured to the closest element of the home, excluding roof overhangs is provided on one side of the dwelling structure with the other side yard setback meeting the minimum required distance for the designated zoning district. If the property can be accessed from an existing alley, minimum side yard setbacks shall be provided as stated in city code for the respective zoning district.***
    - (5) ***Off-street parking stalls as required per title 9, chapter 15 of city code are provided within the subject property.***
    - (6) ***A deed restriction is recorded against the property establishing a retention period in which the home must be occupied by a household at or below 80% AMI. The home may not be owned or rented to an individual or household that is not at or below the***

*80% AMI. In the event the home is sold or rented to an individual or household above 80% AMI, the value of the waiver as specified per the agreement shall be repaid to the lender according to terms outlined in the agreement.*

- b. A minimum ten-foot by ten-foot (10'x10') storage shed or twenty-foot by fourteen-foot (20'x14') garage shall be provided within the property upon which the Tiny Home is located for exclusive use by the occupants of the Tiny Home. Existence of the shed or garage shall be verified by the Development Services Director or designee prior to release of the electric meter for the Tiny Home.*
  - c. All single-family residential properties which currently have a dwelling structure, but no garage as of May \_\_\_\_\_, 2019 shall be considered grandfathered and are not required to implement a garage or shed/structure for storage.*
  - d. Any property which at the direction of the City which is required to remove an existing garage due to safety concerns, shall not be required to construct a new garage or shed/structure for storage.*
4. Any existing detached single family residence shall be required to comply with the enclosed garage space if the residence is proposed to be remodeled, enlarged, expanded or modified and the cumulative value of the alterations of the structure since the adoption date hereof exceeds fifty percent (50%) of the current valuation of the structure.
- ~~For the purpose of determining the valuation of the building, the current assessor's tax roll shall be used. The valuation shall be measured on a cumulative basis for all alterations made since the adoption date hereof rather than evaluating each alteration independently against the current valuation.~~
5. ~~Any existing detached single family residence which is damaged or destroyed by catastrophe or act of God to the extent equaling fifty percent (50%) or more of its total assessed value, shall be exempt from the provisions of this Code regarding the garage requirement as a part of the reconstruction of the damage to the residential structure due to the catastrophe or act of God.~~
6. ~~Any existing single family attached dwelling which has not previously been operated as owner occupied and intends to convert to an owner occupied program shall be required to comply with the provisions of this subsection.~~
7. For single family zoning districts in or adjacent to *residentially* developed areas, buildings should be designed to be consistent with its surrounding architectural context or historic character of the area with comparable architectural design, materials and details, including building mass and roof slope.

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

**Section 5. Savings Clause.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**Section 6. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 and 2 of the City Code of the City of West Des Moines, Iowa.

**Section 7. Other Remedies.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**Section 8. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019, and was published in the Des Moines Register on \_\_\_\_\_, 2019.

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

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

**Date: April 1, 2019**

**ITEM:** Amendment to City Code - Title 7 (Public Ways and Property), Chapter 2A (Installation and Operation of Small Cell Broadband Infrastructure) To Establish Fee Requirements and Modify Regulations Pertaining To Aesthetics Of Broadband Infrastructure – City Initiated

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

- 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 Adoption

**FINANCIAL IMPACT:** Undetermined


**BACKGROUND:** In January, 2019, the City adopted an amendment to city code to establish general procedures and standards, consistent with all federal and state laws for the siting, construction, installation, collocation, modification, relocation, operation and removal of small cell wireless technology within city right-of-way and on city property. A recent Federal Communications Commission (FCC), provides that regulations governing the implementation of small cell equipment must be included in a municipality’s code or adopted policies prior to April 15, 2019, or the municipality loses the right to regulate differently than the allowances outlined by the FCC. To insure proper control over the deployment of small cell and aesthetic, Staff proposes an amendment to the previously adopted ordinance to address potential aesthetic concerns, City approval process and fees, and correct minor typos.

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

**RECOMMENDATION:** Staff recommends the City Council approve the amendment City Code to modify regulations pertaining to broadband infrastructure.

Lead Staff Member: Richard Scieszinski, City Attorney

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

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

**SUBCOMMITTEE REVIEW (if applicable)**

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

**ATTACHMENTS:**

Exhibit I - Ordinance

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, (2019) BY AMENDING TITLE 7 (PUBLIC WAYS AND PROPERTY), CHAPTER 2A (INSTALLATION AND OPERATION OF SMALL CELL BROADBAND INFRASTRUCTURE) TO ESTABLISH FEE REQUIREMENTS AND MODIFY REGULATIONS PERTAINING TO AESTHETICS OF BROADBAND INFRASTRUCTURE**

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

**Section 1. Amendment.** Title 7 (Public Ways and Property), Chapter 2A (Communications Systems Within Public Right Of Way), is hereby amended by adding a new section 7-2A-4: FEES as provided in the bold and italicized text and renumbering subsequent sections accordingly;

***7-2A-4: FEES: The City reserves the right to conduct a rate study to determine fair and appropriate fees associated with permit application review and approval, placement and inspection of small cell facilities, support structures, and equipment.***

**Section 2. Amendment.** Title 7 (Public Ways and Property), Chapter 2A (Communications Systems Within Public Right Of Way), Section 6 (Guidelines on Placement), is hereby amended by adding the following bold and italicized text;

**7-2A-6: GUIDELINES ON PLACEMENT**

Generally, an applicant shall construct and maintain small cell facilities and wireless support structures in a manner that does not (1) obstruct, impede or hinder the usual travel or public safety on a right of way; (2) obstruct the legal use of a right of way by other utility providers; (3) violate nondiscriminatory applicable codes; (4) violate or conflict with this or any relevant and applicable City of West Des Moines ordinance; and (5) violate the federal Americans with Disabilities Act.

The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small cell facility and/or wireless support structure shall match and be consistent with the materials and finish of the adjacent municipal poles of the surrounding area adjacent to their location. In the absence of adjacent municipal poles, the wireless support structure shall match the materials and finish of the adjacent utility poles. ***Unless specifically approved by the City, the number of small cell facilities located on a single pole shall not exceed two (2).***

**Section 3. Amendment.** Title 7 (Public Ways and Property), Chapter 2A (Communications Systems Within Public Right of Way), Section 6 (Guidelines on Placement), paragraph titled "Allowed Colors" is hereby amended by adding the following bold and italicized text;

**Allowed Colors**

All colors shall match the background of any wireless support structure that the facilities are located upon. In the case of existing wood poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes and equipment cabinets shall be the color of brushed aluminum. Ground mounted equipment cabinets shall be the color of brushed aluminum ***or a shade of green consistent with typical electrical, cable or telecommunication cabinets.***

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



**Section 5. Savings Clause.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**Section 6. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**Section 7. Other Remedies.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**Section 8. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019, and was published in the Des Moines Register on \_\_\_\_\_, 2019.

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

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

**DATE: April 1, 2019**

**ITEM:** Stark Drive Vacation –Vacation of approximately 145 feet of Stark Drive west of the intersection with S.100th Street – Kings Grove, LLC. – VAC-004108-2018

**RESOLUTION: Denial of Vacation Request**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** Stark Drive was platted as Street Lot G, Kings Landing Plat 2 on November 22, 2017. The street was constructed by the developer of Kings Landing Plat 2 and dedicated to the city as a public street. The street was stubbed to the west boundary of Kings Landing Plat 2 and intended to provide access for the property to the west (fka the Boston Property). The Boston Property is planned to be developed as a 92-unit attached townhome project (30 units in phase 1) called Kings Grove.

Plan and Zoning Commission Action:

Vote: 5-0 Denial, with Commissioner(s) Crowley and Southworth Absent.

Date: March 25, 2019

Motion: Adopt a resolution recommending the City Council denying the vacation of approximately 145 feet of Stark Drive west of the intersection with S.100th Street.

Plan and Zoning Commission Discussion:

The applicant (Kings Grove LLC.) indicated to the Commission that they wanted to have Stark Drive vacated but did not understand when they indicated such that they would need to purchase the property at fair market value (the typical disposal process for vacated right-of-way). The applicant indicated that they would prefer that the city maintain ownership, but they would enter into an agreement to place all street maintenance responsibility (snow removal, general maintenance, and repairs) on Kings Grove LLC.

The developer of Kings Landing Plat 2, and owner of the two corner lots which have frontage on Stark Drive, indicated that they are in support of the adjoining development, but have concerns with the potential impact to the development of the two residential lots in respect to access, ability to have city garbage collection and timely and continued maintenance of the road by a private entity.

The Plan and Zoning Commission discussed the following four options that were provided in the Commission's staff report:

1. Vacate Stark Drive with Kings Grove purchasing from the City and taking full ownership and becoming responsible for all maintenance, both for the street (plowing, general maintenance and repairs) and within the 60' right-of-way (mowing, sign maintenance, installation of and snow removal from sidewalks if such desired). Kings Grove would need to provide a public access easement, easement over all existing utilities within the right-of-way, and an easement to allow Lots 8 and 9, Kings Landing Plat 2 driveway connection rights to Stark Drive. A lot tie agreement to tie the Stark Drive parcel to the larger Kings Grove development should also be executed.
2. Vacate Stark Drive, but the city maintains ownership. An agreement would need to be provided from Kings Grove acknowledging and accepting responsibility for all maintenance of the street (snow removal, general maintenance, and repairs). As part of the agreement, language would need to be included that prevents any costs associated with maintenance to be levied against the two Kings Landing lots.
3. Do not vacate Stark Drive but accept an agreement from Kings Grove acknowledging and accepting responsibility for all maintenance of the street (snow removal, general maintenance, and repairs). As part of the agreement, language would need to be included that prevents any costs associated with maintenance to be levied against the two Kings Landing lots. Staff would recommend that the executed agreement be provided prior to the issuance of a building permit for any structure within the development.

4. Do not vacate Stark Drive and require the applicant to redesign the site to accommodate the appropriate turnaround or provide the right-of-way necessary to make the internal streets public. With this option, the October 2018 Preliminary Plat/Site Plan approval would be considered void as it would not comply with that stated in the staff report and the associated condition of approval established with the approval. A revised submittal and approval by the Plan and Zoning Commission and City Council would be required. Staff would recommend that City Council approval of the revised plan occur prior to the issuance of a building permit for any structure within the development.

The Plan and Zoning Commission indicated that they felt either option #1 or #4 were most appropriate options. After the Kings Grove developer indicated that they would be willing to explore incorporating a turn-around, the Commission expressed that they believed that option 4 would be the best. Staff clarified that while the City would be open to looking at turn-around design options, the ultimate design will need approval by the Engineering Division and would need to accommodate the turning of large City maintenance vehicles.

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

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

- Applicant’s Request
- History
- City Council Subcommittee
- Staff Review and Comments
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Applicant/Applicant Representative Information

**RECOMMENDATION:** Based upon the preceding review and finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council adopt a resolution denying the request to vacate approximately 145 feet of Stark Drive west of the intersection with S.100th Street.

Lead Staff Member: J. Bradley Munford 

**STAFF REVIEWS**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

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

Published In	Des Moines Register
Date(s) Published	March 8, 2019
Letter sent to surrounding property owners	March 6, 2019

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development and Planning		
Date Reviewed	November 12, 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 and Zoning Commission Resolution – Option 1
  - Exhibit A - Conditions of Approval
  - Attachment B - Plan and Zoning Commission Resolution – Option 2
  - Exhibit A - Conditions of Approval
  - Attachment C - Plan and Zoning Commission Resolution – Option 3 (Denial)
  - Attachment D - Vicinity Map
  - Attachment E - Vacation Exhibit
  - Attachment F - Kings Grove development plan
  - Attachment G - Letter from Kings Landing Developer


Exhibit II - City Council Resolution  
Exhibit A – Legal Description  
Exhibit B – Easement Exhibit

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

**Meeting Date:** March 25, 2019

**Item:** Stark Drive Vacation – Vacation of approximately 145 feet of Stark Drive west of the intersection with S.100th Street – Kings Grove, LLC. – VAC-004108-2018

**Requested Action:** Recommend Approach on Vacation Request

**Case Advisor:** J. Bradley Munford 

**Applicant's Request:** The applicant, King's Grove, LLC, represented by Josh Trygstad of Civil Design Advantage, is requesting approval of the vacation of Stark Drive as a public street in order to alleviate a public street terminating into a private street.

**History:** Stark Drive was platted as Street Lot G, Kings Landing Plat 2 on November 22, 2017. The street was constructed by the developer of Kings Landing Plat 2 and dedicated to the city as a public street. The street was stubbed to the west boundary of Kings Landing Plat 2 and intended to provide access for the property to the west (fka the Boston Property). The Boston Property is planned to be developed as a 92-unit attached townhome project (30 units in phase 1) called Kings Grove.

**City Council Subcommittee:** This item was presented to the Planning and Development City Council Subcommittee at their November 12, 2018 meeting. No opposition to the project was raised and the Subcommittee supported the request for vacation of Stark Drive.

**Staff Review and Comment:** Staff would note the following regarding Stark Drive and potential vacation:

Local public streets require the dedication of 60' of right-of-way, are maintained by the City, and allow for garbage pick-up. Private streets (which serve 4 or more dwellings) are built to the same general standards as a public street but are maintained by a private entity. Garbage pick-up is by a private hauler or by the city's hauler through special agreement. There is no dedication of right-of-way associated with private streets, thus the developable area within a site is greater. The City does not maintain private streets due to the potential for damage to the roadways by heavy maintenance vehicles. Typically, when a public street terminates into a private street, a turn-around for maintenance vehicles is provided which identifies a clear line between public and private.

The Preliminary Plat/Site Plan for the King's Grove development was approved by the City Council on October 15, 2018. The development was planned to have private internal drives but with no turnaround (see Attachment F for development layout). The staff report included the following discussion and regarding the vacation:

***Vacation of Stark Drive:** The development is proposed to have one of its points of access from Stark Drive, which is a stub street that was constructed as a part of Kings Landing. Stark Drive is an existing public stub street located at approximately the northeast corner of this development. The applicant is proposing to extend a private drive from Stark Drive's current terminus point, west into the townhome development. The extension would be linear in nature, would not provide a turnaround for public service vehicles, and would not have a clear demarcation of where the private drive begins. The applicant has worked with staff and the City intends to vacate approximately 150 feet of the Stark Drive Right-of-Way, west of S 100<sup>th</sup> Street. Once vacated, the applicant will need to purchase the property at fair market value and add the appropriate access and utility easements necessary for the functionality of the private drive. The vacated ROW will need to be owned by the applicant prior to the approval of a final plat. Staff is comfortable with the applicant's requests and is recommending a condition to that effect.*

The following Condition of Approval was included in the Preliminary Plat/Site Plan approval:

*The applicant acknowledging and agreeing that approximately 150 feet of Stark Drive, west of S 100th Street, shall be vacated and owned by the applicant prior to the approval of a final plat.*

The applicant has since indicated to staff that they have no desire to own the street and take on the liability, but they are willing to take on all maintenance responsibilities (snow plowing, general maintenance, and repairs). The applicant has indicated that purchasing the street from the city at fair market value is financially unfeasible and likely would kill the project.

Recently, staff indicated to the applicant that Stark Drive could be vacated but remain as city owned. The applicant would need to provide an agreement which takes on all maintenance responsibilities. It should be noted that after further consideration of this option, staff does have some concerns of the precedent that this would set. Also, this arrangement could be problematic if the City is incurring liability and replacement cost for a facility where they have no control of the maintenance.

Upon receiving notice of this public hearing to consider the vacation, the developer of Kings Landing Plat 2, and owner of the two corner lots which have frontage on Stark Drive, voiced concerns with the potential impact to his two lots in respect to guaranteed access, ability to have city garbage collection and timely and continued maintenance of the road by a private entity (see Attachment G).

Staff believes there are four options:

1. Vacate Stark Drive with Kings Grove purchasing from the City and taking full ownership and becoming responsible for all maintenance, both for the street (plowing, general maintenance and repairs) and within the 60' right-of-way (mowing, sign maintenance, installation of and snow removal from sidewalks if such desired). Kings Grove would need to provide a public access easement, easement over all existing utilities within the right-of-way, and an easement to allow Lots 8 and 9, Kings Landing Plat 2 driveway connection rights to Stark Drive. A lot tie agreement to tie the Stark Drive parcel to the larger Kings Grove development should also be executed.
2. Vacate Stark Drive, but the city maintains ownership. An agreement would need to be provided from Kings Grove acknowledging and accepting responsibility for all maintenance of the street (snow removal, general maintenance, and repairs). As part of the agreement, language would need to be included that prevents any costs associated with maintenance to be levied against the two Kings Landing lots.
3. Do not vacate Stark Drive but accept an agreement from Kings Grove acknowledging and accepting responsibility for all maintenance of the street (snow removal, general maintenance, and repairs). As part of the agreement, language would need to be included that prevents any costs associated with maintenance to be levied against the two Kings Landing lots. Staff would recommend that the executed agreement be provided prior to the issuance of a building permit for any structure within the development.
4. Do not vacate Stark Drive and require the applicant to redesign the site to accommodate the appropriate turnaround or provide the right-of-way necessary to make the internal streets public. With this option, the October 2018 Preliminary Plat/Site Plan approval would be considered void as it would not comply with that stated in the staff report and the associated condition of approval established with the approval. A revised submittal and approval by the Plan and Zoning Commission and City Council would be required. Staff would recommend that City Council approval of the revised plan occur prior to the issuance of a building permit for any structure within the development.

**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.

**Staff Recommendations and Conditions of Approval:** Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending one of the following to the City Council:

Option 1: Approve the vacation request in accordance to the parameters specified in the Preliminary Plat/Site Plan staff report which requires the Kings Grove developer purchase the vacated street, take on all maintenance responsibilities and provide all easement and agreements as outlined above;

Option 2: Approve the vacation request, however, the City retain ownership. Kings Grove developer will

need to provide a maintenance agreement and any other agreements or easements deemed necessary by the City Attorney's office.

Option 3: Deny the vacation request leaving Stark Drive as a public street under city ownership, but accept, prior to final plat approval and issuance of a building permit, an agreement from Kings Grove for maintenance responsibilities.

Option 4: Deny the vacation request and require the Kings Grove developer provide an appropriate turnaround or provide the necessary right-of-way to make their internal drives public. A site plan modification application would need to be submitted and approved by the appropriate approval body(ies) prior to final plat approval and issuance of a building permit.

**Noticing Information:** On March 8, 2019, notice for the March 25, 2019, Plan and Zoning Commission and April 1, 2019, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings was also mailed to those property owners adjacent to the areas subject to vacation on March 6, 2019.

**Property Owner/Applicant:** King's Grove, LLC  
Brad Stanbrough  
10888 Hickman Road, Suite A  
Clive, IA 50325  
[brad@ele119.com](mailto:brad@ele119.com)

**Applicant's Representative:** Erin Ollendike  
Civil Design Advantage  
3405 SE Crossroads Drive, Suite G  
Grimes, IA 50111  
[ErinO@cda-eng.com](mailto:ErinO@cda-eng.com)

**Attachments:**

Attachment A	-	Plan and Zoning Commission Resolution – Option 1 (Removed from Council Report)
Exhibit A	-	Conditions of Approval
Attachment B	-	Plan and Zoning Commission Resolution – Option 2 (Removed from Council Report)
Exhibit A	-	Conditions of Approval
Attachment C	-	Plan and Zoning Commission Resolution – Option 3 (Denial)
Attachment D	-	Vicinity Map
Attachment E	-	Vacation Exhibit
Attachment F	-	Kings Grove development plan
Attachment G	-	Letter from Kings Landing Developer

RESOLUTION NO. PZC *19-024*

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT DENY THE VACATION REQUEST (VAC-004108-2018) FOR THE PURPOSE OF VACATING APPROXIMATELY 145 FEET OF STARK DRIVE WEST OF THE INTERSECTION WITH S. 100TH STREET**

**WHEREAS**, pursuant to the provisions of Title 7, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, King's Grove, LLC, has requested approval of a Vacation Request (VAC-004108-2018) for an approximately 145 foot section of the Stark Drive beginning at the intersection of Stark Drive and S. 100<sup>th</sup> Street;

**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 March 25, 2019, this Commission held a duly-noticed hearing to consider the Vacation Requests;

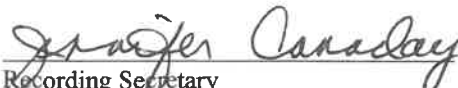
**NOW, THEREFORE**, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The VACATION REQUEST is recommended to the City Council for denial.

PASSED AND ADOPTED on March 25, 2019.

  
 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 March 25, 2019 by the following vote:

AYES: *ANDERSEN, COSTA, DRAKE, ERICKSON, HATFIELD*

NAYS:

ABSTENTIONS:

ABSENT: *CROWLEY, SOUTHWORTH*

ATTEST:

  
 Recording Secretary





### Stark Drive Vacation



RETURN TO: CIVIL DESIGN ADVANTAGE, 3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IA. 50111, PH: 369-4400 FAX: 369-4410

**EXHIBIT 'A' - VACATION PLAT**

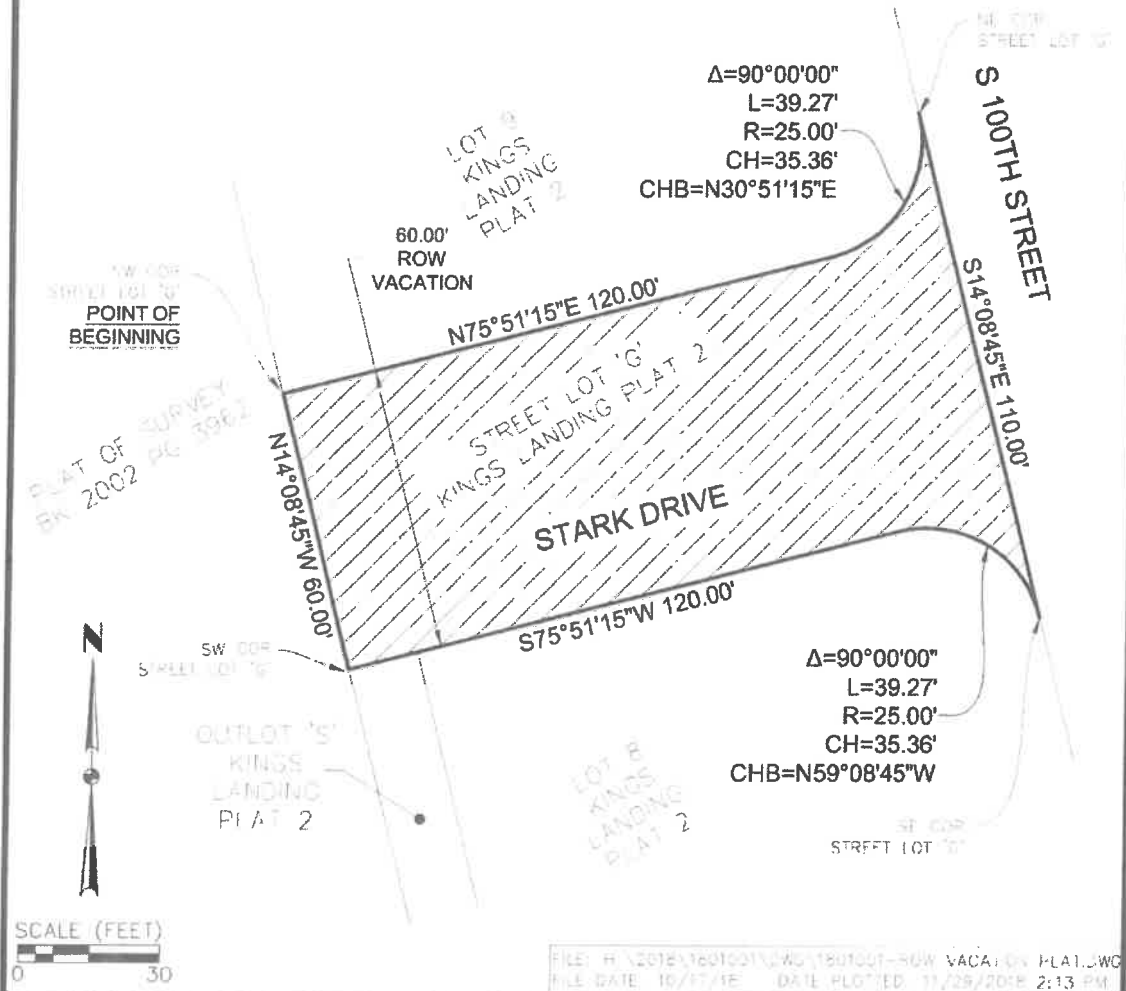
**OWNER**

CITY OF WEST DES MOINES

**RIGHT OF WAY VACATION DESCRIPTION**

STREET LOT 'G', KING'S LANDING PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID STREET LOT 'G'; THENCE NORTH 75°51'15" EAST ALONG THE NORTHERLY LINE OF SAID STREET LOT 'G', 120.00 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 39.27 FEET AND WHOSE CHORD BEARS NORTH 30°51'15" EAST, 35.36 FEET TO THE NORTHEAST CORNER OF SAID STREET LOT 'G'; THENCE SOUTH 14°08'45" EAST ALONG THE EAST LINE OF SAID STREET LOT 'G', 110.00 FEET TO THE SOUTHEAST CORNER OF SAID STREET LOT 'G'; THENCE NORTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID STREET LOT 'G' AND A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 39.27 FEET AND WHOSE CHORD BEARS NORTH 59°08'45" WEST, 35.36 FEET; THENCE SOUTH 75°51'15" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 120.00 FEET TO THE SOUTHWEST CORNER OF SAID STREET LOT 'G'; THENCE NORTH 14°08'45" WEST ALONG THE WEST LINE OF SAID STREET LOT 'G', 60.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.21 ACRES (8,968 SQUARE FEET).



1/1  
1801.001

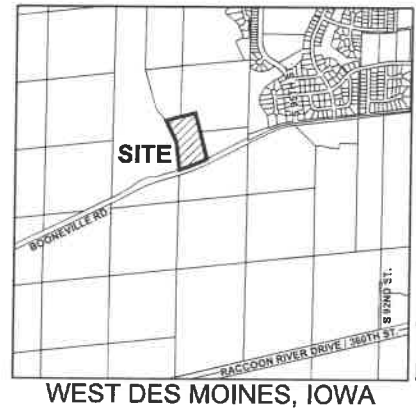
**STREET LOT 'G'  
KING'S LANDING PLAT 2  
ROW VACATION PLAT**



3405 SE CROSSROADS DRIVE, SUITE G  
GRIMES, IOWA 50111  
PH: (515) 369-4400 Fax: (515) 369-4410

# PRELIMINARY PLAT AND SITE PLAN FOR: KING'S GROVE TOWNHOMES WEST DES MOINES, IOWA

**VICINITY MAP**  
NOT TO SCALE



**ZONING**

RM-12 - RESIDENTIAL MEDIUM DENSITY

**COMPREHENSIVE PLAN LAND USE**

MEDIUM DENSITY RESIDENTIAL (MD)

**DEVELOPMENT SUMMARY**

AREA: 11.68 ACRES (508,620 SF)

**SETBACKS:**  
FRONT: = 50'  
SIDE: = 15'  
REAR: = 35'  
BUILDING SEPARATION: = 30'

**OPEN SPACE CALCULATION:**  
TOTAL SITE: = 508,620 SF  
BUILDINGS: = 103,248 SF  
PRIVATE STREETS: = 45,106 SF  
DRIVEWAYS: = 38,272 SF  
OPEN SPACE PROVIDED: = 321,994 SF (63%)

**IMPERVIOUS AREA** = 202,826 SF (40%)  
(SIDEWALK = 16,200 SF)

**UNITS:**  
92 UNITS (7.88 UNITS PER ACRE)

**PARKING REQUIRED:**  
2 SPACES PER UNIT  
TOTAL REQUIRED = 184 SPACES  
TOTAL PROVIDED = 198 SPACES

**CONSTRUCTION SCHEDULE**

**PHASE 1:**  
ANTICIPATED START DATE = FALL 2018  
ANTICIPATED FINISH DATE = SPRING 2019

**PHASE 2:**  
ANTICIPATED START DATE = FALL 2019  
ANTICIPATED FINISH DATE = SPRING 2020

**INDEX OF SHEETS**

NO.	DESCRIPTION
1.0	COVER SHEET
2.0	TYPICAL SECTIONS AND DETAILS
3.0	DEMOLITION PLAN
4.0-4.1	DIMENSION PLAN
5.0-5.3	GRADING PLAN
6.0-6.1	EROSION AND SEDIMENT CONTROL PLAN
7.0-7.1	UTILITY PLAN
8.0-8.1	LANDSCAPE PLAN

**NOTES**

- EROSION CONTROL MEASURES WILL BE INSTALLED AND MONITORED BY OTHERS.
- PRIVATE UTILITIES TO BE INSTALLED PER SUDAS SPECIFICATIONS.
- ALL CONSTRUCTION WITHIN PUBLIC ROW/EASEMENTS, AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS AND DSM METRO DESIGN STANDARDS.
- CONTACT WEST DES MOINES WATER WORKS AT LEAST ONE WEEK PRIOR TO CONSTRUCTION.
- ALL SIDEWALK CROSS SLOPES SHALL NOT EXCEED 1.5%.
- CONSTRUCTION CANNOT BEGIN ON THE TOWNHOMES UNTIL A FINAL PLAT HAS BEEN REVIEWED AND APPROVED BY THE CITY COUNCIL.
- ALL LONGITUDINAL SIDEWALK SLOPES SHALL NOT EXCEED 5%.
- PRIVATE STREETS AND UTILITIES SHALL BE MAINTAINED BY THE OWNER, TO INCLUDE:
  - DETENTION POND AND APPURTENANCES
  - PRIVATE STORM SEWER
  - PRIVATE WATER MAIN AND SERVICES
  - ALL INTERNAL CIRCULATION ROADS
- PRIOR TO CONSTRUCTION OF ANY PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, CONSTRUCTION PLANS FOR SAID IMPROVEMENTS NEED TO BE SUBMITTED TO AND APPROVED BY THE CITY ENGINEER.
- AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE WDM ENGINEERING SERVICES 222-3475 TO SCHEDULE ANY REQUIRED INSPECTIONS. IT IS IMPORTANT TO NOTE CITY APPROVAL OF THIS PLAN IS SUBJECT TO THE APPLICANT OBTAINING ALL NECESSARY EASEMENTS/AGREEMENTS AND APPLICABLE PERMITS.

**GENERAL LEGEND**

PROPOSED	EXISTING
SECTION LINE	SANITARY MANHOLE
CENTER LINE	WATER VALVE BOX
RIGHT OF WAY	FIRE HYDRANT
PERMANENT EASEMENT	WATER CURB STOP
TEMPORARY EASEMENT	WELL
TYPE SW-501 STORM INTAKE	STORM SEWER MANHOLE
TYPE SW-502 STORM INTAKE	STORM SEWER SINGLE INTAKE
TYPE SW-503 STORM INTAKE	STORM SEWER DOUBLE INTAKE
TYPE SW-505 STORM INTAKE	FLARED END SECTION
TYPE SW-506 STORM INTAKE	DECIDUOUS TREE
TYPE SW-512 STORM INTAKE	CONIFEROUS TREE
TYPE SW-513 STORM INTAKE	DECIDUOUS SHRUB
TYPE SW-401 STORM MANHOLE	CONIFEROUS SHRUB
TYPE SW-402 STORM MANHOLE	ELECTRIC POWER POLE
FLARED END SECTION	GUY ANCHOR
TYPE SW-301 SANITARY MANHOLE	STREET LIGHT
STORM/SANITARY CLEANOUT	POWER POLE W/ TRANSFORMER
WATER VALVE	UTILITY POLE W/ LIGHT
FIRE HYDRANT ASSEMBLY	ELECTRIC BOX
SIGN	ELECTRIC TRANSFORMER
DETECTABLE WARNING PANEL	ELECTRIC MANHOLE OR VAULT
WATER CURB STOP	TRAFFIC SIGN
STORM SEWER STRUCTURE NO.	TELEPHONE JUNCTION BOX
STORM SEWER PIPE NO.	TELEPHONE MANHOLE/VAULT
SANITARY SEWER STRUCTURE NO.	TELEPHONE POLE
SANITARY SEWER PIPE NO.	GAS VALVE BOX
SANITARY SEWER	CABLE TV JUNCTION BOX
SANITARY SERVICE	CABLE TV MANHOLE/VAULT
STORM SEWER	MAIL BOX
STORM SERVICE	BENCHMARK
WATERMAIN WITH SIZE	SOIL BORING
WATER SERVICE	UNDERGROUND TV CABLE
SAWCUT (FULL DEPTH)	GAS MAIN
SILT FENCE	FIBER OPTIC
USE AS CONSTRUCTED	UNDERGROUND TELEPHONE
MINIMUM PROTECTION ELEVATION	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	FIELD TILE
	SANITARY SEWER W/ SIZE
	STORM SEWER W/ SIZE
	WATER MAIN W/ SIZE

**OWNER / APPLICANT**

KING'S GROVE, LLC  
CONTACT: BRAD STANBROUGH  
10888 HICKMAN ROAD, SUITE 3A  
CLIVE, IOWA 50325  
PH. (515) 202-3030

**ENGINEER**

CIVIL DESIGN ADVANTAGE  
3405 SE CROSSROADS DRIVE, SUITE G  
GRIMES, IOWA 50111  
PH. (515) 369-4400  
FX. (515) 369-4410  
CONTACT: ERIN OLLENDIKE  
EMAIL: ERINO@CDA-ENG.COM

**SURVEYOR**

CIVIL DESIGN ADVANTAGE, LLC  
CONTACT: CHARLIE MCGLATHLEN  
3405 SE CROSSROADS DRIVE, SUITE G  
GRIMES, IOWA 50111  
PH. (515) 369-4400  
FX. (515) 369-4410

**DATE OF SURVEY**

JANUARY 23, 2018

**BENCHMARKS**

- CUT X AT THE SOUTHEAST CORNER OF S. 95TH STREET AND STAGECOACH DRIVE. ELEVATION=106.96
- WDM BM #35 - NE CORNER OF INTERSECTION OF MILLS CIVIC PARKWAY & 88TH STREET, 206' EAST OF CENTERLINE OF SOUTH 88TH STREET, 49' NORTH OF THE CENTERLINE OF MILLS CIVIC PARKWAY. ELEVATION=219.04
- WDM BM #37 - SOUTH 88TH STREET, ±2640' SOUTH OF MILLS CIVIC PARKWAY, 32' EAST OF CENTERLINE OF SOUTH 88TH STREET, NEAR THE 1/4 SECTION LINE, 1' WEST OF THE NORTH/SOUTH FENCE LINE. ELEVATION=194.80

**SUBMITTAL DATES**

FIRST SUBMITTAL:	05/25/2018
SECOND SUBMITTAL:	07/06/2018
THIRD SUBMITTAL:	07/31/2018
FOURTH SUBMITTAL:	08/20/2018
FINAL SUBMITTAL:	09/24/2018
REVISED FINAL SUBMITTAL:	10/05/2018

**UTILITY WARNING**

ANY UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORDS OBTAINED BY THIS SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL THE UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION SHOWN.

**CIVIL DESIGN ADVANTAGE**  
3405 SE CROSSROADS DR. SUITE G, GRIMES, IOWA 50111  
PH: (515) 369-4400 Fax: (515) 369-4410  
PROJECT NO. 1801.001

**IOWA ONE CALL**  
1-800-292-8989  
www.iowaonecall.com

THE PROJECT REQUIRES AN IOWA NPDES PERMIT #2 AND CITY OF WEST DES MOINES GRADING PERMIT. CIVIL DESIGN ADVANTAGE WILL PROVIDE THE PERMITS AND THE INITIAL STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR THE CONTRACTORS USE DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR UPDATING THE SWPPP THROUGHOUT CONSTRUCTION AND MEETING LOCAL, STATE AND FEDERAL REQUIREMENTS.

ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC R.O.W.

THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS, THE 1993 DES MOINES METRO DESIGN STANDARDS WITH THE WEST DES MOINES ADDENDA, AND THE WEST DES MOINES WATER WORKS GENERAL SUPPLEMENTAL SPECIFICATIONS FOR WATER INFRASTRUCTURE SHALL APPLY TO ALL WORK ON THIS PROJECT UNLESS OTHERWISE NOTED.

THIS DESIGN SPECIFICALLY PREPARED FOR USE AT THE LOCATION SHOWN. USE IN ANY OTHER MANNER EXCEEDS THE INTENDED PURPOSE OF THESE DRAWINGS AND ANY ACCOMPANYING SPECIFICATIONS.

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.

ERIN K. OLLENDIKE, P.E. DATE \_\_\_\_\_

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019  
PAGES OR SHEETS COVERED BY THIS SEAL:  
SHEETS 1.0-7.1

FILE: H:\DATA\REVISED\DWG\1801\1801-01 SITE PLAN.DWG  
 FILE DATE: 10/27/18  
 PLOTTED BY: BRUCE HEROLD  
 CONSULT: ENG



**GENERAL NOTES**

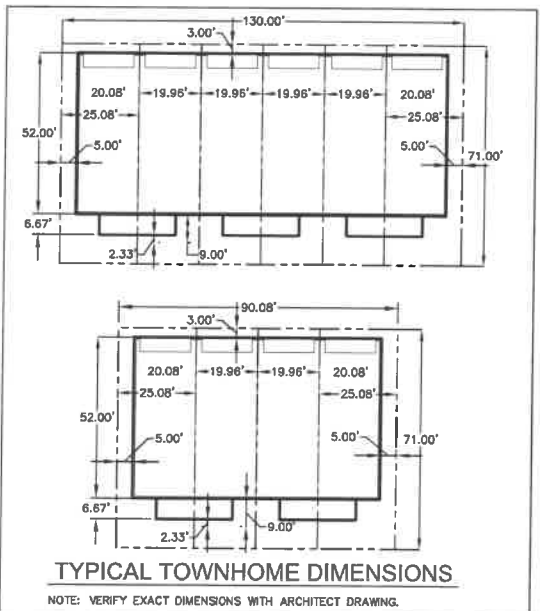
1. THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARDS FOR SUBDIVISIONS AND THE WEST DES MOINES WATER WORKS STANDARD SPECIFICATIONS FOR SUBDIVISIONS SHALL APPLY TO ALL WORK ON THIS PROJECT UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL COMPLY WITH ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY APPROPRIATE SAFETY REGULATIONS.
4. PRIOR TO ANY WORK AT THE SITE, CONTRACTOR SHALL EXAMINE ANY APPLICABLE DRAWINGS AVAILABLE FROM THE OWNER, ENGINEER, AND/OR ARCHITECT, AND CONSULT WITH OWNER'S PERSONNEL AND UTILITY COMPANY REPRESENTATIVES. NO COMPENSATION WILL BE ALLOWED FOR DAMAGE FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.
5. AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT ENGINEERING SERVICES (222-3475) TO OBTAIN APPLICABLE CITY PERMITS THAT MAY BE NECESSARY.
6. ALL CONSTRUCTION WITHIN PUBLIC R.O.W./EASEMENTS, AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS, DSM METRO DESIGN STANDARDS AND WDM ADDENDUMS.
7. ALL DIMENSIONS ARE TO BACK OF CURB, BUILDING FACE OR PROPERTY LINE UNLESS OTHERWISE NOTED.
8. CONTRACTOR TO VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS.
9. PLACE 1 INCH EXPANSION JOINT BETWEEN ALL P.C.C. PAVEMENT/SIDEWALKS AND BUILDING. PLACE 1/2 INCH EXPANSION JOINT BETWEEN SIDEWALKS AND P.C.C. PAVEMENT.
10. REMOVE ALL DEBRIS SPILLED INTO R.O.W. AT THE END OF EACH WORK DAY.
11. ALL PROPERTY PINS SHALL BE PROTECTED FROM GRADING OR OTHER OPERATIONS. ANY PINS DISTURBED SHALL BE RESET AT THE CONTRACTOR'S EXPENSE.
12. DO NOT STORE CONSTRUCTION MATERIALS AND EQUIPMENT IN THE RIGHT OF WAY.
13. THE CONTRACTOR SHALL NOT DISTURB DESIRABLE GRASS AREAS AND DESIRABLE TREES OUTSIDE THE CONSTRUCTION LIMITS. THE CONTRACTOR WILL NOT BE PERMITTED TO PARK OR SERVICE VEHICLES AND EQUIPMENT OR USE THESE AREAS FOR STORAGE OF MATERIALS. STORAGE, PARKING AND SERVICE AREAS WILL BE SUBJECT TO THE APPROVAL OF THE OWNER.
14. THE CONTRACTOR IS RESPONSIBLE FOR REPLACING ANY AREAS OF PAVEMENT OR SIDEWALK NOT TO BE REMOVED THAT IS DAMAGED DUE TO OPERATING EQUIPMENT ON THE PAVEMENT OR SIDEWALK.
15. THE CONTRACTOR MAY BE REQUIRED TO PLACE TEMPORARY WARNING DEVICES AND SAFETY FENCE AT CERTAIN LOCATIONS WHERE REPLACEMENT FEATURES ARE NOT INSTALLED THE SAME DAY, AS DIRECTED BY THE ENGINEER OR THE CITY.
16. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF TEMPORARY SIGNING AND NOT APPLICABLE TO THE WORKING CONDITIONS SHALL BE COVERED BY THE CONTRACTOR WHEN DIRECTED BY THE CITY.
17. ALL PERMITS AND ADDITIONAL FEES REQUIRED TO COMPLETE THE WORK SHALL BE INCLUDED IN THE CONTRACTOR BID.
18. TRASH FOR THE BUILDING INTERNAL OR IN LOADING AREA AND SCREENED BY EXISTING WALL.
19. THE MONUMENT SIGNS SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY. SIGNS ARE NOT APPROVED AS PART OF THE SITE PLAN REVIEW.
20. INDIVIDUAL GARAGE TOTES ARE TO BE USED AND STORED IN GARAGE.

**TRAFFIC CONTROL NOTES**

1. ALL APPLICABLE CITY PERMITS, INCLUDING BUT NOT LIMITED TO CLOSURE PERMITS, SHALL BE OBTAINED PRIOR TO ANY CONSTRUCTION WITHIN CITY R.O.W. OR LANE CLOSURES.
2. ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
3. PERMANENT SIGNING THAT CONVEYS A MESSAGE CONTRARY TO THE MESSAGE OF TEMPORARY SIGNING AND NOT APPLICABLE TO THE WORKING CONDITIONS SHALL BE COVERED BY THE CONTRACTOR WHEN DIRECTED BY THE CITY.
4. THE CONTRACTOR SHALL COORDINATE HIS TRAFFIC CONTROL WITH OTHER CONSTRUCTION PROJECTS IN THE AREA.
5. SIDEWALK / PATH CLOSURE SIGNS REQUIRED FOR ALL SIDEWALK CLOSURES, SIGNAGE AND TEMPORARY PEDESTRIAN ROUTE THROUGH CONSTRUCTION AREA SHALL MEET THE REQUIREMENTS OF PUBLIC RIGHT-OF-WAY ACCESSIBILITY GUIDELINES (PROWAG), SECTION R205 AND IOWA DOT DESIGN MANUAL, CHAPTER 12A-4.
6. THE CONTRACTOR IS CAUTIONED NEITHER TO OBSTRUCT NOR REMOVE ANY EXISTING PAVEMENT, NOR TO DISTURB THE EXISTING TRAFFIC PATTERNS MORE THAN IS NECESSARY FOR THE PROPER EXECUTION OF THE WORK.
7. ALL SIGNING, STRIPING AND OTHER TRAFFIC CONTROL DEVICES ON THE DRIVEWAY APPROACHES TO PUBLIC STREETS SHOULD CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FEDERAL HIGHWAY ADMINISTRATION 2009 EDITION.

**PAVEMENT THICKNESS (NON-REINFORCED)**

1. SIDEWALKS 4" P.C.C.
2. PRIVATE DRIVES 7" P.C.C.
3. PARKING SPACES 6" P.C.C.



**SIGN LEGEND**



DATE: 10/25/18  
 REVISIONS: 09/24/18  
 REVISED FINAL CITY SUBMITTAL: 08/20/18  
 FINAL CITY SUBMITTAL: 07/31/18  
 CITY SUBMITTAL #4  
 CITY SUBMITTAL #5  
 CITY SUBMITTAL #2  
 CITY SUBMITTAL #1

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

ENGINEER: EKO  
 EI: GH

**CIVIL DESIGN ADVANTAGE**

**KING'S GROVE TOWNHOMES**  
 DIMENSION PLAN

WEST DES MOINES, IOWA

**4.0**  
 1801.001

FILE: H:\WORK\IOWA\UNIVERSITY\UNIVERSITY-SITE PLANNING  
 PLOTTED BY: SCHEIDT, TREN  
 DATE: 10/17/2018 4:55 PM  
 COMMENT:



**OUTLOT 'Z'**  
 (8.48 AC)  
 (COMMON SPACE)

DATE	REVISIONS
10/05/18	REVISED FINAL CITY SUBMITTAL
09/24/18	FINAL CITY SUBMITTAL
08/20/18	CITY SUBMITTAL #4
07/25/18	CITY SUBMITTAL #3
07/06/18	CITY SUBMITTAL #2
05/25/18	CITY SUBMITTAL #1

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



**KING'S GROVE TOWNHOMES**  
**DIMENSION PLAN**

**From:** [Dave Harmeyer](#)  
**To:** [Munford, Brad](#)  
**Cc:** [Scieszinski, Richard](#); [Twedt, Lynne](#); [Scott Temple](#); "[Jerry Bussanmus \(Jerry@yourpurestyle.com\)](#)"; [Derek Temple](#); [Brian McMurray](#)  
**Subject:** RE: Kings Grove Stark Drive Vacation  
**Date:** Monday, March 18, 2019 4:51:12 PM

---

H Brad, Dick and Lynn,

Please be advised, we object to the vacation of Stark Drive and will either be in attendance to voice our objection or provide a letter for you to read at the P&Z and Council meetings.

In the meantime, I do have a couple of questions that I would like answered to allow us to thoughtfully write up our objection for these meetings:

- How much is Kings Cove paying to the City for the land and improvements made to Stark Drive (states FMV in your write up)?
- Currently our lots 8 and 9 of Kings Landing plat 2 both have access to put their driveways on Stark Dr via sload garage layouts. Will this option be available with the Kings Grove proposal? If yes, how will the easements be drafted not knowing the access points for the driveways?
- Once vacated to a private drive, will these two future homeowners have city trash pick up at their driveways, assuming they are driveways located on Stark Drive?
- Will Kings Grove be allowed to plant landscaping or other improvements along this roadway?
- Who will be responsible for the sidewalks along Stark Drive?
- Will the homeowners who purchase lot 8 or 9 have any rights to ensure the private drive is adequately maintained without cost to them?
- What happens to the bonds in place for the public improvements made to build Stark Drive and for the sidewalk bond in place for this road section?
- Do you have a drawing of Kings Grove's layout if Stark Drive remains a public street?

Thank you,

Dave Harmeyer  
Vista Real Estate and Investment Corp.  
2400 86<sup>th</sup> St, Suite 24  
Des Moines, IA 50322  
[dave@vistarei.com](mailto:dave@vistarei.com)  
Office 515-276-3456  
Fax 515-276-2337  
Mobile 515-554-4151

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

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DENYING THE VACATION REQUEST FOR THE PURPOSE OF VACATING PUBLIC INTEREST IN APPROXIMATELY 145 FEET OF STARK DRIVE WEST OF THE INTERSECTION WITH S. 100TH STREET (VAC-004108-2018)**

**WHEREAS**, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, Kings Grove, LLC requests that the City of West Des Moines vacate approximately 145 feet of Stark Drive west of the intersection with S.100th Street and legally described in Exhibit A and illustrated in Exhibit B; and

**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; and

**WHEREAS**, on March 25, 2019, the Plan and Zoning Commission did recommend to the City Council denial of the Stark Drive Vacation Request (VAC-004108-2018); and

**WHEREAS**, on April 1, 2019, this City Council held a duly-noticed public hearing to consider the application to vacate approximately 145 feet of Stark Drive west of the intersection with S.100th Street.

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

SECTION 1. The findings, for denial, in the staff report, dated April 1, 2019, or as amended orally at the City Council hearing of April 1, 2019, are adopted.

SECTION 2. The request to vacate approximately 145 feet of Stark Drive west of the intersection with S.100th Street, is denied.

PASSED AND ADOPTED on April 1, 2019.

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

ATTEST:

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

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on April 1, 2019, by the following vote:

ATTEST:

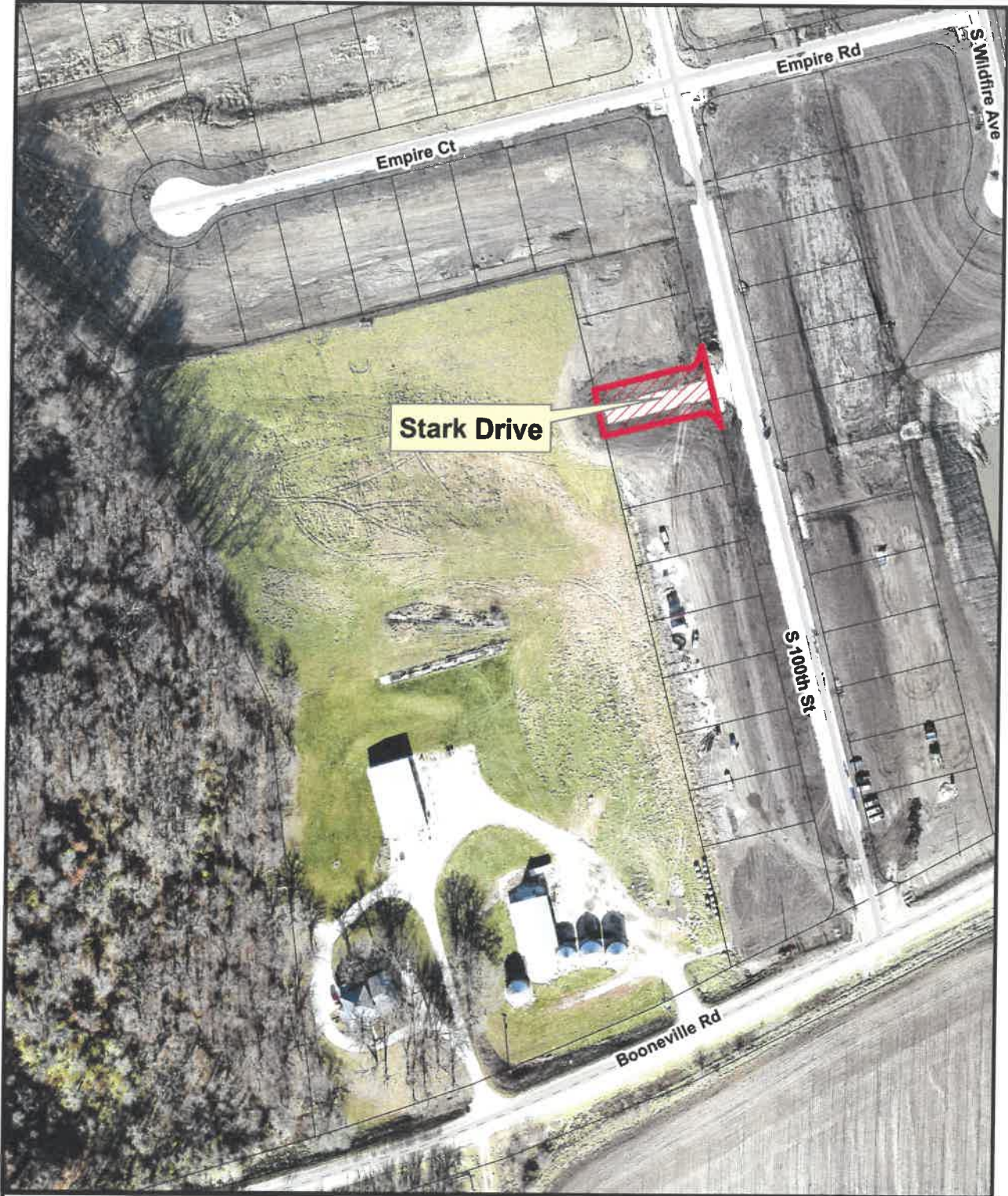
\_\_\_\_\_  
Ryan Jacobson  
City Clerk

**Exhibit A**

Street Lot G in Kings Landing Plat 2, an official plat in the City of West Des Moines, Dallas County, Iowa, recorded in Book 2017, Page 22924 in the Dallas County Recorder's Office.



Exhibit B



**Stark Drive Vacation**



NOT TO SCALE

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

**Date: April 1, 2019**

**ITEM:** Sugar Creek Estates, Located approximately at the Northeast corner of 100<sup>th</sup> Street and Stagecoach Drive- Designate Residential Medium Density (RM-8) zoning on approximately 27 acres - Sugar Creek Estates, LLC –ZC-004124-2018

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Sugar Creek Estates, LLC, has submitted an application for approval of a rezoning request to rezone property from ‘Unzoned’ to Residential Medium Density (RM-8) for the property located approximately at the Northeast corner of 100th Street and Stagecoach Drive

Plan and Zoning Commission Action:

Vote: 5-0 Approval, with Commissioner(s) Crowley and Southworth Absent.

Date: March 25, 2019

Motion: Adopt a resolution recommending the City Council approve a Rezoning from ‘Unzoned’ to Residential Medium Density (RM-8).

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




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

- Applicant’s Request
- History
- City Council Subcommittee
- Staff Review and Comments
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Applicant/Applicant Representative Information

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the first reading of an ordinance to rezone approximately 27 acres from ‘Unzoned’ to Residential Medium Density (RM-8), subject to the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford 

**Staff Reviews:**

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	 

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

Published In	<i>Des Moines Register</i>	
Date(s) Published	March 15, 2019	
Letter sent to surrounding property owners	March 15, 2019	

**SUBCOMMITTEE REVIEW (if applicable)**

Committee	Development & Planning		
Date Reviewed	November 12, 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 and Zoning Commission Resolution
    - Exhibit A - Conditions
  - Attachment B - Location Map
  - Attachment C - Proposed Zoning Map
- Exhibit II - Ordinance: Amending the Official Zoning Map

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

**Meeting Date:** March 25, 2019

**Item:** Sugar Creek Estates, Located approximately at the Northeast corner of 100<sup>th</sup> Street and Stagecoach Drive- Designate Residential Medium Density (RM-8) zoning on approximately 24.01 acres - Sugar Creek Estates, LLC –ZC-004124-2018

**Requested Action:** Approval of a Rezoning Request

**Case Advisor:** J. Bradley Munford, Planner 

**Applicant's Request:** The applicants, Sugar Creek Estates, LLC, have submitted an application for approval of a rezoning request to rezone property from 'Unzoned' to Residential Medium Density (RM-8) for the property located approximately at the Northeast corner of 100th Street and Stagecoach Drive

**History:** The property was annexed into the city in 2003 as a part of the Mills Civic Parkway Annexation. The Medium Density Comprehensive Plan designation was established September of 2010.

**City Council Subcommittee:** This Item was presented to the Development and Planning Council Subcommittee on November 12, 2018 as an informational item. The Subcommittee expressed support of the development.

**Staff Review and Comment:** There are no outstanding issues.

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

**Noticing Information:** On March 15, 2019, a notice of the March 25, 2019, Plan and Zoning Commission and April 1, 2019 City Council public hearings was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property on March 15, 2019.

**Staff Recommendations and Conditions of Approval:** Based upon the preceding review and a findings of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve a Rezoning Request to change the land use designation from 'Unzoned' to Residential Medium Density (RM-8), subject to the applicant meeting all City Code requirements.

**Applicant:** Dave Harmeyer  
Sugar Creek Estates LLC  
2400 86<sup>th</sup> Street Suite 24  
Urbandale, Iowa 50313  
[dave@vistarei.com](mailto:dave@vistarei.com)

**Applicant Representative:** Eric Cannon  
Snyder and Associates  
2727 SW Snyder Blvd  
Ankeny, Iowa 50023  
[Ecannon@snyder-associates.com](mailto:Ecannon@snyder-associates.com)

**Attachments:**

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Conditions
- Attachment B - Location Map
- Attachment C - Proposed Zoning Map

## RESOLUTION NO. PZC-19-023

**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 REZONE 24.01 ACRES OF PROPERTY FROM 'UNZONED' TO RESIDENTIAL MEDIUM DENSITY (RM-8)**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Sugar Creek Estates, LLC, has requested approval of an ordinance to Rezone 24.01 acres of property located approximately at the Northeast corner of 100<sup>th</sup> Street and Stagecoach Drive from 'Unzoned' to Residential Medium Density (RM-8);

## LEGAL DESCRIPTION

PART OF OUTLOT "Y", TIBURON AN OFFICIAL PLAT AND PARCEL 17-121 AS RECORDED IN BOOK 2016, PAGE 22954 OF THE DALLAS COUNTY RECORDER'S OFFICE ALL BEING IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

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


**WHEREAS**, on March 25, 2019 this Commission held a duly-noticed hearing to consider the application for a Rezoning Request from 'Unzoned' to Residential Medium Density (RM-8) (ZC-004124-2018);

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

SECTION 1. The findings, for approval, in the staff report for this meeting or as amended orally at the meeting are adopted.

SECTION 2. The Rezoning request for 24.01 acres of property from 'Unzoned' to Residential Medium Density (RM-8) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit A. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on March 25, 2019.

  
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 March 25, 2019, by the following vote:

AYES: ANDERSEN, COSTA, DRAKE, ERICKSON, HATFIELD

NAYS:

ABSTENTIONS:

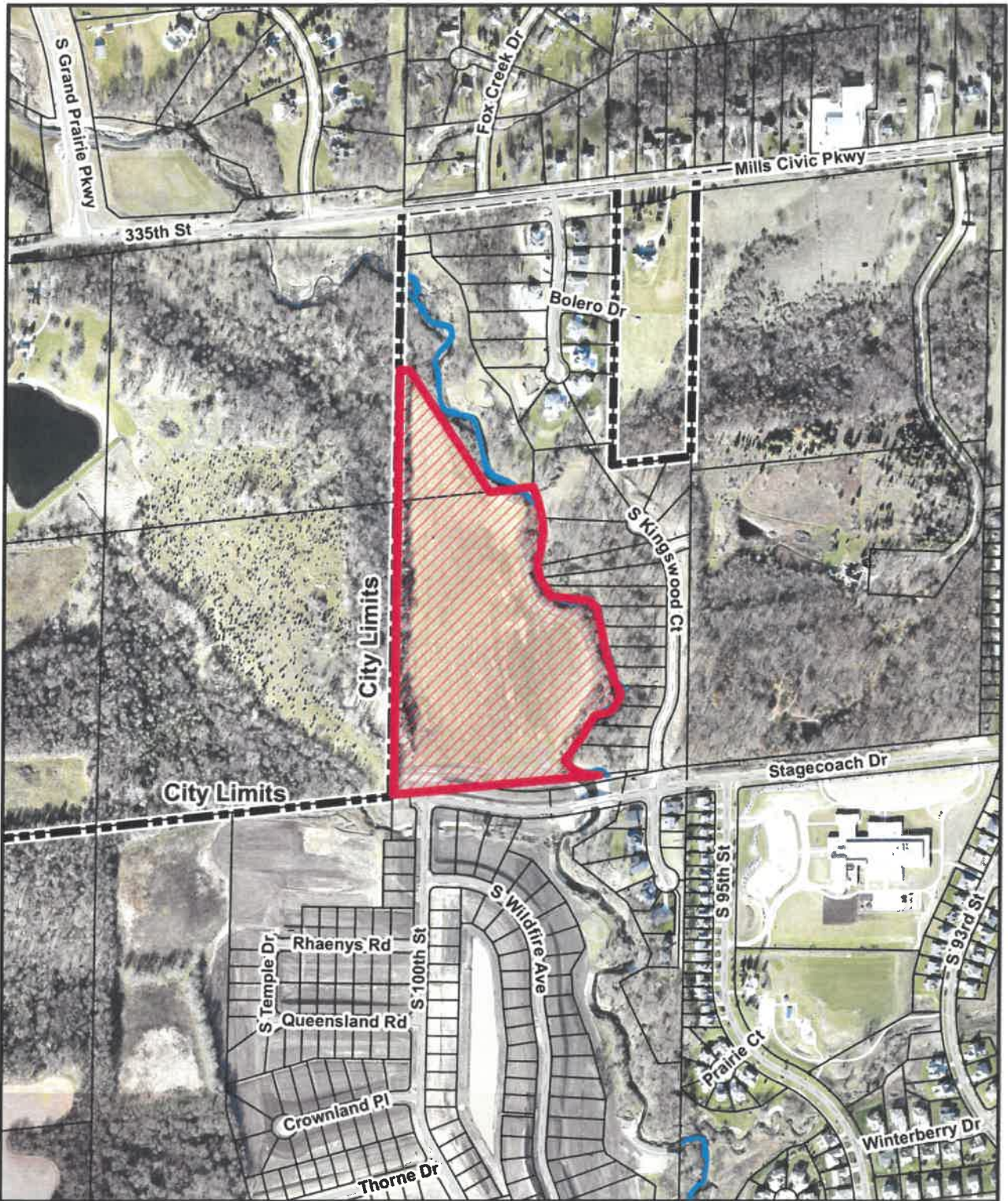
ABSENT: CROWLEY, SOUTHWORTH

ATTEST:

  
Recording Secretary

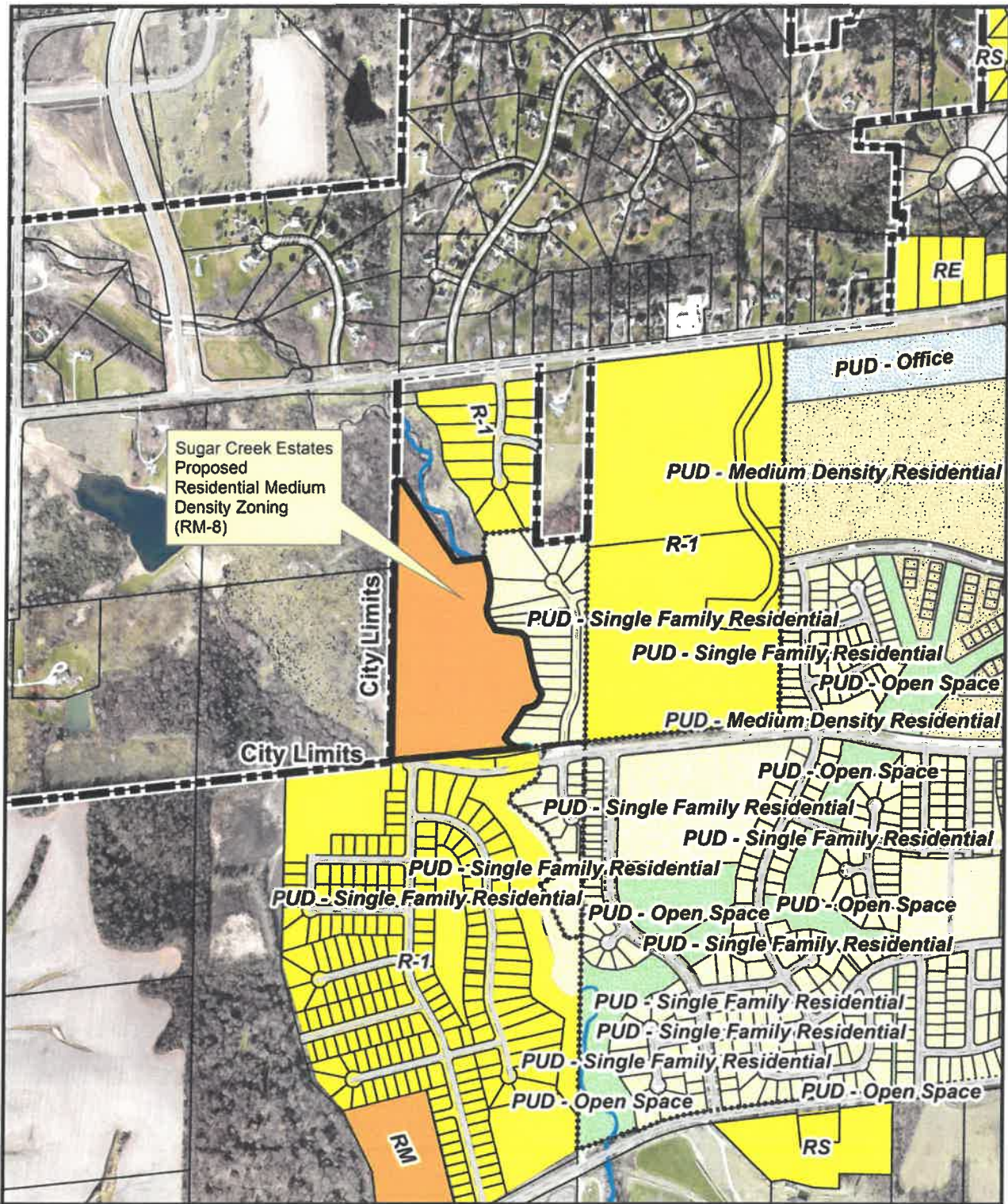
**Exhibit A  
CONDITIONS**

1. No Conditions of Approval



### Sugar Creek Estates





### Sugar Creek Estates Proposed Zoning



NOT TO SCALE



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

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 9: ZONING, CHAPTER 4: ZONING DISTRICTS AND MAP**

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

**SECTION 1. AMENDMENT:** The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by rezoning 27 acres located approximately at the Northeast corner of 100th Street and Stagecoach Drive and legally described below from 'Unzoned' to Residential Medium Density (RM-8), in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

**LEGAL DESCRIPTION**

OUTLOT "Y", TIBURON AN OFFICIAL PLAT AND PARCEL 17-121 AS RECORDED IN BOOK 2016, PAGE 22954 OF THE DALLAS COUNTY RECORDER'S OFFICE ALL BEING IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

**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 title 1, Chapter 4, Section 1 and Section 2 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.

Approved and passed by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2019

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

**ATTEST:**

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

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

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

**6(e)**

**DATE: April 1, 2019**

**ITEM:**

Public Hearing (5:35 p.m.)  
South 88th Street & Mills Civic Parkway Reconstruction

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost for the South 88th Street & Mills Civic Parkway Reconstruction was \$7,262,723.50 for the Base Bid and \$829,000.00 for Alternate 1 for a total cost of \$8,091,723.50. There were six (6) bids submitted with the low bid of \$7,203,622.85 (Base Bid plus Alternate 1) being submitted by McAninch Corporation of Des Moines, Iowa. Payments related to the Base Bid will be made from account no. 500.000.000.5250.490 with the ultimate funding intended to come from Coachlight Drive Urban Renewal Area TIF. Payments related to Alternate 1 will likely be paid from a newly-created Fiber Enterprise Fund. Funds for the project are available in the FY 19-20 budget, but due to timing of the construction season, this project will begin on an accelerated schedule.

**BACKGROUND:**

The project will include reconstruction of South 88th Street from an existing two-lane rural roadway to an ultimate five-lane urban undivided roadway with a two-way left turn lane from Coachlight Drive to just short of Cascade Avenue. Only three lanes will be constructed at this time. The project will also include reconstruction of Mills Civic Parkway from an existing two-lane rural roadway to an ultimate six-lane urban divided roadway with median from South 81st Street to South 91st Street. Only three lanes will be constructed at this time, with no median. The project also includes grading, storm sewer, water main, paving, multi-use trail, trailhead/parking lot near cemetery, traffic signal at South 88th Street & Mills Civic Parkway intersection, joint utility trench (Alternate 1), and other miscellaneous work. All concrete street paving shall be completed and open to traffic by November 15, 2019. The remainder of the work shall be completed by May 15, 2020.

The work to be done within the joint utility trench (Alternate 1), has been a part of our 2036 Plan; to offer ubiquitous broadband throughout West Des Moines. This is our first pilot project attempt at offering a consolidated duct bank in the right-of-way, to preserve space for future expansions, pre-empt economic development in this area as well as offering businesses and residents multiple carrier options for broadband and telephone.

A public informational meeting for this project was held on December 11, 2018.

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

**OUTSTANDING ISSUES:**       None.

**RECOMMENDATION:**

- City Council Adopt:
- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs for South 88th Street & Mills Civic Parkway Reconstruction;
  - Motion receiving and filing Report of Bids;
  - Resolution awarding the construction contract to McAninch Corporation.

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

**STAFF REVIEWS**

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

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

Published In	Des Moines Register
Dates(s) Published	March 22, 2019

**SUBCOMMITTEE REVIEW (if applicable)**

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

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

**WHEREAS**, on March 4, 2019, Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**South 88th Street & Mills Civic Parkway Reconstruction  
Project No. 0510-048-2018**

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 **1st** day of **April, 2019**.

\_\_\_\_\_  
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:

**South 88th Street & Mills Civic Parkway Reconstruction  
Project No. 0510-048-2018**

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 McAninch Corporation in the amount of \$7,203,622.85 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 South 88th Street & Mills Civic Parkway Reconstruction is hereby awarded to McAninch Corporation in the amount of \$7,203,622.85 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 1st day of April, 2019.

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

ATTEST:

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





**HR GREEN INC.**  
 6225 MERLE HAY RD., STE. 200  
 JOHNSTON, IOWA 50131  
 PH: 515-782-2813  
 FAX: 515-478-1846

Engineer's Opinion of Probable Cost = \$ 8,094,723.00  
 Bid Date: March 27, 2019 - 2:00 P.M.  
 HR Green Project No. 191079

**910 TABULATION  
 RECONSTRUCTION PROJECT  
 SOUTH 88TH STREET AND MILL  
 WEST DES MOINES, IOWA  
 PROJECT NO. 0518-J48-2018**

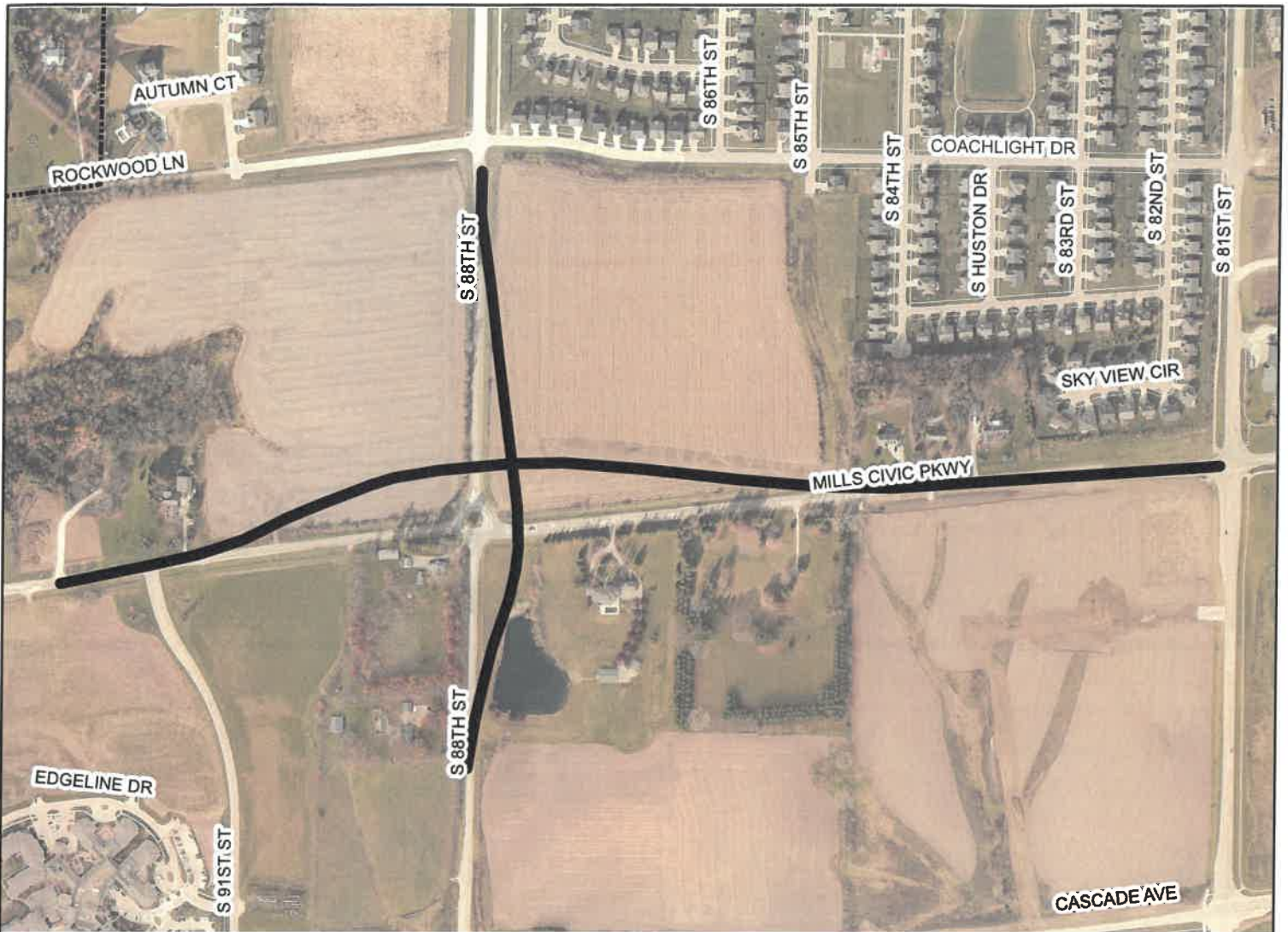


Concrete Technologies, Inc.  
 3918 University Blvd  
 Urbandale, IA 52242  
 Phone: 515-281-2200  
 Fax: 515-281-2201  
 Website: www.concrete-tech.com

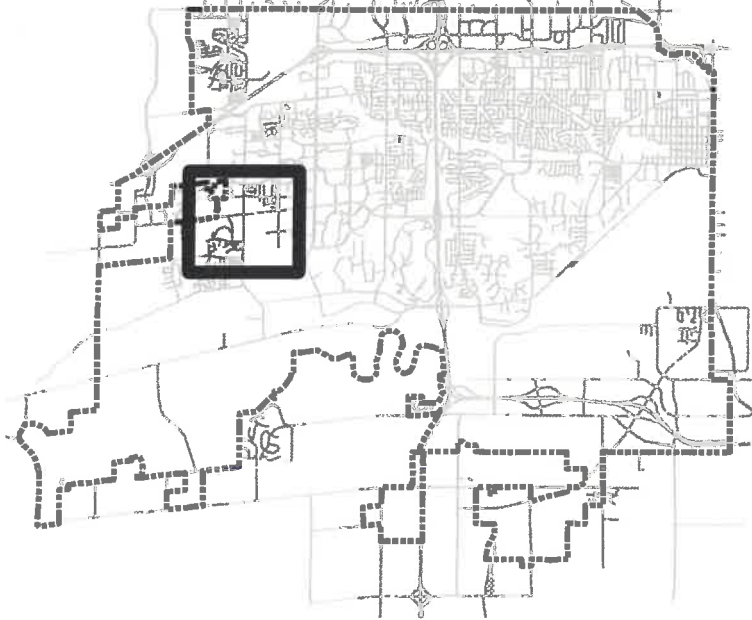


Hawkeye Paving Corp.  
 1125 E. 10th St  
 Bettendorf, IA 52008  
 Phone: 319-253-1100  
 Fax: 319-253-1101  
 Website: www.hawkeyepaving.com

UNIFORM	QTY	Unit Price	Engineer's Opinion		McAnical Construction		Alliances Construction Group		Iowa Civil Contracting		Alaska Concrete		Concrete Technologies, Inc.		Hawkeye Paving Corp.		
			Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
7.13	525	\$ 18.00	\$ 9,450.00	\$ 18.00	\$ 9,450.00	\$ 18.00	\$ 9,450.00	\$ 18.00	\$ 9,450.00	\$ 18.00	\$ 9,450.00	\$ 18.00	\$ 9,450.00	\$ 18.00	\$ 9,450.00	\$ 18.00	\$ 9,450.00
7.14	22,140	\$ 35.00	\$ 774,900.00	\$ 35.00	\$ 774,900.00	\$ 35.00	\$ 774,900.00	\$ 35.00	\$ 774,900.00	\$ 35.00	\$ 774,900.00	\$ 35.00	\$ 774,900.00	\$ 35.00	\$ 774,900.00	\$ 35.00	\$ 774,900.00
7.15	4,100	\$ 35.00	\$ 143,500.00	\$ 35.00	\$ 143,500.00	\$ 35.00	\$ 143,500.00	\$ 35.00	\$ 143,500.00	\$ 35.00	\$ 143,500.00	\$ 35.00	\$ 143,500.00	\$ 35.00	\$ 143,500.00	\$ 35.00	\$ 143,500.00
7.16	1,000	\$ 35.00	\$ 35,000.00	\$ 35.00	\$ 35,000.00	\$ 35.00	\$ 35,000.00	\$ 35.00	\$ 35,000.00	\$ 35.00	\$ 35,000.00	\$ 35.00	\$ 35,000.00	\$ 35.00	\$ 35,000.00	\$ 35.00	\$ 35,000.00
8.1	250,000	\$ 2.50	\$ 625,000.00	\$ 2.50	\$ 625,000.00	\$ 2.50	\$ 625,000.00	\$ 2.50	\$ 625,000.00	\$ 2.50	\$ 625,000.00	\$ 2.50	\$ 625,000.00	\$ 2.50	\$ 625,000.00	\$ 2.50	\$ 625,000.00
8.2	10,000	\$ 20.00	\$ 200,000.00	\$ 20.00	\$ 200,000.00	\$ 20.00	\$ 200,000.00	\$ 20.00	\$ 200,000.00	\$ 20.00	\$ 200,000.00	\$ 20.00	\$ 200,000.00	\$ 20.00	\$ 200,000.00	\$ 20.00	\$ 200,000.00
8.3	217	\$ 150.00	\$ 32,550.00	\$ 150.00	\$ 32,550.00	\$ 150.00	\$ 32,550.00	\$ 150.00	\$ 32,550.00	\$ 150.00	\$ 32,550.00	\$ 150.00	\$ 32,550.00	\$ 150.00	\$ 32,550.00	\$ 150.00	\$ 32,550.00
8.4	74	\$ 150.00	\$ 11,000.00	\$ 150.00	\$ 11,000.00	\$ 150.00	\$ 11,000.00	\$ 150.00	\$ 11,000.00	\$ 150.00	\$ 11,000.00	\$ 150.00	\$ 11,000.00	\$ 150.00	\$ 11,000.00	\$ 150.00	\$ 11,000.00
8.5	100	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00
8.6	1	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
8.7	30	\$ 500.00	\$ 15,000.00	\$ 500.00	\$ 15,000.00	\$ 500.00	\$ 15,000.00	\$ 500.00	\$ 15,000.00	\$ 500.00	\$ 15,000.00	\$ 500.00	\$ 15,000.00	\$ 500.00	\$ 15,000.00	\$ 500.00	\$ 15,000.00
8.8	10	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00
8.9	10	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00
8.10	10	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00	\$ 1,500.00	\$ 15,000.00
8.11	1	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
8.12	1	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
8.13	12	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00
8.14	12	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00	\$ 85.00	\$ 1,020.00
8.15	5	\$ 80.00	\$ 400.00	\$ 80.00	\$ 400.00	\$ 80.00	\$ 400.00	\$ 80.00	\$ 400.00	\$ 80.00	\$ 400.00	\$ 80.00	\$ 400.00	\$ 80.00	\$ 400.00	\$ 80.00	\$ 400.00
8.16	20	\$ 15,000.00	\$ 300,000.00	\$ 15,000.00	\$ 300,000.00	\$ 15,000.00	\$ 300,000.00	\$ 15,000.00	\$ 300,000.00	\$ 15,000.00	\$ 300,000.00	\$ 15,000.00	\$ 300,000.00	\$ 15,000.00	\$ 300,000.00	\$ 15,000.00	\$ 300,000.00
8.17	15,400	\$ 3.50	\$ 53,900.00	\$ 3.50	\$ 53,900.00	\$ 3.50	\$ 53,900.00	\$ 3.50	\$ 53,900.00	\$ 3.50	\$ 53,900.00	\$ 3.50	\$ 53,900.00	\$ 3.50	\$ 53,900.00	\$ 3.50	\$ 53,900.00
8.18	15,400	\$ 0.50	\$ 7,700.00	\$ 0.50	\$ 7,700.00	\$ 0.50	\$ 7,700.00	\$ 0.50	\$ 7,700.00	\$ 0.50	\$ 7,700.00	\$ 0.50	\$ 7,700.00	\$ 0.50	\$ 7,700.00	\$ 0.50	\$ 7,700.00
8.19	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.20	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.21	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.22	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.23	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.24	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.25	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.26	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.27	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.28	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.29	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.30	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.31	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.32	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.33	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.34	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.35	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.36	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.37	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.38	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.39	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.40	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.41	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.42	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,850.00
8.43	15,400	\$ 0.25	\$ 3,850.00	\$ 0.25	\$ 3,												



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT: **South 88th Street and Mills Civic Parkway Reconstruction**

LOCATION: **Exhibit "A"**

DRAWN BY: JDR

DATE: 9/26/2018

PROJECT NUMBER/NAME: 0510-048-2018

SHT. 1 of 1



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

**DATE: April 1, 2019**

**ITEM:**

Public Hearing (5:35 p.m.)  
2019 PCC Patching & Medians Program

**FINANCIAL IMPACT:**

The revised Engineering Estimate of Construction Cost was estimated to be \$1,223,926.45 for the 2019 PCC Patching & Medians Program. There were four (4) bids submitted with the lowest most responsive bid of \$1,134,639.17 being submitted by The Concrete Contracting Company of Grimes, Iowa. Payments will be made from account no. 500.000.000.5250.490 with the ultimate funding intended to come from Road Use Tax. Funds for the project are available in the FY 19-20 budget, but due to timing of the construction season, this project will begin on an accelerated schedule.

A bid of \$903,332.00 was submitted for this project from MNM Concrete Specialists of Des Moines, Iowa. A bid bond in the amount of \$903,332.00 (100% of the original bid amount in lieu of the required 10% bid bond). Since the time bids were received, MNM Concrete Specialists and their bonding company have written letters requesting withdrawal of their bid due to oversights in project specifications significantly impacting their bid. City Staff recommend returning the bid bond from MNM Concrete Specialists on this project and awarding the construction contract to the next lowest bidder, The Concrete Contracting Company.

**BACKGROUND:**

The 2019 PCC Patching & Medians Program includes Portland Cement Concrete (PCC) street repairs at various locations throughout the City of West Des Moines (see attached map). The project is anticipated to be completed by November 15, 2019.

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

**OUTSTANDING ISSUES:**      None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs for 2019 PCC Patching & Medians Program;
- Motion receiving and filing Report of Bids;
- Resolution waiving bid irregularities and awarding the construction contract to The Concrete Contracting Company.

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

**STAFF REVIEWS**

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

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

Published In	Des Moines Register
Dates(s) Published	March 22, 2019

**SUBCOMMITTEE REVIEW** (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

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

**WHEREAS**, on March 4, 2019, Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**2019 PCC Patching & Medians Program  
Project No. 0510-002-2019**

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 **1st** day of **April, 2019**.

\_\_\_\_\_  
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:

**2019 PCC Patching & Medians Program  
Project No. 0510-002-2019**

and,

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

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

**WHEREAS**, the irregularities noted were substantive in nature with the bid from MNM Concrete Specialists; and,

**WHEREAS**, the bid of The Concrete Contracting Company in the amount of \$1,134,639.17 was the lowest responsible bid received for said public improvement;

therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, waives the irregularities in the bids that were received.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that a contract for the 2019 PCC Patching & Medians Program is hereby awarded to The Concrete Contracting Company in the amount of \$1,134,639.17 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 1st day of **April, 2019**.

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

ATTEST:

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



# BID TABULATION

## City of West Des Moines

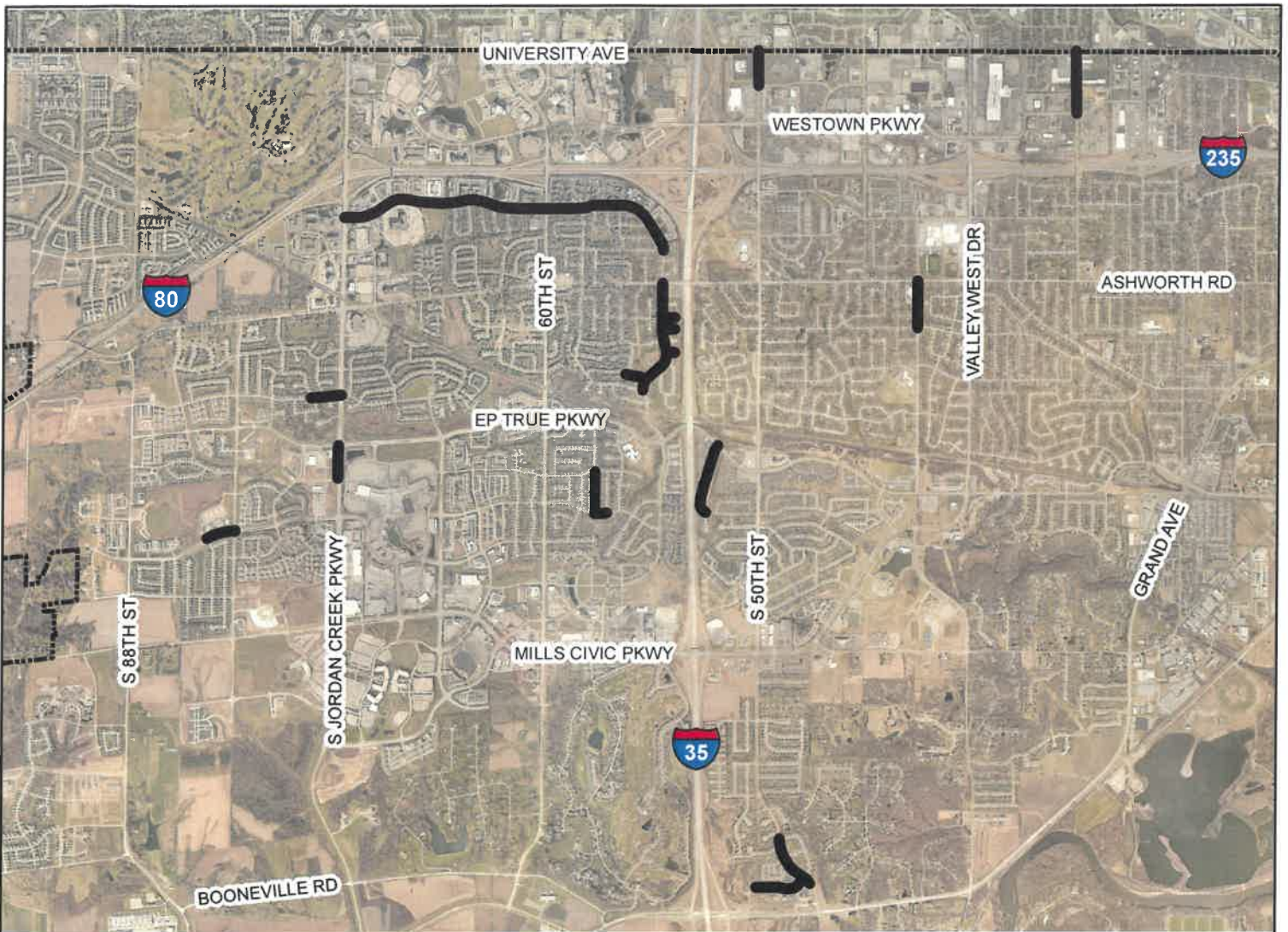
### 2019 PCC Patching and Medians Program

Project Number: 18-22044  
 Bid Letting Time & Date: 2:00 p.m. - Wednesday, March 27, 2019  
 Bid Letting Location: City of West Des Moines 4200 Mills Civic Parkway Suite 2B West Des Moines, IA 50265  
 West Des Moines Project No. 0510-002-2019

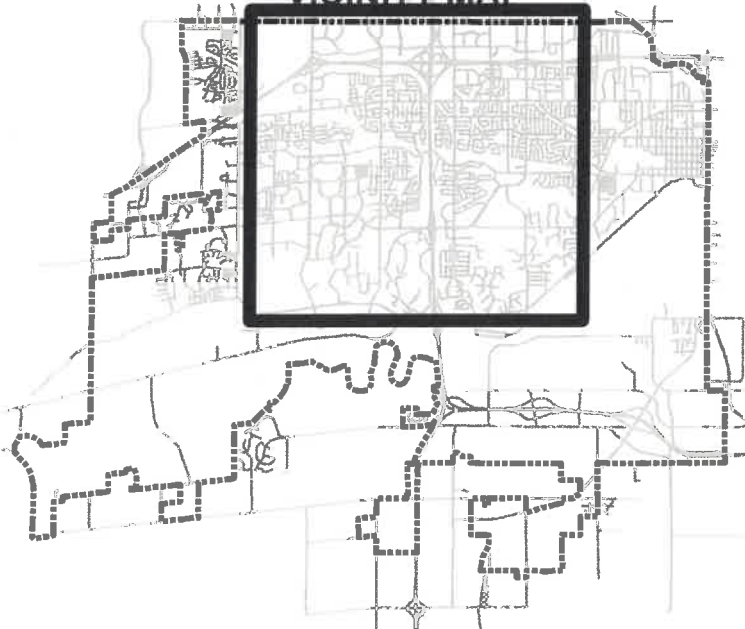
I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE ACCOUNT OF BIDS RECEIVED.

DATE: March 27, 2019 LICENSE NUMBER: 20894

Item No.	Construction Item	Unit	Quantity	MWH Concrete Specialist 3821 Hillcrest Dr Des Moines, IA 50310 Bid Bond 10%		The Concrete Contracting Co, Inc PO Box 656 Grimes, IA 50311 Bid Bond 10%		Iowa Civil Contracting 1108 3rd St Victor, IA 52247 Bid Bond 10%		Hawkeye Paving Corp. 861 42nd St Bellefleur, IA 52722 Bid Bond 10%		Engineer's Estimate	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
<b>PICTURE ADJUSTMENT</b>													
1	MANHOLE ADJUSTMENT, MINOR, M-A, FULL	EA	14	\$ 1,200.00	\$ 16,800.00	\$ 1,500.00	\$ 21,000.00	\$ 1,700.00	\$ 23,800.00	\$ 2,000.00	\$ 28,000.00	\$ 1,950.00	\$ 27,300.00
2	INTAKE ADJUSTMENT, MAJOR, M-A, FULL	EA	7	\$ 4,500.00	\$ 31,500.00	\$ 3,000.00	\$ 21,000.00	\$ 5,415.00	\$ 37,905.00	\$ 3,600.00	\$ 25,200.00	\$ 4,400.00	\$ 30,800.00
3	INTAKE ADJUSTMENT, MAJOR, M-C, FULL	EA	2	\$ 5,000.00	\$ 10,000.00	\$ 4,000.00	\$ 8,000.00	\$ 5,690.00	\$ 11,380.00	\$ 5,800.00	\$ 11,600.00	\$ 6,500.00	\$ 13,000.00
4	INTAKE ADJUSTMENT, MAJOR, M-C SPECIAL, FULL	EA	1	\$ 6,500.00	\$ 6,500.00	\$ 4,500.00	\$ 4,500.00	\$ 5,800.00	\$ 5,800.00	\$ 7,200.00	\$ 7,200.00	\$ 7,200.00	\$ 7,200.00
5	INTAKE ADJUSTMENT, MAJOR, M-D, FULL	EA	4	\$ 5,000.00	\$ 20,000.00	\$ 4,700.00	\$ 18,800.00	\$ 5,100.00	\$ 20,400.00	\$ 6,000.00	\$ 24,000.00	\$ 7,300.00	\$ 29,200.00
6	INTAKE ADJUSTMENT, MAJOR, M-A, PARTIAL	EA	1	\$ 2,900.00	\$ 2,900.00	\$ 2,000.00	\$ 2,000.00	\$ 3,250.00	\$ 3,250.00	\$ 2,600.00	\$ 2,600.00	\$ 3,800.00	\$ 3,800.00
7	INTAKE ADJUSTMENT, MAJOR, M-C, PARTIAL	EA	1	\$ 2,800.00	\$ 2,800.00	\$ 2,000.00	\$ 2,000.00	\$ 3,600.00	\$ 3,600.00	\$ 3,000.00	\$ 3,000.00	\$ 4,200.00	\$ 4,200.00
8	WATER VALVE ADJUSTMENT, MINOR	EA	1	\$ 850.00	\$ 850.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 600.00	\$ 600.00	\$ 750.00	\$ 750.00
9	WATER VALVE BOX ADJUSTMENT, RETRO TO SLIDE TYPE, TOP REPLACEMENT	EA	1	\$ 900.00	\$ 900.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 600.00	\$ 600.00	\$ 750.00	\$ 750.00
<b>STREET PATCHING AND PAVEMENT REPAIR</b>													
10	6" SIDEWALK REPLACEMENT	SY	20	\$ 70.00	\$ 1,400.00	\$ 68.00	\$ 1,360.00	\$ 80.00	\$ 1,600.00	\$ 150.00	\$ 3,000.00	\$ 73.00	\$ 1,460.00
11	6" DRIVEWAY REPLACEMENT	SY	20	\$ 65.00	\$ 1,300.00	\$ 73.00	\$ 1,460.00	\$ 80.00	\$ 1,600.00	\$ 150.00	\$ 3,000.00	\$ 73.00	\$ 1,460.00
12	PCC CURB AND GUTTER REPLACEMENT	LF	382	\$ 60.00	\$ 22,920.00	\$ 120.00	\$ 45,840.00	\$ 50.00	\$ 19,100.00	\$ 65.00	\$ 24,830.00	\$ 121.00	\$ 46,232.00
13	DETECTABLE WARNING	SF	15	\$ 60.00	\$ 900.00	\$ 50.00	\$ 750.00	\$ 80.00	\$ 1,200.00	\$ 50.00	\$ 750.00	\$ 52.00	\$ 780.00
14	FULL DEPTH PATCH, 4-4 MIX, 7" MINIMUM	SY	2550	\$ 74.00	\$ 191,650.00	\$ 84.00	\$ 217,560.00	\$ 85.00	\$ 220,150.00	\$ 94.00	\$ 243,450.00	\$ 89.00	\$ 230,510.00
15	FULL DEPTH PATCH, 4-4 MIX, 5" MINIMUM	SY	723	\$ 75.00	\$ 54,225.00	\$ 92.00	\$ 68,516.00	\$ 108.00	\$ 78,662.40	\$ 112.00	\$ 80,976.00	\$ 96.00	\$ 69,408.00
16	FULL DEPTH PATCH, 4-4 MIX, 3" MINIMUM	SY	5930	\$ 76.00	\$ 452,680.00	\$ 103.00	\$ 599,290.00	\$ 112.00	\$ 664,736.00	\$ 118.00	\$ 699,744.00	\$ 107.00	\$ 634,010.00
17	FULL DEPTH PATCH, 3-HOUR MIX, 7" MINIMUM	SY	85	\$ 76.00	\$ 6,460.00	\$ 125.00	\$ 10,625.00	\$ 102.30	\$ 8,593.40	\$ 130.00	\$ 11,050.00	\$ 128.00	\$ 10,880.00
18	FULL DEPTH PATCH, 5-HOUR MIX, 6" MINIMUM	SY	167	\$ 75.00	\$ 12,525.00	\$ 135.00	\$ 22,545.00	\$ 110.00	\$ 18,370.00	\$ 128.00	\$ 21,376.00	\$ 136.00	\$ 22,712.00
19	FULL DEPTH PATCH, 5-HOUR MIX, 6" MINIMUM	SY	192	\$ 76.00	\$ 14,592.00	\$ 145.00	\$ 27,840.00	\$ 120.00	\$ 23,040.00	\$ 140.00	\$ 26,880.00	\$ 149.00	\$ 28,608.00
20	FULL DEPTH PATCH, 5-HOUR MIX, 10" MINIMUM	SY	100	\$ 77.00	\$ 7,700.00	\$ 168.00	\$ 16,800.00	\$ 150.00	\$ 15,000.00	\$ 150.00	\$ 15,000.00	\$ 131.00	\$ 13,100.00
21	FULL DEPTH PATCH, 5-HOUR MIX, 14" MINIMUM	SY	100	\$ 80.00	\$ 8,000.00	\$ 205.00	\$ 16,500.00	\$ 135.00	\$ 13,500.00	\$ 225.00	\$ 18,000.00	\$ 203.00	\$ 16,200.00
22	PCC PARTIAL DEPTH PATCHING	SF	100	\$ 2.00	\$ 200.00	\$ 35.00	\$ 3,500.00	\$ 35.00	\$ 3,500.00	\$ 50.00	\$ 5,000.00	\$ 64.00	\$ 6,400.00
23	JOINT PREVENTATIVE SEALANT	LF	13941	\$ 2.00	\$ 27,882.00	\$ 4.50	\$ 62,149.50	\$ 1.50	\$ 20,911.50	\$ 3.00	\$ 41,823.00	\$ 1.95	\$ 27,184.95
<b>TRAFFIC CONTROL</b>													
24	TRAFFIC CONTROL	LS	1	\$ 29,000.00	\$ 29,000.00	\$ 25,000.00	\$ 25,000.00	\$ 31,500.00	\$ 31,500.00	\$ 120,000.00	\$ 120,000.00	\$ 32,000.00	\$ 32,000.00
25	FLAGGER	DAYS	5	\$ 600.00	\$ 3,000.00	\$ 425.00	\$ 2,125.00	\$ 443.00	\$ 2,215.00	\$ 500.00	\$ 2,500.00	\$ 475.00	\$ 2,375.00
26	2-WAY TEMPORARY TRAFFIC SIGNAL	DAYS	8	\$ 500.00	\$ 4,000.00	\$ 625.00	\$ 5,000.00	\$ 595.00	\$ 4,760.00	\$ 950.00	\$ 7,600.00	\$ 450.00	\$ 3,600.00
27	3-WAY TEMPORARY TRAFFIC SIGNAL	DAYS	8	\$ 650.00	\$ 5,200.00	\$ 825.00	\$ 6,600.00	\$ 715.00	\$ 5,720.00	\$ 1,200.00	\$ 9,600.00	\$ 550.00	\$ 4,400.00
28	PORTABLE DYNAMIC MESSAGE SIGN (PDMS)	DAYS	16	\$ 200.00	\$ 3,200.00	\$ 175.00	\$ 2,800.00	\$ 320.00	\$ 5,120.00	\$ 300.00	\$ 4,800.00	\$ 400.00	\$ 6,400.00
<b>TRAFFIC SIGNAL</b>													
29	TRAFFIC DETECTION LOOPS	EA	4	\$ 1,500.00	\$ 6,000.00	\$ 1,300.00	\$ 5,200.00	\$ 1,350.00	\$ 5,400.00	\$ 1,200.00	\$ 4,800.00	\$ 1,500.00	\$ 6,000.00
<b>PAVEMENT MARKINGS</b>													
30	PAINTED PAVEMENT MARKINGS, WATERBORNE	LF	2275	\$ 2.00	\$ 4,550.00	\$ 1.25	\$ 2,843.75	\$ 3.30	\$ 7,507.50	\$ 3.00	\$ 6,825.00	\$ 1.50	\$ 3,412.50
31	PAINTED SYMBOLS AND LEGENDS	EA	21	\$ 200.00	\$ 4,200.00	\$ 175.00	\$ 3,675.00	\$ 126.00	\$ 2,652.00	\$ 115.00	\$ 2,415.00	\$ 150.00	\$ 3,150.00
<b>TOTAL CONSTRUCTION COST</b>				\$	<b>907,632.00</b>	\$	<b>1,134,639.17</b>	\$	<b>1,215,635.30</b>	\$	<b>1,391,515.00</b>	\$	<b>1,223,926.45</b>



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION 



PROJECT:

**2019 PCC Patching & Medians Program**

LOCATION:

**Exhibit "A"**

DRAWN BY: JDR

DATE: 2/22/2019

PROJECT NUMBER/NAME: 0510-002-2019

SHT. 1 of 1

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

DATE: April 1, 2019

**ITEM:**

Public Hearing (5:35 p.m.)  
2018 Channel Repair Program

**FINANCIAL IMPACT:**

The Engineering Estimate of Construction Cost was estimated to be \$169,079.00 for the 2018 Channel Repair Program. There were two (2) bids submitted with the low bid of \$268,562.00 being submitted by Vanderpool Construction of Indianola, Iowa. Payments will be made from account no. 660.000.000.5250.490 with the ultimate funding intended to come from Stormwater Fee Revenue.

**BACKGROUND:**

The project involves repairing impaired stream banks threatening City sanitary sewer infrastructure at three (3) locations and repairing deteriorating storm sewer outlets at four (4) locations throughout the City of West Des Moines. The project is anticipated to be completed by August 31, 2019.

The low bid for the project was approximately 59% (\$99,483.00) above the Engineer's Estimate. After discussing the bid results with a few of the potential bidders on the project, it was determined that the type of work was not suitable for some of the bidders, some of the bidders could not work this project into their current workload, and some of the bidders mentioned that the number of sites and distance between sites increased costs on the project. It also appears the Engineer's Estimate did not accurately reflect the anticipated costs of the project. City Staff does not feel that rebidding the project will result in any significant savings on the project. City Staff recommend awarding the construction contract to the low bidder.

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

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs for 2018 Channel Repair Program;
- Motion receiving and filing Report of Bids;
- Resolution awarding the construction contract to Vanderpool Construction.

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

**STAFF REVIEWS**

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

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

Published In	Des Moines Register
Dates(s) Published	March 22, 2019

**SUBCOMMITTEE REVIEW** (if applicable)

Committee				
Date Reviewed				
Recommendation	<table border="1" style="display: inline-table;"> <tr> <td>Yes</td> <td>No</td> <td>Split</td> </tr> </table>	Yes	No	Split
Yes	No	Split		

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

**WHEREAS**, on March 4, 2019, Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**2018 Channel Repair Program  
Project No. 0510-041-2018**

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 1st day of April, 2019.

\_\_\_\_\_  
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:

**2018 Channel Repair Program  
Project No. 0510-041-2018**

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 Vanderpool Construction in the amount of \$268,562.00 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 2018 Channel Repair Program is hereby awarded to Vanderpool Construction in the amount of \$268,562.00 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 1st day of **April, 2019**.

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

ATTEST:

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





**BID TABULATION**

PROJECT: 2018 CHANNEL REPAIR PROGRAM (0510-041-2018)  
 LOCATION OF PROJECT: West Des Moines  
 WHKS PROJECT #: 8689  
 LETTING DATE-TIME-LOCATION: March 27, 2019 - 2:00 PM - City Hall Suite 2B - West Des Moines  
 PREPARED BY: WHKS & Co.



Item No.	Item	Unit	Quantity	Engineer's Opinion		Vandepool Construction Inc.		On Track Construction, LLC	
				Unit Price	Est. Price	Unit Price	Est. Price	Unit Price	Est. Price
<b>DIVISION 2 - EARTHWORK</b>									
2.1	CLASS 10 EXCAVATION, BORROW	CY	112.0	\$75.00	\$8,400.00	\$150.00	\$16,800.00	\$308.00	\$34,496.00
2.2	TEMPORARY STREAM CROSSING	EACH	1	\$7,500.00	\$7,500.00	\$5,000.00	\$5,000.00	\$13,267.00	\$13,267.00
<b>DIVISION 4 - SEWERS AND DRAINS</b>									
4.1	STORM SEWER, REMOVED AND REPLACED, 27" INCH DIA.	LF	8.0	\$150.00	\$1,200.00	\$350.00	\$2,800.00	\$1,018.00	\$8,152.00
4.2	STORM SEWER REMOVED, 27" INCH DIA.	LF	8.0	\$30.00	\$240.00	\$750.00	\$6,000.00	\$56.00	\$448.00
4.3	CONCRETE PIPE APRON, 27" INCH DIA.	EACH	1	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00	\$5,621.00	\$5,621.00
4.4	CONCRETE PIPE APRON, 27" INCH DIA, REMOVE EXISTING AND REINSTALL	EACH	1	\$300.00	\$300.00	\$2,500.00	\$2,500.00	\$6,860.00	\$6,860.00
4.5	CONCRETE PIPE APRON, 60" INCH DIA, REMOVE EXISTING AND REINSTALL	EACH	1	\$1,500.00	\$1,500.00	\$3,500.00	\$3,500.00	\$3,648.00	\$3,648.00
4.6	FOOTINGS FOR CONCRETE PIPE APRONS	EACH	3	\$1,200.00	\$3,600.00	\$1,500.00	\$4,500.00	\$2,521.00	\$7,563.00
<b>DIVISION 7 - STREETS AND RELATED WORK</b>									
7.1	REMOVE AND REPLACE SIDEWALK, PCC, 4"	SY	48.0	\$100.00	\$4,800.00	\$170.00	\$8,160.00	\$192.00	\$9,216.00
7.2	REMOVE AND REPLACE RECREATIONAL TRAIL, PCC, 6" REINFORCED	SY	55.6	\$140.00	\$7,784.00	\$190.00	\$10,564.00	\$135.00	\$7,506.00
7.3	REMOVE AND REPLACE DRIVEWAY, HMA, 6"	SY	53.3	\$180.00	\$9,594.00	\$170.00	\$9,061.00	\$80.00	\$4,267.00
7.4	REMOVE AND REPLACE DRIVEWAY, PCC, 6"	SY	26.7	\$120.00	\$3,204.00	\$175.00	\$4,672.50	\$135.00	\$3,604.50
<b>DIVISION 8 - TRAFFIC CONTROL</b>									
8.1	TEMPORARY TRAFFIC CONTROL	LS	1.00	\$7,500.00	\$7,500.00	\$17,000.00	\$17,000.00	\$6,080.00	\$6,080.00
<b>DIVISION 9 - SITE WORK AND LANDSCAPING</b>									
9.1	NATIVE GRASS SEEDING	ACRE	0.22	\$5,000.00	\$1,100.00	\$28,000.00	\$6,160.00	\$32,474.00	\$7,144.28
9.2	SEEDING AND FERTILIZING	ACRE	0.40	\$4,000.00	\$1,600.00	\$20,000.00	\$8,000.00	\$7,732.00	\$10,928.00
9.3	SODDING	SQ	88.3	\$130.00	\$11,479.00	\$200.00	\$17,660.00	\$283.00	\$24,788.90
9.4	FILTER SOCKS, 12 INCH	LF	250.0	\$7.50	\$1,875.00	\$11.00	\$2,750.00	\$10.00	\$2,500.00
9.5	TEMPORARY ROLLED EROSION CONTROL PRODUCT (RECP), TYPE 1C	SY	1,040.0	\$5.00	\$5,200.00	\$1.00	\$1,040.00	\$2.70	\$2,808.00
9.6	RIP RAP, CLASS B REVETMENT	TON	705.5	\$65.00	\$45,857.50	\$105.00	\$74,077.50	\$88.00	\$62,139.00
9.7	RIP RAP, CLASS D REVETMENT	TON	254.3	\$80.00	\$20,344.00	\$140.00	\$35,602.00	\$172.00	\$43,736.80
9.8	RIP RAP, CLASS E REVETMENT	TON	68.8	\$95.00	\$6,536.00	\$145.00	\$10,111.00	\$309.00	\$21,168.20
9.9	RIP RAP, EROSION STONE	TON	43.3	\$110.00	\$4,763.00	\$180.00	\$7,794.00	\$52.00	\$2,256.60
9.10	STABILIZED CONSTRUCTION ENTRANCE	SY	254.5	\$35.00	\$8,907.50	\$40.00	\$10,180.00	\$41.00	\$10,434.50
9.11	EROSION CONTROL MULCHING, HYDROMULCHING	ACRE	0.62	\$2,000.00	\$1,240.00	\$9,000.00	\$5,580.00	\$6,585.00	\$4,122.70
9.12	INLET PROTECTION DEVICE, DROP-IN INTAKE PROTECTION	EACH	12	\$350.00	\$4,200.00	\$275.00	\$3,300.00	\$252.50	\$3,030.00
9.13	INLET PROTECTION DEVICE, MAINTENANCE	EACH	12	\$75.00	\$900.00	\$125.00	\$1,500.00	\$101.00	\$1,212.00
9.14	REMOVAL AND REINSTALLATION OF EXISTING FENCE, BLACK PVC COATED	LF	48.0	\$50.00	\$2,400.00	\$25.00	\$1,200.00	\$133.00	\$6,384.00
<b>TOTAL PROJECT CONSTRUCTION COSTS</b>					<b>\$165,079.00</b>		<b>\$268,562.00</b>		<b>\$335,654.00</b>

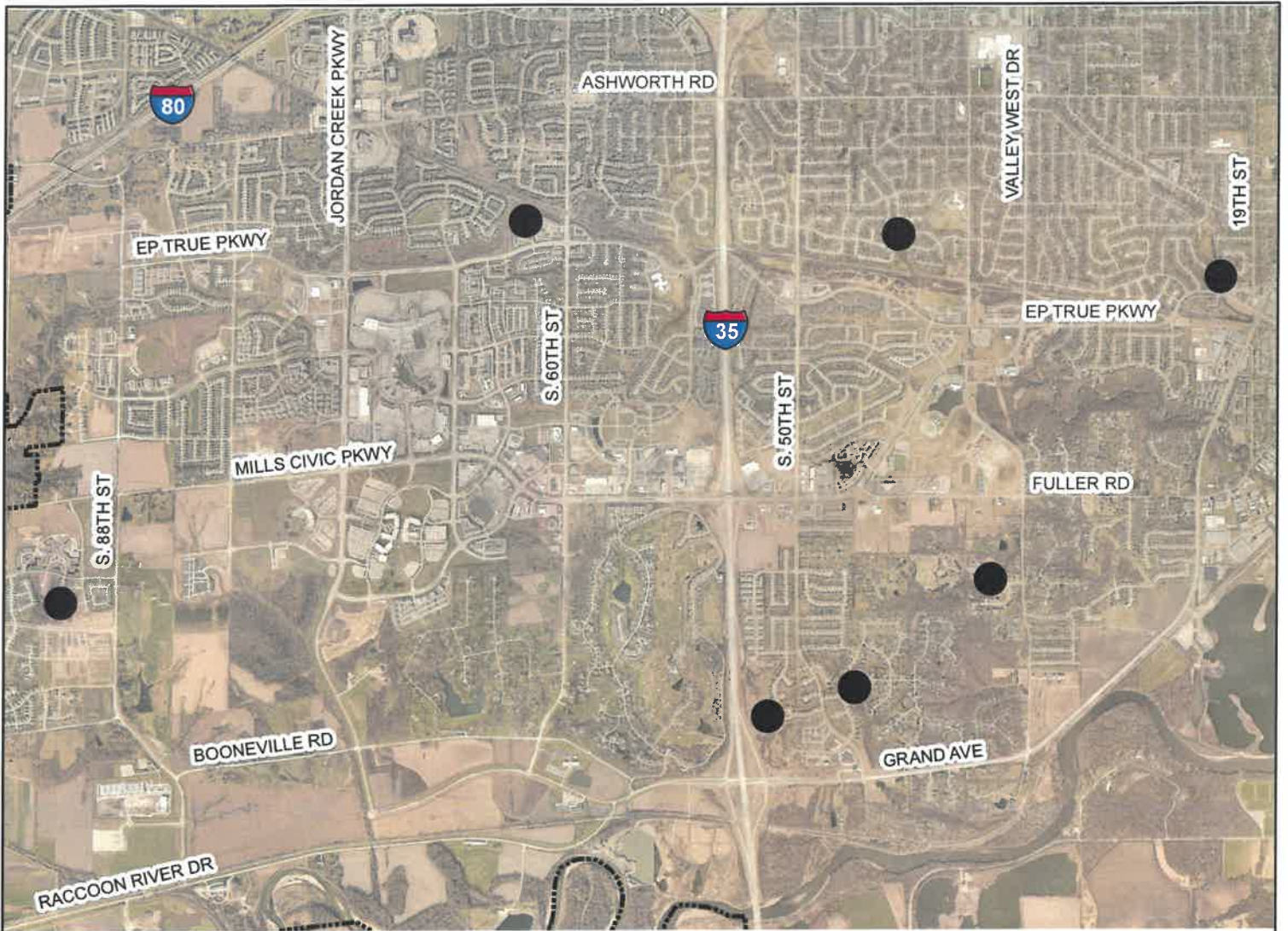


I hereby certify that this is a true and correct tabulation of the bids received on March 27th, 2019 for the 2018 Channel Repair Program in West Des Moines, Iowa, and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

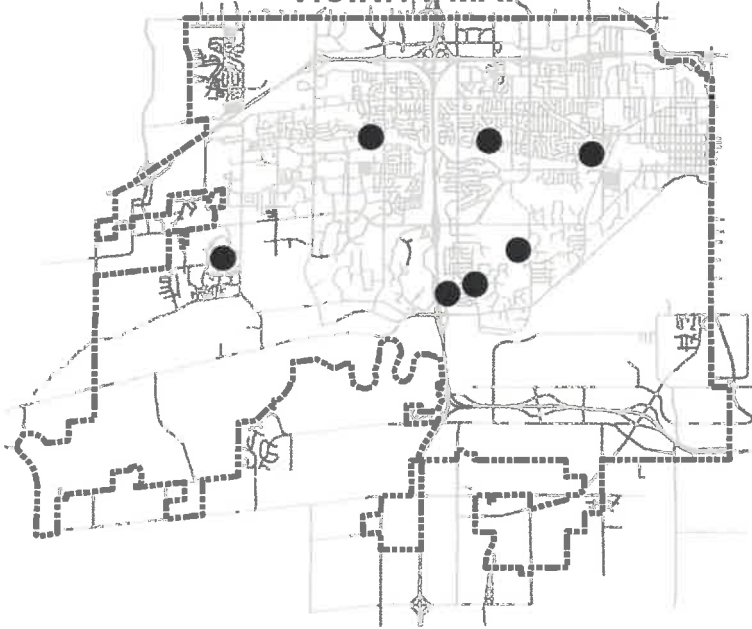
*Brian J. Birkland*  
 Brian J. Birkland  
 License Number: 17375  
 My license expires on: December 31, 2020  
 Project controlled by this seal. All Pages

Date: 3-27-19

Note: The On Track Construction, LLC total bid of \$315,705.38 was corrected to \$335,654.08 based on unit prices.



**VICINITY MAP**



**LEGEND**

PROJECT LOCATION ●



PROJECT:

**2018 Channel Repair Program**

LOCATION:

**Various Locations**

DRAWN BY: JDR

DATE: 2/27/2019

PROJECT NUMBER/NAME: 0510-041-2018

SHT. 1 of 1

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

**Date: April 1, 2019**

**ITEM:** Microsoft DSM09-10, Southwest corner of the future extension of Veterans Parkway and Interstate 35 – Approval of a Site Plan for construction of two 200,000 Square Foot Data Center Buildings and a MidAmerican Energy substation – Microsoft Corporation – SP-004071-2018

**RESOLUTION:** Approval of Site Plan

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The property owner, Microsoft Corporation, as part of the first phase intends to construct two 200,000 square foot data center buildings at the Microsoft Osmium site generally located west of I-35 and south of the future extension of Veterans Parkway. Microsoft requests the approval of a site plan for this construction along with MidAmerican Energy's construction of an electrical substation adjacent to the site.

Plan and Zoning Commission Action:

Vote: 5-0 approval, with Commissioners Crowley and Southworth absent

Date: March 25, 2019

Motion: Adopt a resolution recommending the City Council approve the Site Plan Request

**OUTSTANDING ISSUES:** There are no outstanding issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions.

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

- Applicant's Request
- History
- City Council Subcommittee - *Development & Planning: October 1, 2018*
- Staff Review and Comment
  - *Site Logistics Plan*
  - *Warren Avenue/10<sup>th</sup> Avenue*
  - *110<sup>th</sup> Street*
- Comprehensive Plan Consistency
- Findings
- Staff Recommendation and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the Microsoft DSM09-10 Site Plan to allow the construction of two 200,000 Square Foot Data Center Buildings and a MidAmerican Energy electrical substation along with associated site improvements, subject to the applicant meeting all City Code requirements and the following conditions of approval:

1. The City Council approving and authorizing the use of gravel parking and drives throughout the duration of construction of all phases of the Osmium site.
2. The applicant acknowledging and agreeing that all temporary parking areas, temporary drives, tents and trailers shall be completely removed from the site and all areas improved to their final condition within six months of issuance of a Temporary Occupancy Permit for the last building within the Osmium site.
3. The applicant obtaining any necessary tent permits and inspections from the City's Fire Department prior to installation of the tents within the site.
4. The applicant continuing to work with staff on outstanding building design elements prior to a building permit being issued for the data center buildings.
5. MidAmerican Energy shall provide revisions to the substation portion of the site plan, including details of the proposed screen fence for the substation and receive staff approval prior to issuance of a building permit for the substation.

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

**Staff Reviews:**

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

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)		
Published In	not required	Committee	Development & Planning	
Date(s) Published	N/A	Date Reviewed	October 1, 2018	
Letter sent to surrounding property owners		Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Split <input type="checkbox"/>

**ATTACHMENTS:**

- Exhibit I - Plan and Zoning Commission Communication
  - Attachment A - Commission Resolution
  - Exhibit A - Conditions of Approval
  - Attachment B - Location Map
  - Attachment C - Site Logistics Plan
  - Attachment D - Site Plans (the full 145 page site plan is on file with the Development Services Department as are subarea sheets and details. Overall plans are included in the staff report)
  - Attachment E - Building Elevations
- Exhibit II - City Council Resolution
  - Exhibit A - Conditions of Approval

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

**Meeting Date:** March 25, 2019

**Item:** Microsoft DSM09-10, Southwest corner of the future extension of Veterans Parkway and Interstate 35 – Approval of a Site Plan for construction of two 200,000 Square Foot Data Center Buildings – Microsoft Corporation – SP-004071-2018

**Requested Action:** Approval of a Site Plan

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

**Applicant's Request:** The property owner, Microsoft Corporation, as part of the first phase intends to construct two 200,000 square foot data center buildings at the Microsoft Osmium site generally located west of I-35 and south of the future extension of Veterans Parkway. Microsoft requests the approval of a site plan for this construction (see Attachment B – Location Map, Attachment C – Site Logistics Plan, Attachment D – Site Plan, and Attachment E – Elevations).

**History:** The property is unplatted land that has been used for agricultural purposes. The property was annexed into the City in March 2017. In August of 2017, the zoning and land use of the property was changed to Light Industrial to allow for development of the data center. In February of 2019 the City Council approved a preliminary plat for this property.

**City Council Subcommittee:** This project was presented to the Development and Planning City Council Subcommittee on October 1, 2018 as an upcoming project. The Subcommittee members indicated support of the project.

**Staff Review and Comment:** This request was distributed to other City departments and outside agencies for their review and comment. There are no outstanding issues, however, staff would highlight the following:

- **Site Logistics Plan:** As a part of this phased approval is a site logistics plan that shows access to the site during construction along with the location of temporary parking areas, tents and construction trailers during the multi-year construction within the site. The temporary gravel parking areas, tents and trailers will be removed when construction is complete. Staff is recommending that the City Council accept the use of gravel drives and parking areas for the duration of construction. A condition of approval is recommended that the temporary areas, tents and trailers be removed within six months of the issuance of a Temporary Occupancy Permit for the final building and those affected areas of the site be improved to their final condition, including the removal of the gravel and either seeding or paving consistent with paving specifications stated in City Code. A second condition requires the obtainment of any necessary tent permits and inspections from the City's Fire Department prior to installation.
- **Warren Ave/10<sup>th</sup> Avenue:** The Warren-Madison County line cuts through the northern portion of this site with Warren Ave (Warren County)/10<sup>th</sup> Avenue (Madison County) aligning with the county line. The City will be building a new roadway (anticipated as SW 60<sup>th</sup> Street) along the western boundary of the Microsoft property. Upon opening of the new roadway, the existing portion of Warren Ave/10<sup>th</sup> Avenue within the Microsoft property will be closed to traffic, vacated, and the ground transferred to Microsoft.
- **110<sup>th</sup> Street:** 110<sup>th</sup> Street is located along the south edge of a portion of the Microsoft property. The 2017 annexation of the subject area included the roadway to the centerline. The City's Addressing Policy specifies that north-south roadways be numbered, and east-west oriented roadways be named. Considering the city's addressing policy and grid, the City's north/south 110<sup>th</sup> Street would be located just shy of a mile west of Woodland Hills Elementary School. To bring consistency with the City's addressing scheme, the north half of that portion of 110<sup>th</sup> Street adjacent to the Microsoft site will need to be renamed. There are two properties within unincorporated Madison County located along the south side of the subject roadway. Although the City will not be changing their addresses, as a courtesy, the City has reached out to the two property owners

to see if they have any roadway name suggestions due to their potential knowledge of historical aspects or names of generation families within the area. The City has informed Madison County of the pending renaming of the north half of the roadway and they have no issues with the city renaming. Once a roadway name is determined, addresses for both Microsoft and the future MidAmerican Substation will be determined and officially assigned.

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

**Findings:** This proposed project was distributed to various City departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies, City Departments, and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Staff Recommendation And Conditions Of Approval:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Site Plan for Microsoft DSM09-10 (Osmium), subject to the applicant meeting all City Code requirements and the following:

1. The City Council approving and authorizing the use of gravel parking and drives throughout the duration of construction of all phases of the Osmium site.
2. The applicant acknowledging and agreeing that all temporary parking areas, temporary drives, tents and trailers shall be completely removed from the site and all areas improved to their final condition within six months of issuance of a Temporary Occupancy Permit for the last building within the Osmium site.
3. The applicant obtaining any necessary tent permits and inspections from the City's Fire Department prior to installation of the tents within the site.
4. The applicant continuing to work with staff on outstanding building and site design elements.
5. MidAmerican Energy shall provide revisions to the substation portion of the site plan, including details of the proposed screen fence for the substation and receive staff approval prior to issuance of a building permit for the substation.

**Property Owner/Applicant:** Microsoft Corporation  
One Microsoft Way  
Redmond, WA 98052  
[jowidtf@microsoft.com](mailto:jowidtf@microsoft.com)

**Applicant's Representative:** Ryan Hardisty  
Civil Design Advantage  
3405 SE Crossroads Drive, Suite G  
Grimes, IA 50111  
[ryanh@cda-eng.com](mailto:ryanh@cda-eng.com)

**Attachments:**

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C - Site Logistic Plan
- Attachment D - Site Plan (the full 145 page site plan is on file with the Development Services Department as are subarea sheets and details. Overall plans are included in the staff report).
- Attachment E - Elevations

RESOLUTION NO. PZC-19-025

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE SITE PLAN (SP-004071-2018) TO ALLOW CONSTRUCTION OF TWO 200,000 SQ. FT. BUILDINGS FOR A DATA CENTER ON THAT PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE FUTURE EXTENSION OF VETERANS PARKWAY AND INTERSTATE 35**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Microsoft Corporation, has requested approval of a Site Plan Permit (SP-004071-2018) to allow construction of two 220,000 square foot data center buildings to be located on that property situated at the southwest corner of the future extension of Veterans Parkway and Interstate 35;

**Legal Description**

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA.

AND

PARCEL 1:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NW1/4) OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA.

PARCEL 2:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4) OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA: EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 125, PAGE 121: AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015.

PARCEL 3:

THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2 E1/2 SW1/4) OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA: EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 125, PAGE 122: AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015.

PARCEL 4:

THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (W1/2 E1/2 SW1/4) OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA.

PARCEL 5:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 SW1/4) OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA.

PROPERTY CONTAINS 199.92 ACRES (8,708,363 SQUARE FEET).

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

**WHEREAS**, on March 25, 2019, this Commission held a duly-noticed public meeting to consider the application for a Phased Site Plan (SP-004071-2018);


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



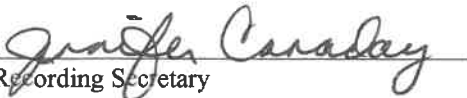
SECTION 1. The findings, for approval, in the staff report noted above, or as amended orally at the meeting on this date, are adopted.

SECTION 2. The Site Plan (SP-004071-2018) to allow construction of two 200,000 sq. ft. buildings is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report dated March 25, 2019, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on March 25, 2019.

  
\_\_\_\_\_  
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 March 25, 2019, by the following vote:


AYES: *ANDERSEN, COSTA, DRAKE, ERICKSON, HATFIELD*

NAYS:

ABSTENTIONS:

ABSENT: *CROWLEY, SOUTHWORTH*

ATTEST:

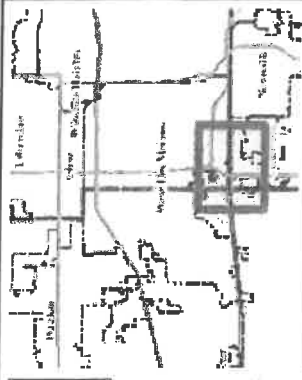
  
\_\_\_\_\_  
Jennifer Canaday  
Recording Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**

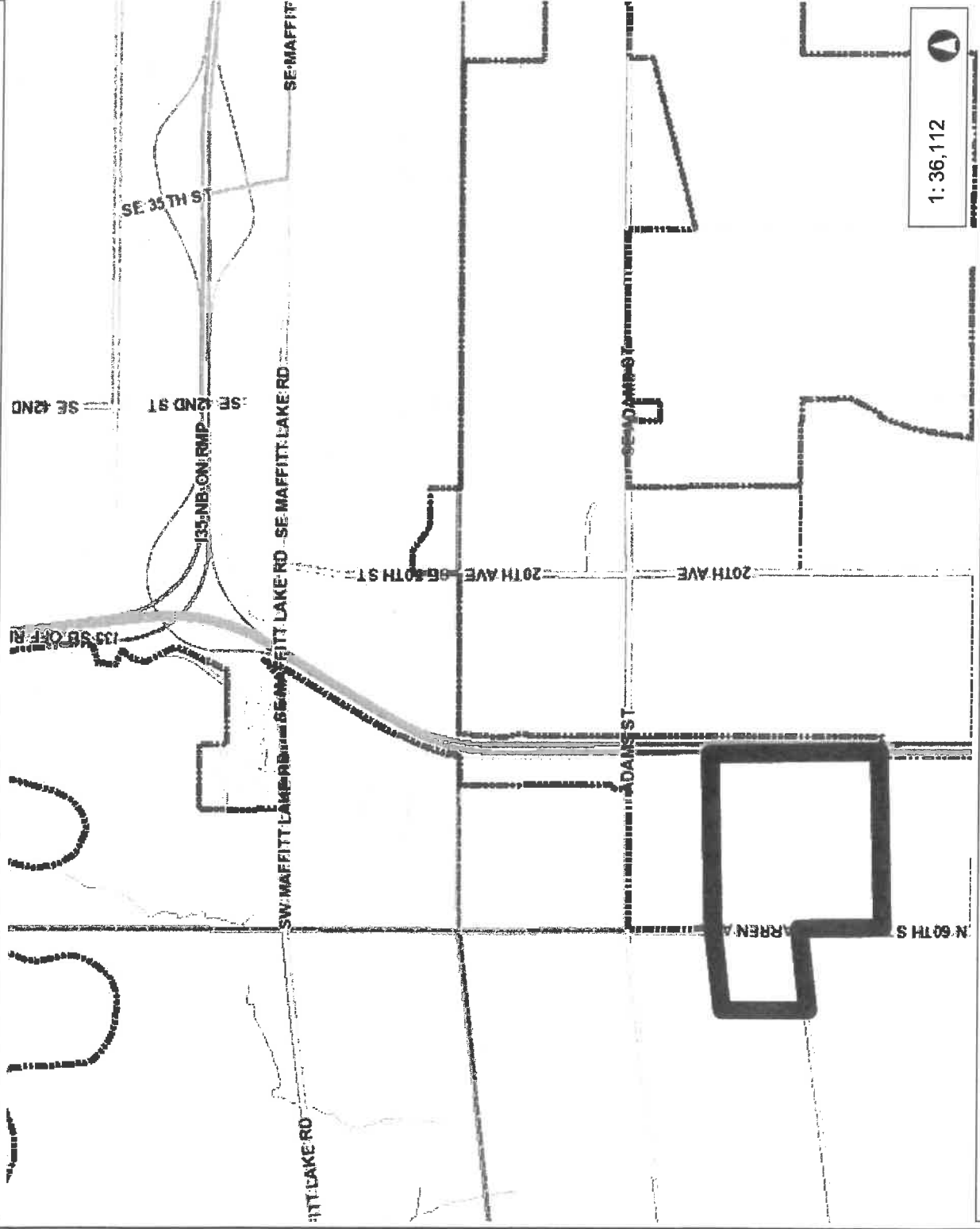
1. The City Council approving and authorizing the use of gravel parking and drives throughout the duration of construction of all phases of the Osmium site.
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5. MidAmerican Energy shall provide revisions to the substation portion of the site plan, including details of the proposed screen fence for the substation and receive staff approval prior to issuance of a building permit for the substation.



# Microsoft Osmium Location Map



Legend  
Corporate Limits

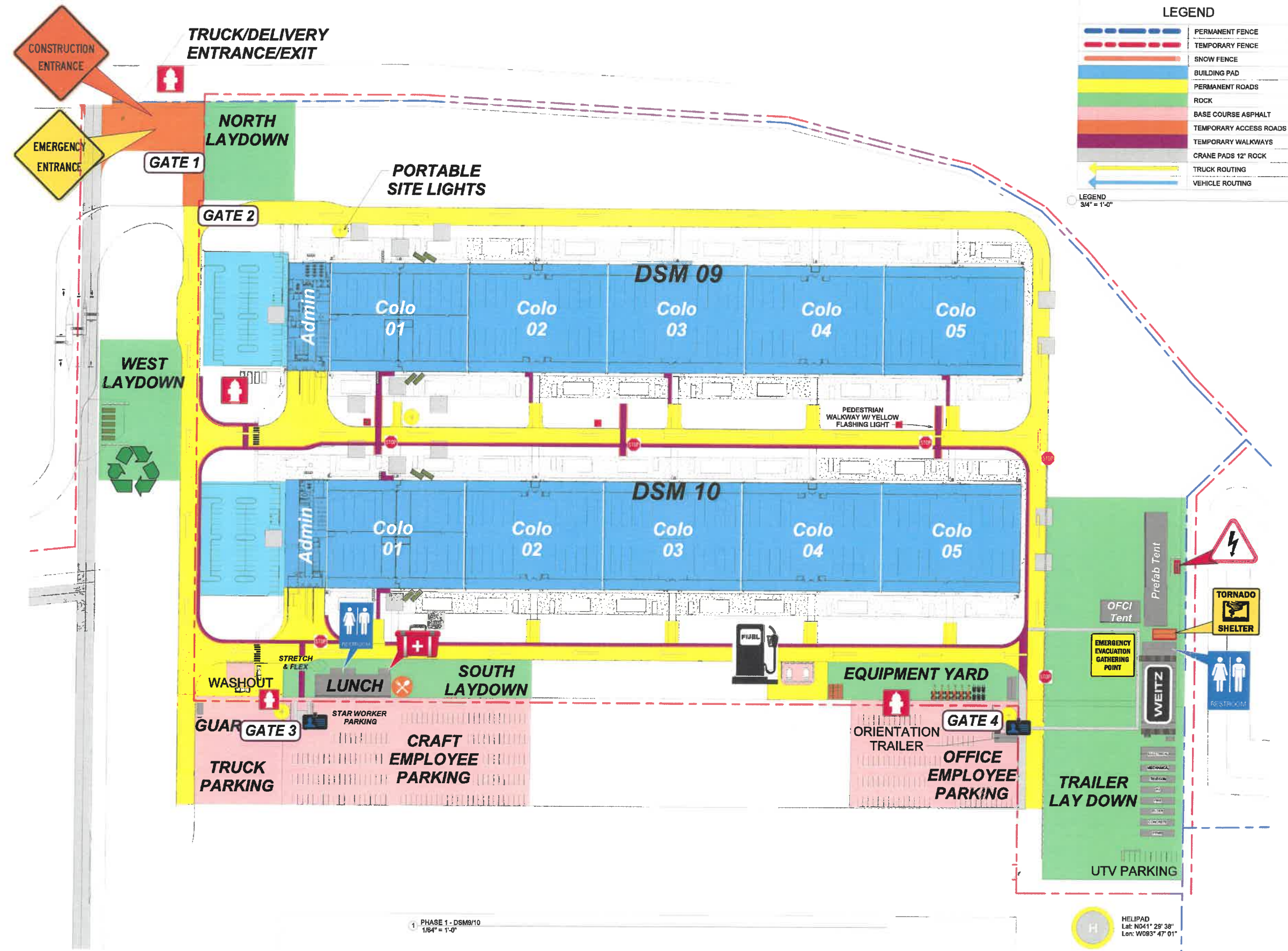


1: 36,112



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

# OSMIUM DSM 0910 SITE LOGISTICS PLAN



Project Name:  
**DSM 0910**  
 Project Address:  
 2199 10th Ave  
 Cumming, IA



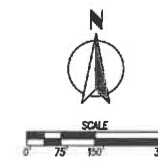
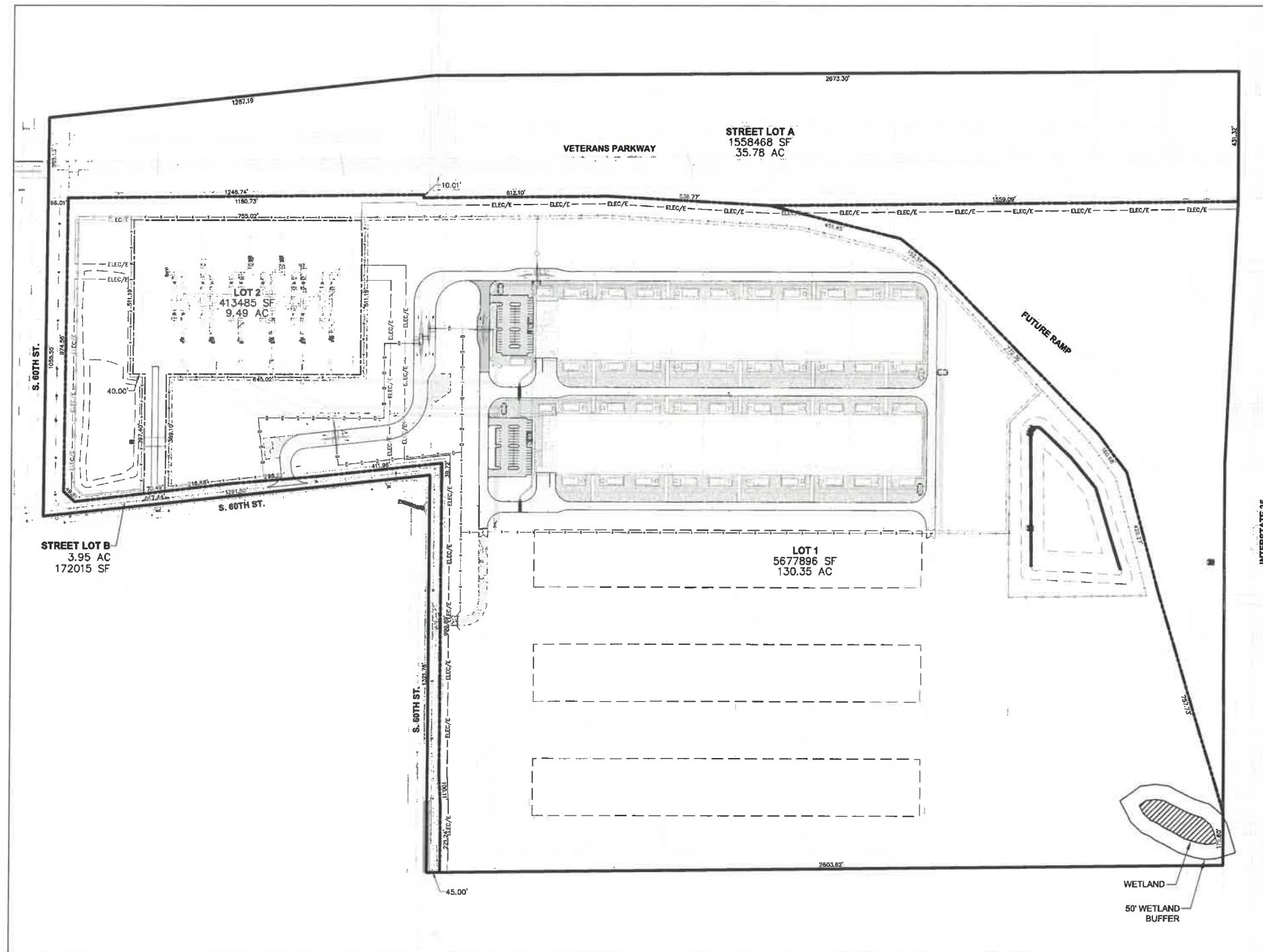
Project No.	X227400
Drawn By:	MG
Issue Date:	03/12/2019
Revision	Date
1	03/12/19

Location:  
**PHASE I  
 LOGISTICS**

1 PHASE 1 - DSM9/10  
 1/64" = 1'-0"

H HELIPAD  
 Lat: N041° 29' 38"  
 Lon: W083° 47' 01"

# DSM09-10 DATA CENTERS



**EA**  
Civil Design Advantage  
3405 SE Crossroads Drive, Suite G  
Grimes, IA 50111

**BURNS MEDONNELL**  
5400 Ward Parkway  
Kansas City, MO 64114  
www.burnsmcd.com

**NAVIX**  
SITE CIVIL

## Microsoft DSM-09/DSM-10 DATA CENTER

2199 10TH AVENUE  
CUMMING, IA 50061

Design: RYAN HANDEY, WISE MEER, TYLER GRAY  
Draw: RYAN HANDEY, WISE MEER, TYLER GRAY  
Check: RYAN HANDEY, WISE MEER, TYLER GRAY  
Date: 27 SEPTEMBER 2018  
MSD Project No.: 18018  
M.S. Project No.: P-14815

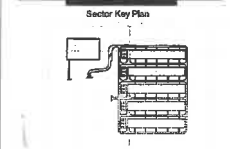
**MICROSOFT**

Design Manager: SHED DESNEY  
Layout Manager: STEVE GILLES  
Civil Site/Utility/Construction/Process Lead: DAN SCHMIDT  
Architectural/Structural/Interior Lead: BRANCO GILBAC  
Mech./Plumbing & Fire Protection/Technical Lead: PETER BRADSHAW  
Building Access/Systems/IT/Technical Lead: PAUL PESIC  
Electrical/Technical Lead: STEVE STERNSTADT  
Electrical Power Management/Systems/IT/Technical Lead: STEVE STERNSTADT  
Telecommunications/Process/Technical Lead: CARLOS SOLORZANO  
Security Design Manager: CONROY HANSEN

**DESIGN TEAM**

Civil Engineering Lead: NAVIX ENGINEERING  
Structural Engineering Lead: BINTAH JEMAL / BM&O  
Architectural Lead: NEAL CLEMENTS / BM&O  
Mechanical Engineering Lead: SAM ALLEN / BM&O  
Planning/Building Code Lead: JONATHAN KYLE GRADE / BM&O  
Fire Protection Engineering Lead: ADAM DEBROFF / BM&O  
MEP Engineering Lead: JARROD MCIMANS / BM&O  
Structural Engineering Lead: ANNEALOUSE COUTU / BM&O  
Telecommunications/Process/Engineering Lead: CHAD STEWELL / BM&O  
Security Systems Engineering Lead: BRAN COLLINGS / OVS SECURITY

No.	Date	Revisions
1	12 FEB 2018	ISSUED FOR CONSTRUCTION

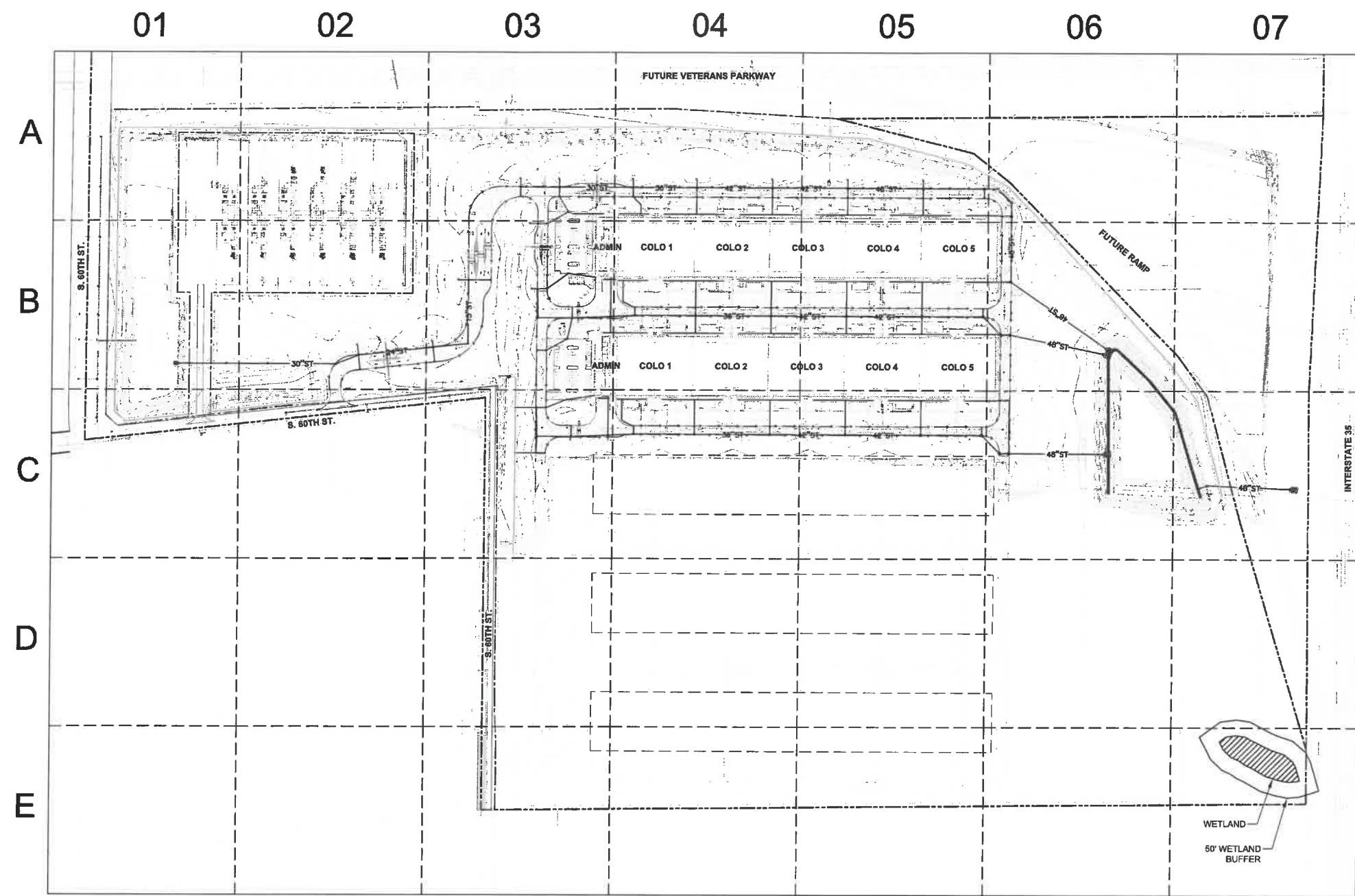


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Sheet Title/Number

**CIVIL  
SITE  
IMPROVEMENTS  
PLAN OVERALL  
DSM00-C-C1-01**

CITY OF WEST DES MOINES  
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



**CITY OF WEST DES MOINES NOTES**

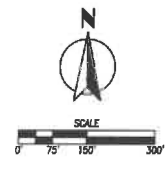
1. ALL WATER WORK, PUBLIC OR PRIVATE, SHALL BE DONE IN ACCORDANCE WITH WEST DES MOINES WATER WORKS STANDARD SPECIFICATIONS.
2. CONTRACTOR SHALL NOTIFY WEST DES MOINES WATER WORKS AT LEAST ONE WEEK PRIOR TO BUILDING CONSTRUCTION.
3. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF WORK OF ALL SUBCONTRACTORS INVOLVED IN THE PROJECT.
4. CONTACT BUILDING INSPECTION (515) 223-8930 A MINIMUM OF 24 HOURS IN ADVANCE FOR PRIVATE UTILITY INSTALLATION INSPECTIONS.
5. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE WEST DES MOINES WATER WORKS AND THE CITY'S CROSS CONNECTION CONTROL/CONTAMINATION PROVISION.
6. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION OF APPROVED BACKFLOW PREVENTION ASSEMBLIES FOR CONTAMINANT IN ALL NEW CONSTRUCTION. BACKFLOW PREVENTION SHALL BE INSTALLED PER CITY ORDINANCE 1287.54-1898. THE CONTRACTOR SHALL NOTIFY WEST DES MOINES WATER WORKS, RALPH RENTERIA, ENGINEERING TECHNICIAN (515) 223-3485 A MINIMUM OF 24 HOURS AFTER INSTALLATION AND TESTING OF ALL BACKFLOW DEVICES TO SCHEDULE FINAL INSPECTION.
7. ALL CONNECTIONS TO PUBLIC SEWERS SHALL BE CORE DRILLED TO MANHOLES.
8. ALL CONSTRUCTION WITHIN PUBLIC R.O.W. EASEMENTS, AND/OR CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS.
9. AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W. EASEMENTS, AND/OR CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE WDM CONSTRUCTION DIVISION CLINT CARPENTER (515-223-3488) TO OBTAIN APPLICABLE CITY PERMITS THAT MAY BE NECESSARY.

**GENERAL NOTES**

1. ALL WORK SHALL COMPLY WITH ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY APPROPRIATE SAFETY REGULATIONS.
3. PRIOR TO ANY WORK AT THE SITE, CONTRACTOR SHALL EXAMINE ANY APPLICABLE DRAWINGS AVAILABLE FROM THE OWNER, ENGINEER, AND/OR ARCHITECT, AND CONSULT WITH OWNER'S PERSONNEL AND UTILITY COMPANY REPRESENTATIVES. NO COMPENSATION WILL BE ALLOWED FOR DAMAGE FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.
4. ONE WEEK PRIOR TO CONSTRUCTION WITHIN CITY R.O.W. OR ANY CONNECTION TO PUBLIC SEWERS CONTRACTOR SHALL NOTIFY THE CITY'S CONSTRUCTION DIVISION.
5. ALL CONSTRUCTION WITHIN PUBLIC R.O.W. EASEMENTS, AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE CITY'S STANDARDS.
6. ALL DIMENSIONS ARE TO BACK OF CURB, BUILDING FACE OR PROPERTY LINE UNLESS OTHERWISE NOTED.
7. CONTRACTOR TO VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS. PLACE 3/4 INCH EXPANSION JOINT BETWEEN ALL P.C.C. PAVEMENT/SIDEWALKS AND BUILDING. PLACE 1/2 INCH EXPANSION JOINT BETWEEN SIDEWALKS AND P.C.C. PAVEMENT.
8. REMOVE ALL DEBRIS SPILLED INTO R.O.W. AT THE END OF EACH WORK DAY.
9. ALL PROPERTY PINS SHALL BE PROTECTED FROM GRADING OR OTHER OPERATIONS. ANY PINS DISTURBED SHALL BE RESET AT THE CONTRACTOR'S EXPENSE.
10. DO NOT STORE CONSTRUCTION MATERIALS AND EQUIPMENT IN THE RIGHT OF WAY.
11. THE CONTRACTOR SHALL NOT DISTURB DESIRABLE GRASS AREAS AND DESIRABLE TREES OUTSIDE THE CONSTRUCTION LIMITS. THE CONTRACTOR WILL NOT BE PERMITTED TO PARK OR SERVICE VEHICLES AND EQUIPMENT OR USE THESE AREAS FOR STORAGE OF MATERIALS. STORAGE, PARKING AND SERVICE AREAS WILL BE SUBJECT TO THE APPROVAL OF THE OWNER.
12. THE CONTRACTOR IS RESPONSIBLE FOR REPLACING ANY AREAS OF PAVEMENT OR SIDEWALKS NOT TO BE REMOVED THAT IS DAMAGED DUE TO OPERATING EQUIPMENT ON THE PAVEMENT OR SIDEWALK.
13. THE CONTRACTOR MAY BE REQUIRED TO PLACE TEMPORARY WARNING DEVICES AND SAFETY FENCE AT CERTAIN LOCATIONS WHERE REPLACEMENT FEATURES ARE NOT INSTALLED THE SAME DAY, AS DIRECTED BY THE ENGINEER OR THE CITY.
14. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF WORK BETWEEN SUPPLIERS AND SUBCONTRACTORS INVOLVED IN THE PROJECT, INCLUDING STAGING OF CONSTRUCTION DETAILS.
15. CONCRETE REMOVAL FOR DRIVEWAY APPROACHES SHALL BE REMOVED TO THE NEAREST TRANSVERSE JOINT. CONTRACTOR SHALL VERIFY REGIONAL LIMITS WITH CITY'S CONSTRUCTION INSPECTOR PRIOR TO ANY CONCRETE REMOVAL.
16. ALL PERMITS AND ADDITIONAL FEES REQUIRED TO COMPLETE THE WORK SHALL BE INCLUDED IN THE CONTRACTOR BID.

**STORM SEWER NOTES**

1. EXISTING DRAINAGE STRUCTURES TO BE INSPECTED AND REPAIRED AS NEEDED, AND EXISTING PIPES TO BE CLEANED OUT TO REMOVE ALL SILT AND DEBRIS. PLEASE REFER TO OPERATIONS AND MAINTENANCE GUIDELINES WITHIN STORM DRAINAGE ANALYSIS.
2. IF ANY EXISTING PIPES OR STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING PIPE OR STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITIONS OR BETTER.
3. STORM DRAINAGE PIPE WITH LESS THAN 2'-3" COVER SHALL BE CLASS IV REINFORCED CONCRETE PIPE, OR APPROVED EQUAL TO SUSTAIN H-20 LOADING.
4. ALL ON-SITE STORM DRAINAGE PIPE SHALL BE SMOOTH-WALLED INTERIOR. MANUFACTURER'S VERIFICATION OF MANNING'S ROUGHNESS COEFFICIENT N=0.012 OR LESS.
5. PRECAST STRUCTURES MAY BE USED AT CONTRACTOR'S OPTION.
6. CATCH BASIN INLET PROTECTION/EROSION CONTROL TO BE USED FOR ALL NEW INLETS.
7. ALL STORM PIPE ENTERING STRUCTURES SHALL BE GROUTED TO ASSURE CONNECTION AT STRUCTURE IS WATERTIGHT.
8. ALL STORM STRUCTURES SHALL HAVE A SMOOTH UNIFORM Poured MORTAR CHANNEL FROM INVERT IN TO INVERT OUT, UNLESS OTHERWISE SHOWN IN THE CATCH BASIN DETAIL.
9. PERMANENT SITE CONVEYANCE STRUCTURES TO BE DESIGNED AND SPECIFIED DURING SITE PLAN APPROVAL.



**EA**  
Civil Design Advantage  
3405 SE Crossroads Drive, Suite G  
Grimes, IA 50111

**BURNS MEDONNELL**  
8400 Ward Parkway  
Kansas City, MO 64114  
www.burnsmcd.com

**NAVIX**  
SITE CIVIL

**Microsoft  
DSM-09/DSM-10  
DATA CENTER**

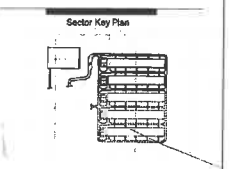
2199 10TH AVENUE  
CUMMING, IA 50061

Design	RYAN HADSBY, WASE VEVEER, TYLER CHAFF
Drawn	RYAN HADSBY, WASE VEVEER, TYLER CHAFF
Checked	RYAN HADSBY, WASE VEVEER, TYLER CHAFF
Date	07 DECEMBER 2018
Sheet Title	Overall

Design Manager	GREG DESENY
Legal Manager	STEVE GLEBE
DWG. Mgr. / Planner	DAN SCHAEFFER
Architectural & Structural	SHAMUS SUDOC
Mech. Planning & Rev. / Electrical	PETER WYKON
Building Automation Systems	DAVE TUNNEY
Building Technical Lead	STEVE STEBERG
Structural / Mechanical / Electrical / Plumbing	CHRIS BISHOP
Telecommunications / Network / Security	CARLOS ESPINOZA
Security Design Manager	COREY HANSEN

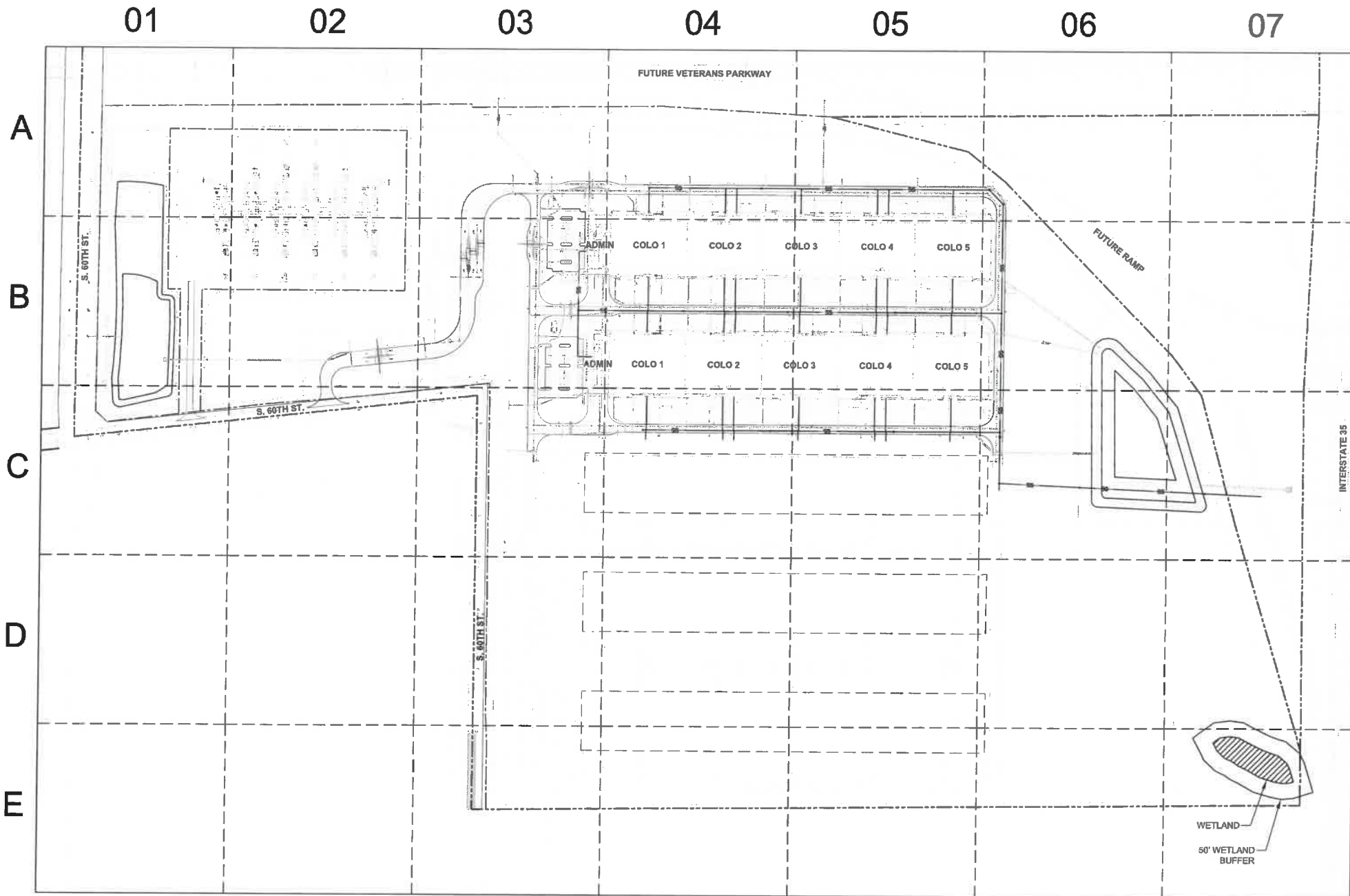
Design Team	
Structural Engineering Lead	NAVAL ENGINEERING
Structural Engineering Lead	BRITNEY JEBALI / B.M.D.
Architectural Lead	NEAL CLEMENTS / B.M.D.
Mechanical Engineering Lead	SAM ALLEN / B.M.D.
Electrical Engineering Lead	JONATHAN KYLE GRACE / B.M.D.
PLC / Instrumentation Engineering Lead	ADAM DEGRIFT / B.M.D.
BAE Engineering Lead	JARROD MCMAHON / B.M.D.
Structural Engineering Lead	ANTHONY COVATU / B.M.D.
Telecommunications / Network / Security Lead	CHAD STEWELL / B.M.D.
Security Systems Engineering Lead	BRYAN COLLAMORE / DNS SECURITY



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CIVIL  
SITE GRADING AND  
DRAINAGE PLAN  
OVERALL  
DSM00-C-D1-01

CITY OF WEST DES MOINES  
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



**CITY OF WEST DES MOINES NOTES**

1. ALL WATER WORK, PUBLIC OR PRIVATE, SHALL BE DONE IN ACCORDANCE WITH WEST DES MOINES WATER WORKS STANDARD SPECIFICATIONS.
2. CONTRACTOR SHALL NOTIFY WEST DES MOINES WATER WORKS AT LEAST ONE WEEK PRIOR TO BUILDING CONSTRUCTION.
3. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF WORK OF ALL SUBCONTRACTORS INVOLVED IN THE PROJECT.
4. CONTACT BUILDING INSPECTION (515-222-3630) A MINIMUM OF 24 HOURS IN ADVANCE FOR PRIVATE UTILITY INSTALLATION INSPECTIONS.
5. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE WEST DES MOINES WATER WORKS AND THE CITY'S CROSS CONNECTION CONTROL/CONTAINMENT PROVISION.
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7. ALL CONNECTIONS TO PUBLIC SEWERS SHALL BE CORE DRILLED TO MANHOLES.
8. ALL CONSTRUCTION WITHIN PUBLIC R.O.W. EASEMENTS, AND/OR CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS.
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**GENERAL NOTES**

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5. ALL CONSTRUCTION WITHIN PUBLIC R.O.W./EASEMENTS, AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE CITY'S STANDARDS.
6. CONTRACTOR TO VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS.
7. PLACE 3/4 INCH EXPANSION JOINT BETWEEN ALL P.C.C. PAVEMENT/SIDEWALKS AND BUILDING. PLACE 1/2 INCH EXPANSION JOINT BETWEEN SIDEWALKS AND P.C.C. PAVEMENT.
8. REMOVE ALL DEBRIS SPILLED INTO R.O.W. AT THE END OF EACH WORK DAY.
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16. ALL PERMITS AND ADDITIONAL FEES REQUIRED TO COMPLETE THE WORK SHALL BE INCLUDED IN THE CONTRACTOR BID.

**SANITARY SEWER NOTES**

1. PIPE SIZES 18 INCHES AND SMALLER SHOULD CARRY THE PEAK FLOW AT A DEPTH OF NO MORE THAN 0.67 OF THE PIPE DIAMETER. PIPE SIZES GREATER THAN 18 INCHES SHOULD CARRY THE PEAK FLOW AT A DEPTH OF NO MORE THAN 0.75 OF THE PIPE DIAMETER.
2. PUBLIC SEWERS SHOULD HAVE A SUFFICIENT GRADE TO MAINTAIN 2 FPS AT PEAK FLOW. MINIMUM GRADE ON BUILDING SANITARY SEWER STUBS SHOULD BE 1/8 INCH PER FOOT.
3. GRAVITY SANITARY SEWERS SHOULD NOT BE LESS THAN 8 INCHES IN DIAMETER. MINIMUM SIZE OF BUILDING SANITARY SEWER STUB SHOULD BE 4 INCHES IN DIAMETER FOR RESIDENTIAL, AND 6 INCHES IN DIAMETER FOR COMMERCIAL. THE SIZE WILL INCREASE BASED ON THE PROPOSED NUMBER OF FIXTURES THAT THE SEWER STUB SERVES.
4. SANITARY SEWER CROSSINGS OF STORM SEWERS SHOULD HAVE NO LESS THAN 6 INCHES OF CLEARANCE. SPECIAL STRUCTURAL SUPPORT WILL BE REQUIRED IF THERE IS LESS THAN 18 INCHES CLEARANCE. THE MINIMUM HORIZONTAL CLEARANCE SHOULD BE 5 FEET. CLEARANCE REFERS TO THE DISTANCE FROM THE OUTSIDE OF THE SANITARY SEWER PIPE TO THE OUTSIDE OF THE STORM SEWER PIPE.
5. GRAVITY SEWER MAINS SHALL BE SEPARATED FROM WATER MAINS BY A HORIZONTAL DISTANCE OF AT LEAST 10 FEET UNLESS THE TOP OF A SEWER MAIN IS AT LEAST 18 INCHES BELOW THE BOTTOM OF THE WATER MAIN, AND THE SEWER IS PLACED IN A SEPARATE TRENCH OR IN THE SAME TRENCH ON A BENCH OF UNDISTURBED EARTH AT A MINIMUM HORIZONTAL SEPARATION OF 3 FEET FROM THE WATER MAIN.
6. SEPARATION OF SEWER AND WATER MAIN CROSSOVERS: VERTICAL SEPARATION OF SANITARY SEWERS CROSSING UNDER ANY WATER MAIN SHOULD BE AT LEAST 18 INCHES WHEN MEASURED FROM THE TOP OF THE SEWER TO THE BOTTOM OF THE WATER MAIN. IF PHYSICAL CONDITIONS PROHIBIT THE SEPARATION, THE SEWER MAY BE PLACED NOT CLOSER THAN 8 INCHES BELOW A WATER MAIN OR 18 INCHES ABOVE A WATER MAIN. THE SEPARATION DISTANCE SHALL BE THE MAXIMUM FEASIBLE IN ALL CASES.
7. SHOULD PHYSICAL CONDITIONS EXIST SUCH THAT EXCEPTIONS ARE NECESSARY, THE DESIGN ENGINEER MUST DETAIL HOW THE SEWER AND WATER MAIN ARE TO BE ENGINEERED TO PROVIDE PROTECTION EQUAL TO THAT REQUIRED.
8. MANHOLES IN STREET RIGHT OF WAY MUST BE LOCATED IN AREAS WHICH ALLOW DIRECT ACCESS BY MAINTENANCE VEHICLES. AREAS OUTSIDE THE STREET RIGHT OF WAY SHOULD BE SUBJECT TO THE APPROVAL OF THE JURISDICTIONAL ENGINEER.
9. THE MINIMUM SIZE FOR A MANHOLE IS 48 INCHES IN DIAMETER. CHECK MANHOLE SIZE ACCORDING TO SECTION 30-1. MOST JURISDICTIONS REQUIRE ECCENTRIC MANHOLES, WITHOUT BUILT-IN STEPS, WITH THE MANHOLE OPENING OVER THE CENTERLINE OF THE PIPE OR ON AN OFFSET NOT TO EXCEED 12 INCHES.
10. ANY SERVICE LINE CONNECTIONS TO MANHOLES REQUIRE APPROVAL FROM THE JURISDICTION. THE SERVICE MAY NOT ENTER THE MANHOLE AT GREATER THAN 2 FEET ABOVE THE INVERT OF THE OUTLET. SEWER FLOW CHANNELS IN THE MANHOLE BOTTOM MUST BE PROVIDED FOR ALL SERVICES.

**EA**  
Civil Design Advantage  
3405 SE Cassarock Drive, Suite G  
Grimes, IA 50111

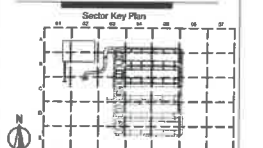
**BURNS  
MEDONNELL**  
9400 Ward Parkway  
Kansas City, MO 64114  
www.burnsmcd.com

**NAVIX**  
SITE DESIGN

**Microsoft**  
DSM-09/DSM-10  
DATA CENTER

2199 10TH AVENUE  
CUMMING, IA 50061

Owner	RYAN HANSEN, HITE MEYER, TYLER COFFY	
Client	RYAN HANSEN, HITE MEYER, TYLER COFFY	
Contractor	RYAN HANSEN, HITE MEYER, TYLER COFFY	
Date	07 DECEMBER 2019	
Sheet Title No.	10000	
M.S. Project No.	P-1000	
<b>MICROSOFT</b>		
Design Manager	GREG DEERY	
Project Manager	STEVE GILLES	
Chief Est. Services/Estimating	DAN SCHWARTZ	
Architectural & Structural	DAVID BLOOM	
Mech. Planning & Installation	PETER WENZEL	
Building Automation Systems (BAS)	PAUL BEISE	
Electrical	STEVE STERNY	
Electrical Power Management System (EPMS)	JOSE PEREZ	
Telecommunications/Network	CAROL R. JENSEN	
Security Design Manager	CORREY HANSEN	
<b>DESIGN TEAM</b>		
Chief Engineering Lead	NANU ENGINEERING	
Structural Engineering Lead	STEVE JEMAL / BMB	
Architectural Lead	KEAL CLEMENTS / BMB	
Mechanical Engineering Lead	SAM ALLEN / BMB	
Planting Engineering Lead	CHRISTIAN KYLE GRACE / BMB	
Fire Protection Engineering Lead	ADAM DEOROFF / BMB	
GIS Engineering Lead	JAYROD MCCANNES / BMB	
Electrical Engineering Lead	ANTHONY ALICE COVILL / BMB	
Telecommunications Engineering Lead	CHAD STEWELL / BMB	
Security System Engineering Lead	BRIAN COLADIMIE / EVS SECURITY	
Revisions		
No.	Date	Description
0	12 JAN 2019	ISSUED FOR CONSTRUCTION
1	13 FEB 2019	ASSEMBLY



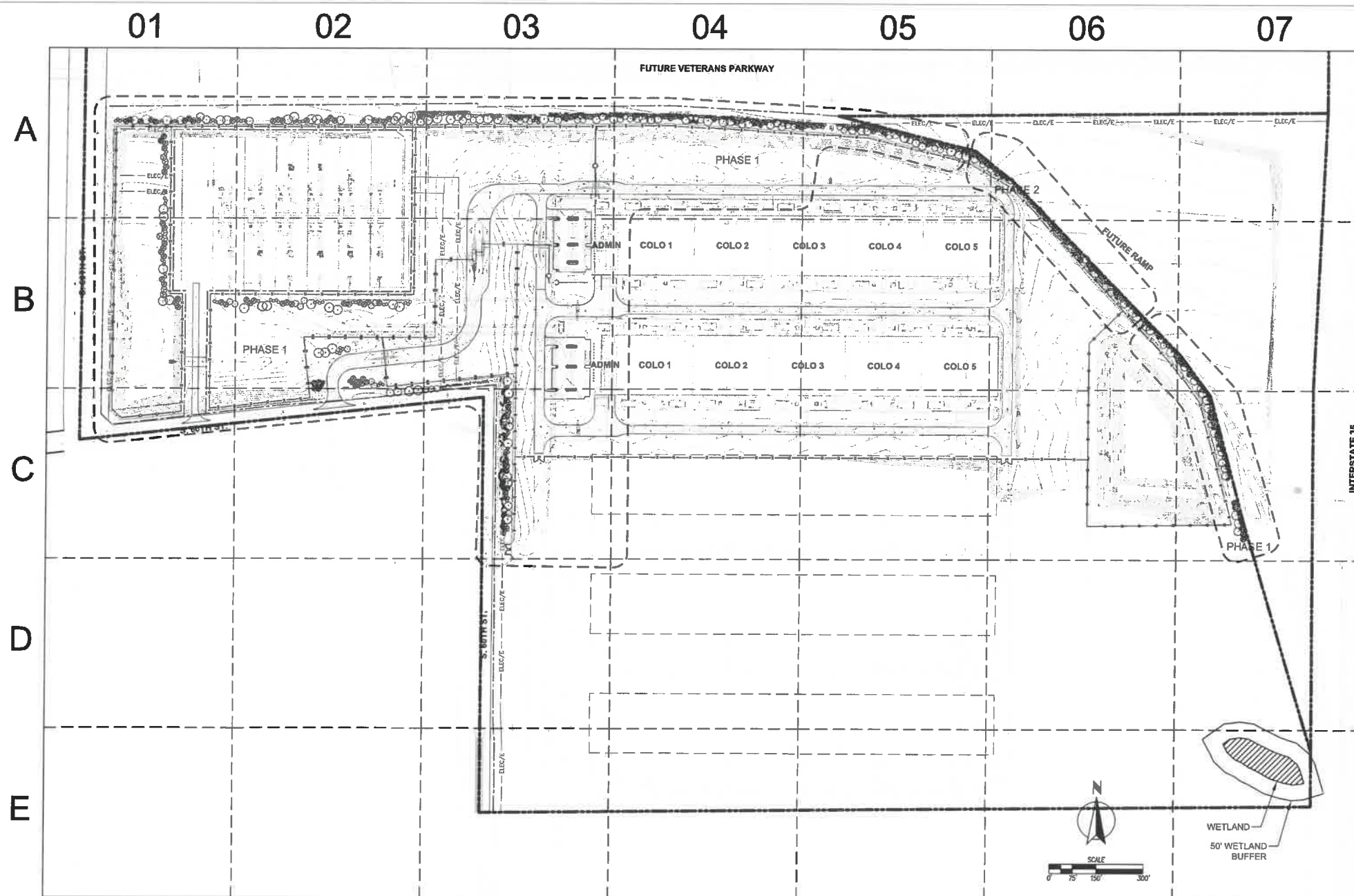
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Sheet Title Number

CITY OF WEST DES MOINES  
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**CIVIL CLEAR  
WATER DISCHARGE  
& SANITARY SEWER  
PLAN OVERALL**

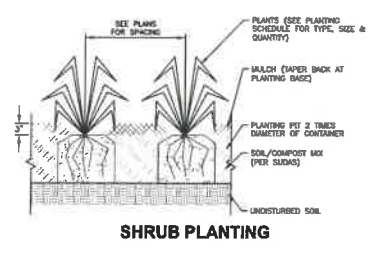
DSM00-C-E2-01



**LANDSCAPE TOTALS**

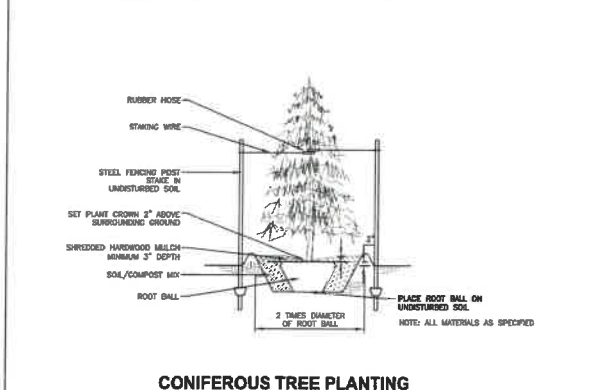
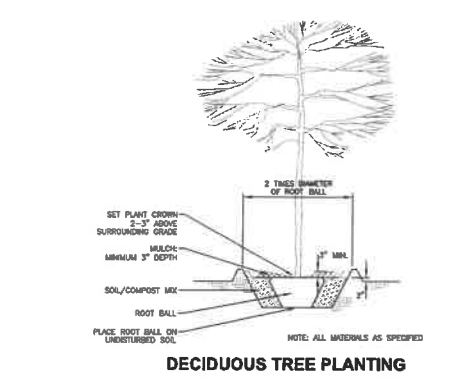
TOTAL SITE AREA:	=4,061,672 S.F. (93.7 AC.)
OPEN SPACE REQUIRED:	=816,315 S.F. (18.7 AC. 20%)
TREES REQUIRED:	=272
(2/2000 S.F.)	
SHRUBS REQUIRED:	=406
(1/7000 S.F.)	
PROVIDED:	
TREES:	
OVERSTORY TREES	=187
UNDERSTORY TREES	=142
EVERGREEN TREES	=370
TOTAL TREES	=699
SHRUBS	=717

- LANDSCAPE NOTES**
1. LOCATE ALL UTILITIES BEFORE ANY PLANTING BEGINS.
  2. ALL LANDSCAPE CONSTRUCTION SHALL CONFORM TO THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARDS FOR SUBDIVISIONS.
  3. BACKFILL TO TOP OF CURB. (MIN. 1 1/2" FOR SOG, P. REQ.)
  4. WEED PREVENTER (PRE-MICROGENT) SHALL BE SPREAD OVER SOIL AFTER PLANTING AND BEFORE MULCHING IN ALL PLANTING BEDS PER MANUFACTURER'S RECOMMENDATIONS.
  5. PLANT QUANTITIES ARE SHOWN FOR INFORMATION ONLY. THE DRAWING SHALL PREVAIL IF ANY CONFLICTS ARISE.
  6. ALL DEBRIS SPILLED IN ANY PUBLIC R.O.W. SHALL BE PICKED UP BY THE CONTRACTOR AT THE END OF EACH WORK DAY.
  10. NO OVERSTORY TREES SHALL BE PLANTED IN ANY CITY OF WEST DES MOINES PUBLIC UTILITY EASEMENT.
  11. ROCK MULCH SHALL BE 1.5"-3" GRANITE CHIPS, MINIMUM DEPTH OF 3" OVER LANDSCAPE LANDSCAPE FABRIC (OR EQUAL), EDGING BETWEEN ROCK MULCH AND GRASS SHALL BE 4" STEEL LANDSCAPE EDGING.
  12. MAINTAIN 10' CLEARANCE OF ANY PLANTINGS ON EACH SIDE OF THE PERIMETER FENCE.
  13. SEED ALL DISTURBED AREAS (LESS PLANTING BEDS) WITH SEED TYPE #1 REFER TO SPECIFICATIONS.



**PLANT SCHEDULE**

EVERGREEN TREES	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE	CAL	SIZE
PB	234	Black Hills Spruce	Picea glauca densata	B&B		6' HEIGHT
PS	136	White Pine	Pinus strobus	B&B		6' HEIGHT
NATIVE TREES	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE	CAL	SIZE
BM	46	Black Maple	Acer nigrum	B&B	2"	
AB	40	Autumn Blaze Red Maple	Acer rubrum 'Autumn Blaze'	B&B	2"	
AE	7	Endowment Maple	Acer saccharum 'Endowment'	B&B	2"	
AM	10	Crescendo Maple	Acer saccharum 'Morton'	B&B	2"	
AS	90	Serviceberry	Amelanchier alnifolia	B&B	6" MULTI-STEM	
CC	52	Eastern Redbud	Cercis canadensis	B&B	6" MULTI-STEM	
PO	11	American Sycamore	Platanus occidentalis	B&B	2"	
QA	20	White Oak	Quercus alba	B&B	2"	
QR	33	Red Oak	Quercus rubra	B&B	2"	
SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE		
CH2	187	Ivory Halo Dogwood	Cornus alba 'Bailhola' TM	5 GAL		
CG	116	Gray Dogwood	Cornus racemosa	5 GAL		
CA	14	American Hazelnut	Corylus americana	5 GAL		
JB2	78	Buffalo Juniper	Juniperus sabina 'Buffalo'	5 GAL		
PJ	36	Jackman's Potentilla	Potentilla fruticosa 'Jackmanii'	5 GAL		
SE	84	Elderberry	Sambucus canadensis	5 GAL		
VB	202	Blackhaw Viburnum	Viburnum prunifolium	5 GAL		



2199 10TH AVENUE  
CUMMING, IA 50601

Design: JYHAN HARDEETY, NATE SEVER, TYLER DRAFF  
Drawn: JYHAN HARDEETY, NATE SEVER, TYLER DRAFF  
Checked: JYHAN HARDEETY, NATE SEVER, TYLER DRAFF  
Date: 07 DECEMBER 2018  
Sheet Project No.: 1024  
A.I.C. Project No.: P-1913

**MICROSOFT**

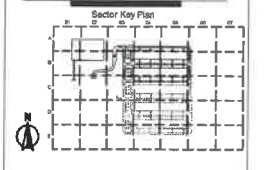
Design Manager: GREG DEENEY  
Landscape Manager: STEVE GILLES  
Site, Site Survey, Landscaping: TYLER DRAFF  
Site Survey: DAN SCHAEFFER  
Architectural & Structural: SANDRA S. LEWIS  
Mech, Plumbing & Fire Protection: PETER HANSEN  
Building Automation Systems: PAUL HALE  
Electrical Technical Lead: STEVE STEWART  
Electrical Power Management: SANDRA S. LEWIS  
Site Reliability: GREG DEENEY  
Telecommunications/Network Technical Lead: CARLOS BLAYSDEN  
Security Design Manager: COREY HANSEN

**DBRIGN TEAM**

Civil Engineering Lead: NAVIX ENGINEERING  
Structural Engineering Lead: BRYAN JEMAL / BM&O  
Architectural Lead: NEAL CLEMENTS / BM&O  
Mechanical Engineering Lead: SAM ALLEN / BM&O  
Plumbing Engineering Lead: JONATHAN KYLE GRAZE / BM&O  
Fire Protection Engineering Lead: ADAM DEGROFF / BM&O  
Site Engineering Lead: JARROLD MCMANUS / BM&O  
Electrical Engineering Lead: ANTOINETTE COULTER / BM&O  
Telecommunications/Network Engineering Lead: CHAD EYEWELL / BM&O  
Security System Engineering Lead: BRIAN COLLAMORE / DVA SECURITY

**Revisions**

No.	Date	Description
1	07/28/18	ISSUED FOR CONSTRUCTION



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This information constitutes confidential proprietary "trade secrets" as defined in the Iowa Uniform Trade Secrets Act and is provided pursuant to a promise of confidentiality.  
Sheet Title Number

CITY OF WEST DES MOINES  
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

LANDSCAPE PLAN  
OVERALL  
DSM00-L-A1-01





**Microsoft**  
DSM-09/DSM-10  
DATA CENTER

2199 10TH AVENUE  
CUMMING, IA 50061

Design:  
Drawn: Author  
Checked: Checker  
Date:  
B&M Project No.: 10849  
A.S. Project No.: 10849

**MICROSOFT**  
Design Manager: GREG PERRY  
Design Manager: STEVE GILLES  
Ch. Site Survey, Landmark Technology: DAN SCHAEFFER  
Architectural & Structural: SANDRA BISSOC  
Mech. Planning & Fire Protection: PETER BIRNBAUM  
Building Automation Systems (BAS): TOSHIOKI ITO  
Electrical: PAUL HELDE  
Electrical: STEVE STEWART  
Electrical Panel & Control Systems: CHRIS TRONKOWSKI  
Telecommunications: CHRIS REDDING  
Security: KYLE BEULTZ  
Security Design Manager: DAN GELINAS

**DESIGN TEAM**  
Chief Architect: JOE TAPLIN / B&M  
Structural Engineering Lead: USRYAM JEMAL / B&M  
Architectural Lead: NEAL CLEMENTS / B&M  
Mechanical Engineering Lead: KEVIN GRICE / B&M  
Fire Protection & Life Safety Engineering Lead: ADAM DEGRIPPO / B&M  
Electrical Engineering Lead: LAURENCE COUVE / B&M  
Telecommunications / Network Engineering Lead: CHRIS REDDING / B&M  
Security Analysis & Engineering Lead: TERESA SMITH / ROSS & BARBROZZINI

Revisions

No.	Date	Description

Registration

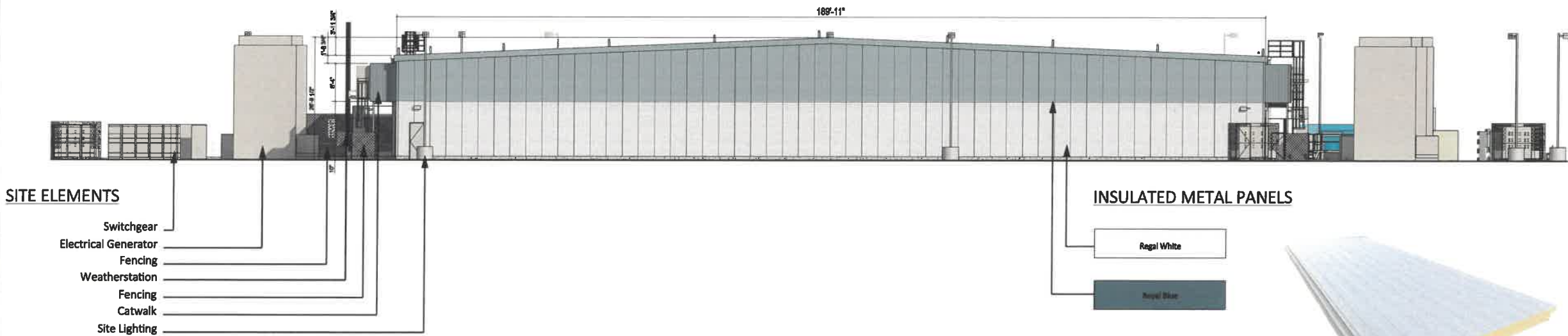
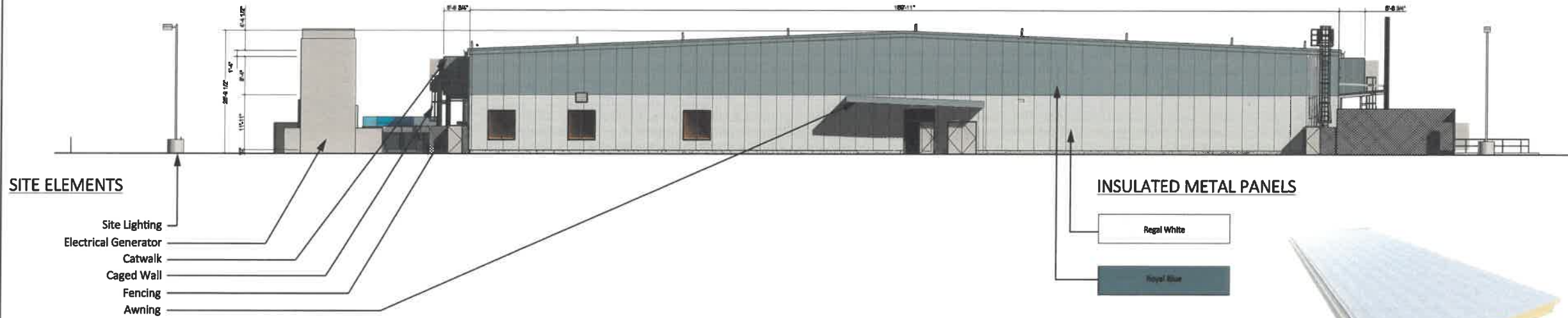
Sector Key Plan

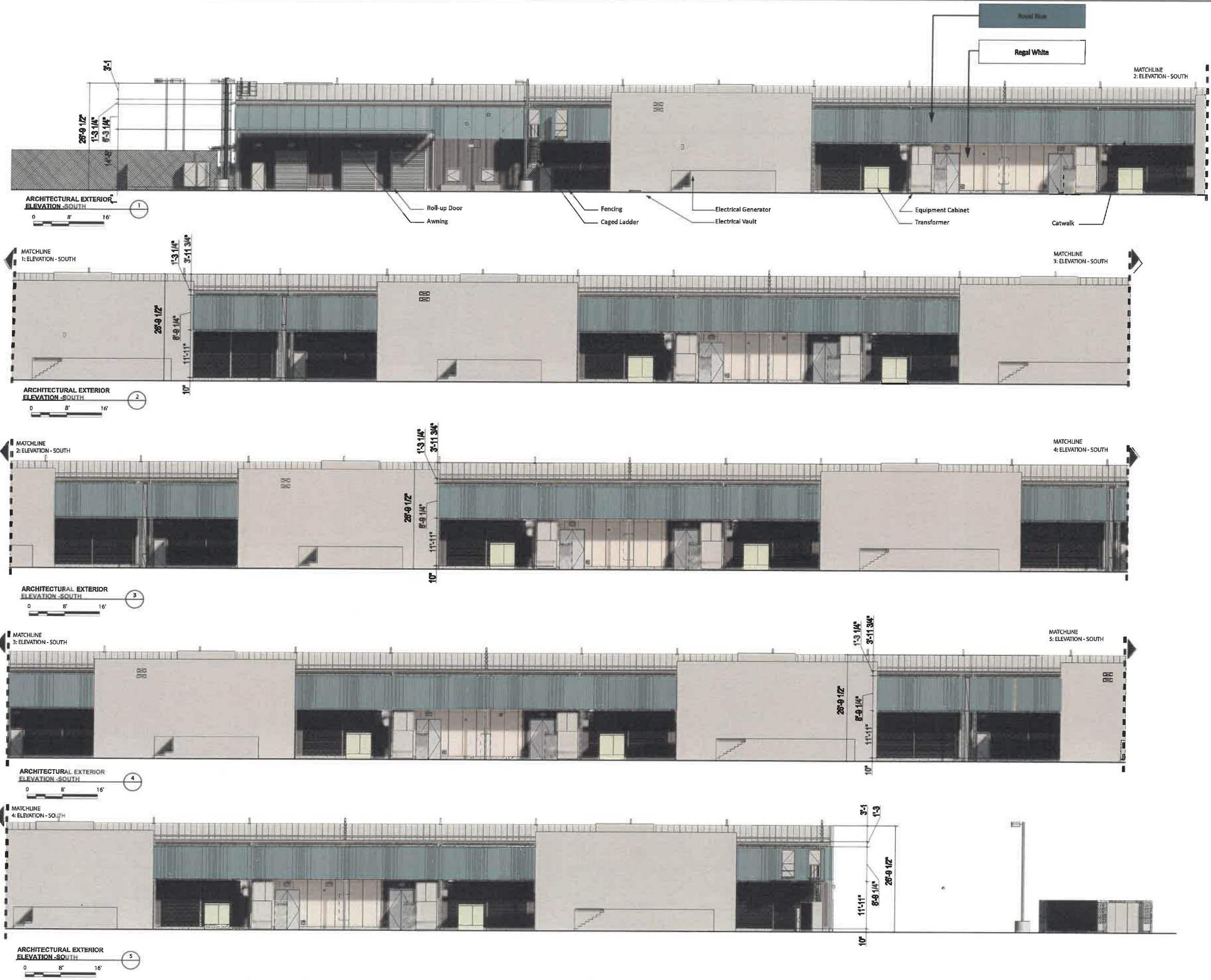
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Sheet Title/Number

ARCHITECTURAL  
RENDERED  
EXTERIOR  
ELEVATIONS

LE-P108





8400 Ward Parkway  
Kansas City, MO 64114  
www.burnsmcd.com

**Microsoft**  
DSM-09/DSM-10  
DATA CENTER

2199 10TH AVENUE  
CUMMING, IA 50061

Design: Steve Stener  
Client: Microsoft  
Date: 08/11  
BIM Project No.: 0204  
AIA Project No.: 14113

- MICROSOFT**
- Design Manager: STEVE STENER
  - Layout Manager: DAN SCHNEFFER
  - Architectural & Electrical Designer: SANDRA SUBOC
  - Mech. Plumbing & Fire Protection Designer: PETER WANGSA
  - Building Automation System (BAS) Designer: PAUL HILDE
  - Electrical Technician: STEVE STENER
  - Electrical Power Management System (EPMS) Technician: KRIS RESORNO
  - Telecommunications (T-Comm) Technician: RUSSEL GOSWITZ
  - Security Design Manager: DAN BELNAS
- DESIGN TEAM**
- Chief Lighting Designer: JOE TAPLIN / HAUKE
  - Structural Engineer: BRYAN JEWELL / BMD
  - Architectural Lead: NEAL CLEMENTS / BMD
  - Mechanical Engineering Lead: BOB ALLEN / BMD
  - Plumbing Engineering Lead: KYLE GRICE / BMD
  - Fire Protection & Smoke Control Engineering Lead: JAMIE DEBOEFF / BMD
  - Electrical Engineering Lead: PAMELA COULTER / BMD
  - Telecom Technician (Network Engineering) Lead: CHRIS ELLIOTT / BMD
  - Security Systems Engineering Lead: THERESA SMITH / JONES & BARRILETTA

Revisions		
No.	Date	Description

Registration

Sector Key Plan

Bar Code

Sheet Title Number

ARCHITECTURAL  
RENDERED  
EXTERIOR  
ELEVATIONS



3400 Ward Parkway  
Kansas City, MO 64114  
www.burnsmcd.com

# Microsoft DSM-09/DSM-10 DATA CENTER

2199 10TH AVENUE  
CUMMING, IA 50061

Design:  
Drawn: ADR  
Checked: DCR  
Date:  
BIM Project No.: 00000  
M.S. Project No.: P-10070

**MICROSOFT**  
Design Manager: GREG DENEY  
Lead Architect: STEVE GILES  
CM, Site Survey, I & E, Security Technical Lead: DAN SCHAEFFER  
Architectural & Structural Technical Lead: SANDRA GILBERT  
Mech. Plumbing & Fire Protection Technical Lead: PETER WARDEN  
Building Automation Systems (BAS) Technical Lead: PAUL HULSE  
Electrical Technical Lead: STEVE STEPHENS  
Electrical Power Management System (EPMS) Technical Lead: BRIS RICHARDS  
Telecommunications (Telecom) Technical Lead: KELSI BERTZ  
Security Design Manager: DAN GELINAS

**DESIGN TEAM**  
Chief Architect: JOE TAPLIN / BMD  
Structural Engineering Lead: SHYAM JEMAL / BMD  
Architectural Lead: NEAL CLEMENTS / BMD  
Mechanical Engineering Lead: ERIC ALLEN / BMD  
Plumbing Engineering Lead: KYLE GRICE / BMD  
Fire Protection & IES Engineering Lead: ADAM DEGRUFF / BMD  
Electrical Engineering Lead: ANTOINETTE COULTER / BMD  
Telecommunications (Telecom) Engineering Lead: CHAD WELLS / BMD  
Security Planning Engineering Lead: THERESA SMITH / ROSE & BARRETT

Revisions

No.	Date	Description
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Regulation

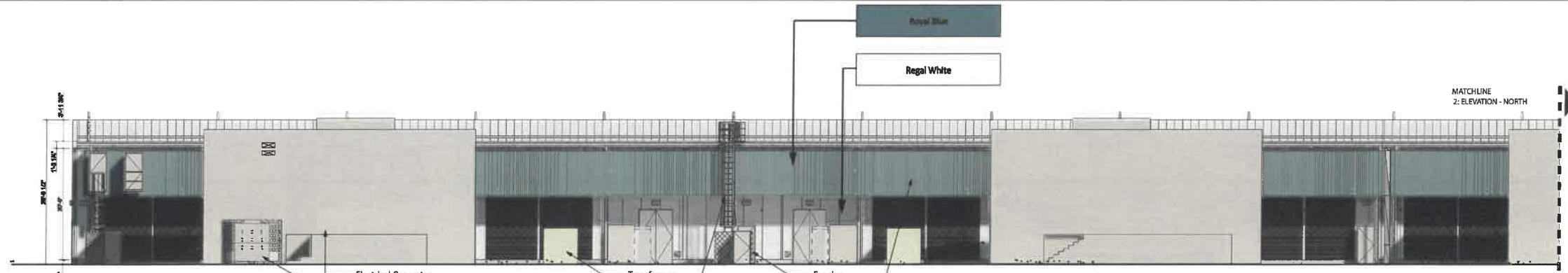
Sector Key Plan

Bar Code

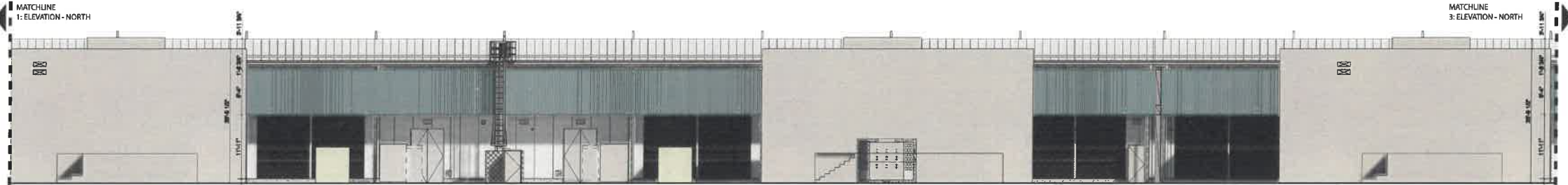
Sheet Title Number

## ARCHITECTURAL RENDERED EXTERIOR ELEVATIONS

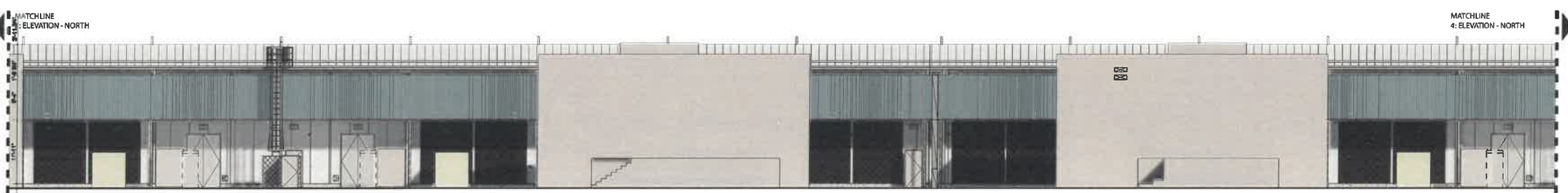
LE.P1.08



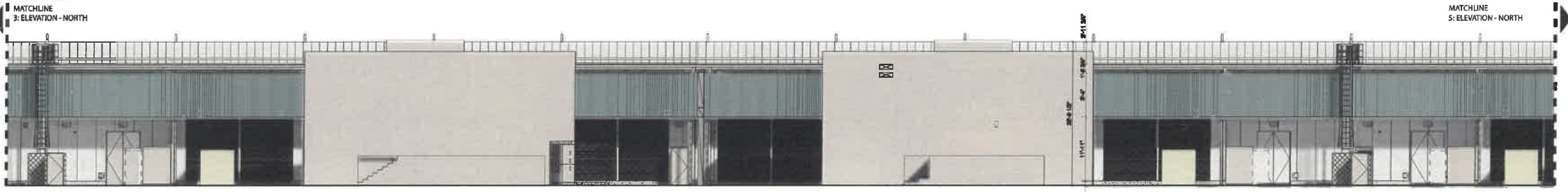
ARCHITECTURAL EXTERIOR  
ELEVATION - NORTH  
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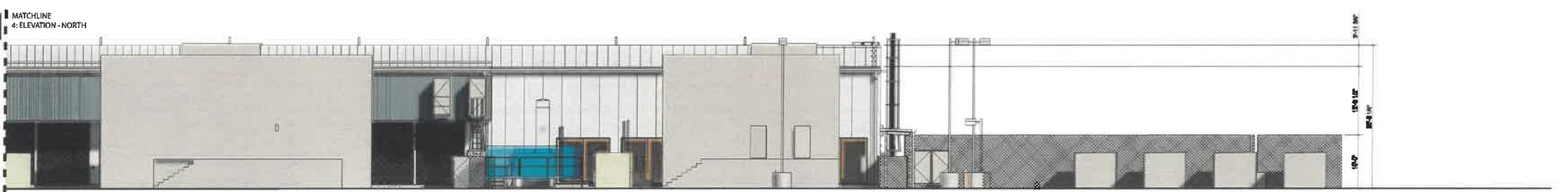
ARCHITECTURAL EXTERIOR  
ELEVATION - NORTH  
2



ARCHITECTURAL EXTERIOR  
ELEVATION - NORTH  
3



ARCHITECTURAL EXTERIOR  
ELEVATION - NORTH  
4



ARCHITECTURAL EXTERIOR  
ELEVATION - NORTH  
5

Prepared by: B. Portz, City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320  
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 SITE PLAN (SP-004071-2018) TO ALLOW CONSTRUCTION OF TWO 200,000 SQ. FT. BUILDINGS FOR A DATA CENTER AND A MIDAMERICAN ENERGY ELECTRICAL SUBSTATION ON THAT PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE FUTURE EXTENSION OF VETERANS PARKWAY AND INTERSTATE 35**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Microsoft Corporation, has requested approval of a Site Plan Permit (SP-004071-2018) to allow construction of two 200,000 square foot data center buildings and a MidAmerican Energy electrical substation to be located on that property situated at the southwest corner of the future extension of Veterans Parkway and Interstate 35; and

**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; and

**WHEREAS**, on March 25, 2019, the Plan and Zoning Commission did recommend to the City Council approval of the Microsoft DSM09-10 Site Plan (SP-004071-2018); and

**WHEREAS**, on, April 1, 2019, this City Council held a duly-noticed meeting to consider the application for the Microsoft DSM09-10 Site Plan (SP-004071-2018).

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

**SECTION 1.** The findings, for approval, stated in the staff report, dated April 1, 2019, or as amended orally at the City Council meeting of April 1, 2019, are adopted.

**SECTION 2.** SITE PLAN (SP-004071-2018) to allow construction of construction of two 200,000 sq. ft. buildings and a MidAmerican Energy electrical substation and associated site improvements is approved, subject to compliance with all the conditions in the staff report, dated April 1, 2019, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on April 1, 2019.

---

Steven K. Gaer  
Mayor

ATTEST:

---

Ryan T. Jacobson  
City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on April 1, 2019, by the following vote:

ATTEST:

---

Ryan T. Jacobson  
City Clerk

**Exhibit A**  
**Conditions of Approval**

1. The City Council approving and authorizing the use of gravel parking and drives throughout the duration of construction of all phases of the Osmium site.
2. The applicant acknowledging and agreeing that all temporary parking areas, temporary drives, tents and trailers shall be completely removed from the site and all areas improved to their final condition within six months of issuance of a Temporary Occupancy Permit for the last building within the Osmium site.
3. The applicant obtaining any necessary tent permits and inspections from the City's Fire Department prior to installation of the tents within the site.
4. The applicant continuing to work with staff on outstanding building design elements prior to a building permit being issued for the data center buildings.
5. MidAmerican Energy shall provide revisions to the substation portion of the site plan, including details of the proposed screen fence for the substation and receive staff approval prior to issuance of a building permit for the substation.