CITY OF WEST DES MOINES
CITY COUNCIL COMMUNICATION

DATE: September 7, 2021

ITEM:

Resolution – Approving Proposal from MidAmerican Energy Company to Extend Underground Electrical Service
HAWK Beacon – South 41st Street & Mills Civic Parkway

FINANCIAL IMPACT:

The cost of this work is estimated to be $29,840.01 for the underground electric service extension to accommodate the construction of the new HAWK Beacon at the South 41st Street & Mills Civic Parkway intersection. The actual costs may vary from estimates and will be determined at the time of construction. These improvements can be paid from account no. 500.000.000.5250.490 with the ultimate funding intended to come from General Obligation Bonds.

BACKGROUND:

The City is currently constructing improvements to the South 41st Street & Mills Civic Parkway intersection to accommodate the installation of a new pedestrian hybrid beacon, also known as a High-intensity Activated Crosswalk ("HAWK") beacon. A HAWK beacon is a type of traffic control that provides pedestrians with a protected "walk" phase at a Crosswalk. Overhead beacons stay dark until a pedestrian pushbutton is actuated. The beacons then stop traffic and give a "walk" indication to the pedestrian, before returning to dark phase. There are four (4) HAWK beacons currently in use in West Des Moines at 65th Street & Ashworth Road, South 50th Street & Wistful Vista Drive, 78th Place & EP True Parkway, and 39th Street & EP True Parkway. This particular location has been studied by engineering staff, and due to the number of pedestrians crossing Mills Civic Parkway at this location and the lack of available gaps in traffic flow, staff has recommended this HAWK beacon as a way to enhance pedestrian safety in the area. The extension of underground electric service by MidAmerican Energy is needed in conjunction with this project.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:

- Resolution Approving Proposal from MidAmerican Energy Company to Extend Underground Electrical Service.

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

STAFF REVIEWS

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

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Services		
Date Reviewed	August 23, 2021		
Recommendation	Yes	No	Split

RESOLUTION APPROVING PROPOSAL

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

HAWK Beacon – South 41st Street & Mills Civic Parkway
Project No. 0510-044-2020

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

WHEREAS, the estimated costs for said work is $29,840.01;

therefore,

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

PASSED AND APPROVED on this **7th** day of **September, 2021.**

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

MidAmerican Energy Company
PO Box 657
Des Moines, IA 50306

June 7th, 2021

City of West Des Moines
Attn: Jason Schlickbernd, P.E.
4200 Mills Civic Pkwy, 2E
West Des Moines, IA 50265
Jason.Schlickbernd@wdm.iowa.gov

Reference: Provide single phase underground electric source in close proximity to the new Hawk Beacon at S. 41st Street and Mills Civic Parkway in West Des Moines, IA. **WMIS: 2870934**

Dear Mr. Schlickbernd:

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

Please sign and return the proposal as soon as you are ready to commit to the work. You may withhold payment until MidAmerican Energy Company completes the work in this proposal. In the meantime, please keep me informed of your schedule. After we have received your signed proposal, we will sign and return a copy of the proposal for your records.

If you have any questions, please call me at (515) 252-6742.

Sincerely,
MidAmerican Energy Company

Scot Enger
Customer Project Coordinator

MidAmerican Energy Company
PO Box 657
Des Moines, IA 50306

REFUNDABLE ADVANCE FOR CONSTRUCTION UNDERGROUND ELECTRIC DISTRIBUTION EXTENSION PROPOSAL FOR SPECULATIVE USE – **WMIS: 2870934**

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

1. MidAmerican Energy Company will extend its single-phase electric lines underground to a new transformer which will be used to serve a new Hawk Beacon at the intersection of S. 41st Street and Mills Civic Parkway in West Des Moines, IA as shown on the attached drawings.

2. MidAmerican Energy Company will furnish the necessary labor and materials required to fulfill its undertaking, as specified above, and will commence such work as soon as reasonable and practicable after the execution of this Proposal and receipt of Applicant's cash deposit indicated below, and will prosecute such work to completion with reasonable diligence.

3. In consideration of the signed proposal and agreement to pay in the amount of **$29,840.01** which is a refundable Advance for Construction, MidAmerican Energy Company agrees to construct necessary electric facilities as set forth above. Payment may be withheld until the proposed work is completed. If Applicant's acceptance is not received by September 7th, 2021, the amount may be subject to change.

4. The Advance for Construction shall be subject to refund by MidAmerican Energy Company to Applicant based upon the following terms and conditions:

    a. Advances shall not accrue interest and shall be subject to refund from the date of original advance payment. This will span a six-year period at the rate of fifty percent (50%) of the annual metered electric service bill of the above Applicant.

    b. If additional customers are connected to the above described line extension, the above Applicant shall receive refunds equal to three times estimated base revenue for each additional new customer to the extent the base revenue exceeds the additional distribution construction costs incurred by MidAmerican Energy Company. Base revenue shall be estimated annual kilowatt hours based on similarly situated customers, less the cost of fuel.

MidAmerican Energy Company
PO Box 657
Des Moines, IA 50306

c. Refunds shall be made on the anniversary date of the original advance payment or sooner at the option of MidAmerican Energy Company.

d. Revenue for un-metered private lighting shall not be included in any refund.

e. No refunds shall be made for revenue received after six (6) years from the date of the original advance payment.

f. Never shall the total of refunds exceed the refundable portion of the payment stated above.

g. No refunds shall be made for customers served from a further extension of the above described electric line extension.

5. Except as may hereinafter be provided, MidAmerican Energy Company shall:

a. Not tamp the backfill. Applicant agrees to indemnify and hold MidAmerican Energy Company harmless from any and all damages that may result from the non-tamping of backfill operations conducted by MidAmerican Energy Company. In case any action is brought against MidAmerican Energy Company, or any of its agents or employees, relative to such backfill operations, the Applicant shall assume full responsibility for the defense thereof. Upon failure to do so on proper notice, MidAmerican Energy Company reserves the right to defend such action and charge all costs to the Applicant provided, however, that nothing herein shall be construed as an assumption of liability by the Applicant for damages and claims attributable to MidAmerican Energy Company negligence.

6. Applicant shall provide, without cost to MidAmerican Energy Company, such easements as are necessary and incidental to such installation and use of MidAmerican Energy's facilities on private property within the area served. If a 3rd party easement is required any cost associated in obtaining the easement will be paid by the applicant.

7. Applicant shall be responsible for complying with all aspects of compliance as required by any local, state, or federal permit or plan associated with storm water pollution prevention or erosion control. It is specifically understood and agreed that MidAmerican Energy Company is providing the service requested by the Applicant solely for the Applicant. MidAmerican Energy Company will not become or agree to become a co-permittee or operator for the purpose of applicants' compliance with any local, state or federal permit or plan associated with storm water pollution prevention or erosion control.

MidAmerican Energy Company
PO Box 657
Des Moines, IA 50306

8. Applicant shall be responsible for locating and marking all privately owned systems such as water services, culverts, irrigation systems, drainpipes, septic lines, and underground wiring before MidAmerican Energy Company's construction.

9. It is specifically understood and agreed that any distribution systems, or other facilities constructed or installed by MidAmerican Energy Company under terms of this Proposal shall remain the sole property of MidAmerican Energy Company and MidAmerican Energy Company shall determine, as its own judgment indicates, the manner and method of utilization thereof and to extend the same or connect other facilities there to and serve other customers there from as it shall see fit, subject only to such obligations as MidAmerican Energy Company shall have assumed in this Proposal; and no other person shall have any right, title, interest or claim, in or to the said distribution system or other facilities by virtue of any provision of this Proposal.

Proposed this 7th day of June, 2021

MIDAMERICAN ENERGY COMPANY

By: _____

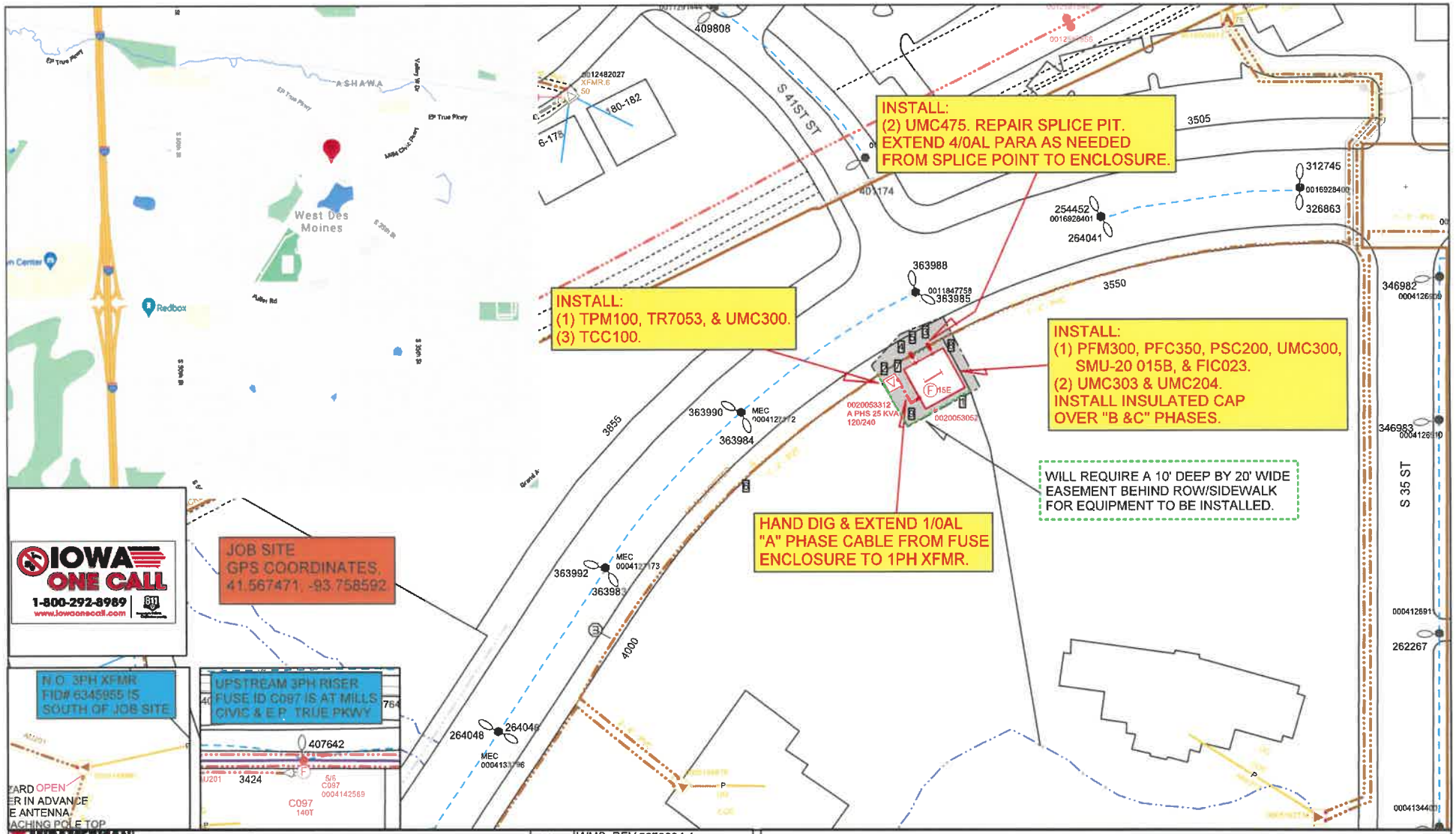
Title: _____

Accepted this _____ day of _____, 2021

APPLICANT:

By: _____

Title: _____



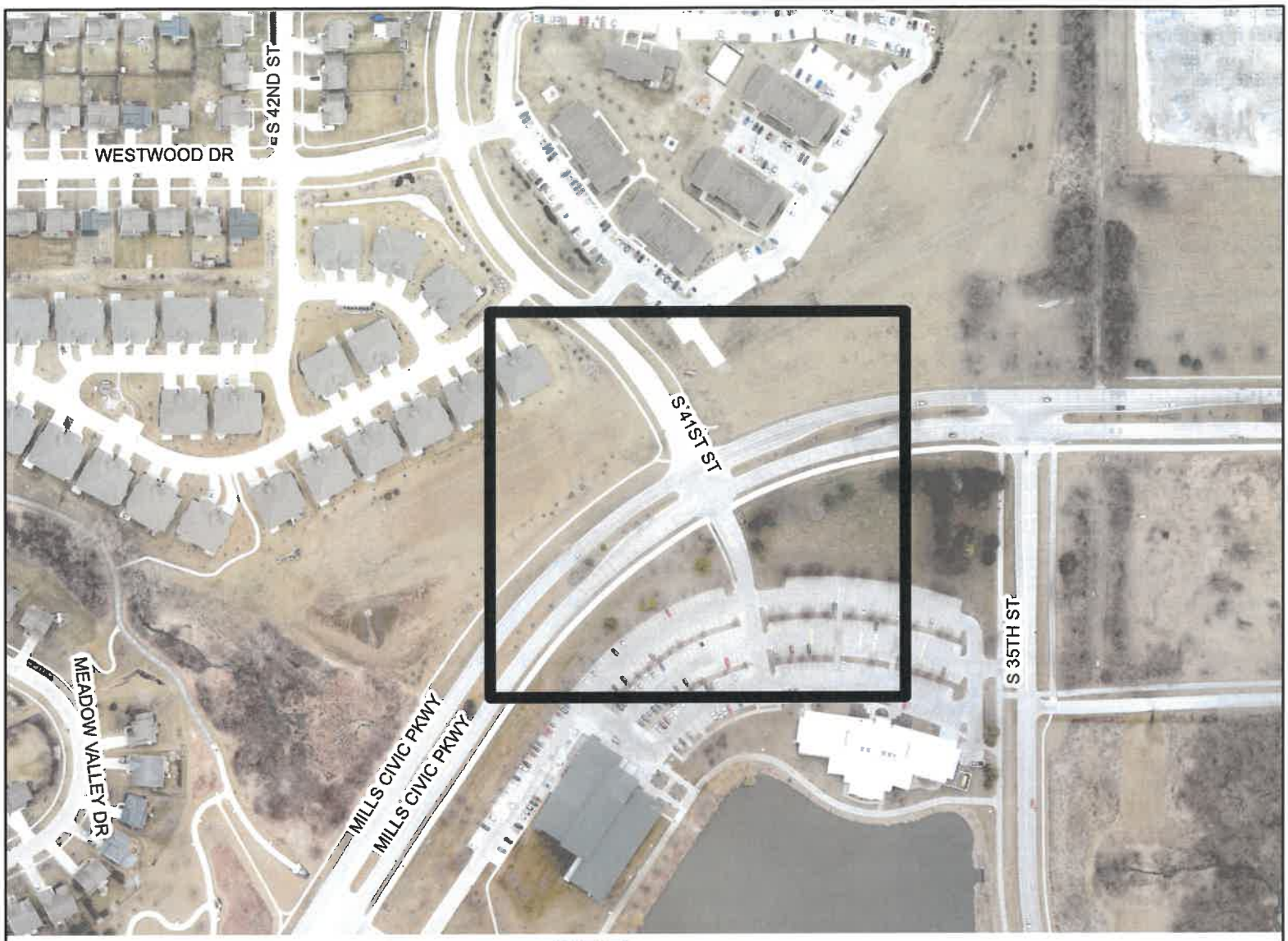
MIDAMERICAN ENERGY COMPANY

Cust: WDM - HAWK BEACON 41ST AND MCP
Addr: Mills Civic Parkway and 41st S
Crew HQ:DMWR
City: West Des Moines
X = 1589838 Y = 571116
Job Desc: Hawk Beacon traffic signal - power source needed. 120/240V 1PH.

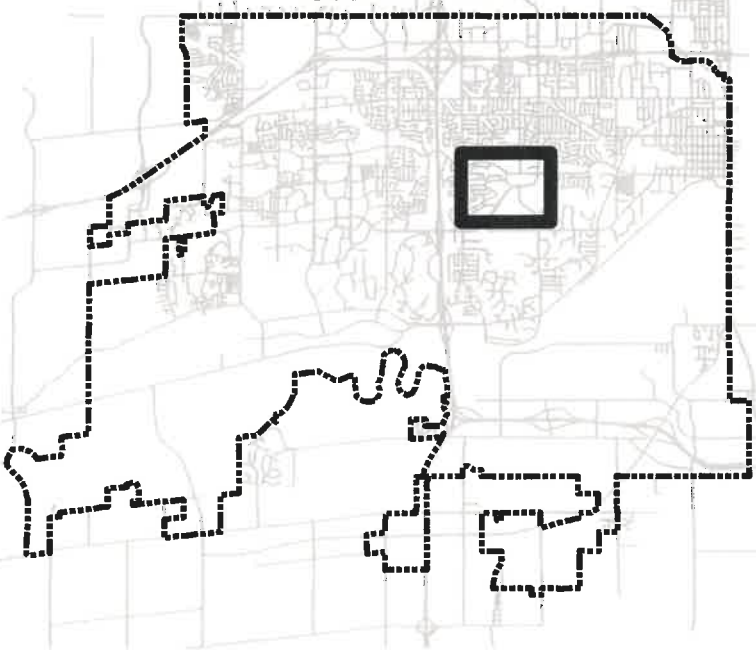
WMS_REV:2870934-1
Date: 6/3/2021
Scale: 1 IN = 100 FT
Designer:BALLARD,BRADLEY S

DISCLAIMER OF LIABILITY

NOTE: This drawing reflects facilities in place at the time of its preparation and is subject to change at any time. For current facility information, please contact MidAmerican Energy Company. Further, MidAmerican Energy Company disclaims all liability and responsibility for all claims and damages including but not limited to, personal injury, death and property damage, resulting from any authorized or unauthorized use of, or reliance upon, this drawing for any purpose.



VICINITY MAP



LEGEND

PROJECT LOCATION

N
W E
S

THE CITY OF WEST DES MOINES

PROJECT:

HAWK Beacon 41st & Mills Civic Parkway

LOCATION:

Exhibit "A"

DRAWN BY: TKA	DATE: 7/8/2020	PROJECT NUMBER/NAME: 0510-044-2020	SHT. 1 of 1