CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: May 16, 2022

ITEM:

Motion – Approving Purchase of Wetland and Stream Credits (White Fox Mitigation Bank) Stagecoach Drive – South Jordan Creek Parkway to South 78th Street (CEMVR-RD-2021-1673)

FINANCIAL IMPACT:

City Staff would like City Council approval to reserve and purchase 0.05 emergent wetland credits ($30,000/each), 0.07 forested wetland credits ($50,000/each), and 4,861 stream credits ($40/each) from the White Fox Mitigation Bank at a total cost of $199,440.00 based upon an anticipated U.S. Army Corps of Engineers permit for Stagecoach Drive – South Jordan Creek Parkway to South 78th Street. All costs for these credits can be paid from account no. 500.000.000.5250.490 using Tax Increment Financing (TIF) revenue collected from within the Mills Urban Renewal Area.

BACKGROUND:

Due to the impacts of existing wetlands and streams anticipated as part of Stagecoach Drive from South Jordan Creek Parkway to South 78th Street, the City of West Des Moines is required by Federal Law to address the impacts. Rather than construct improvements to existing wetlands and streams, the City may purchase credits from an approved mitigation bank for wetlands and streams, which are constructed and maintained by a third party. The City has purchased wetland and stream credits from the White Fox Mitigation Bank in the recent past. City Staff have negotiated the attached Purchase Agreement with White Fox Farms, LLC in Wright County for the purchase of 0.05 emergent wetland credits, 0.07 forested wetland credits, and 4,861 stream credits. City Staff recommend execution of the attached Purchase Agreement for the reservation and purchase of the necessary wetland and stream credits from the White Fox Mitigation Bank at a cost of $199,440.00. If the final issued U.S. Army Corps of Engineers permit requires the purchase of wetland and stream credits in excess of that approved herein, City Staff will bring back to City Council for approval.

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 Purchase of Wetland and Stream Credits (White Fox Mitigation Bank).

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 Scieszinski, City Attorney
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

May 12, 2022

White Fox Farms, LLC
2254 280th Street
Clarion, Iowa 50525

PURCHASE AGREEMENT

City of West Des Moines
Attention: Brian Hemesath
4200 Mills Civic Parkway
West Des Moines, IA 50265

Re: CEMVR-RD-2021-1673

White Fox Farms, LLC (White Fox) owns and operates the White Fox Mitigation Bank legally described as follows:

> A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 90 NORTH, RANGE 25 WEST OF THE 5TH P.M., WRIGHT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12, THENCE S89°36'59"W (ASSUMED BEARING) ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12, 1008.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°36'59"W ON SAID SOUTH LINE, 1064.79 FEET; THENCE N00°22'08"E, 847.53 FEET; THENCE N26°15'09"E, 1216.76 FEET; THENCE N60°34'13"E, 85.00 FEET; THENCE N37°19'29"E, 195.25 FEET; THENCE N00°25'57"W, 516.56 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE N89°36'38"E ON SAID NORTH LINE, 1315.65 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE S00°33'32"E ON THE EAST LINE OF SAID SOUTHWEST QUARTER, 1876.50 FEET; THENCE S86°25'41 "W, 587.59 FEET; THENCE S66°50'59"W, 444.44 FEET; THENCE S00°37'49"W, 566.44 FEET TO THE POINT OF BEGINNING. CONTAINING 90.29 ACRES, MORE OR LESS.

White Fox Mitigation Bank is operating in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks; Notice published in the Tuesday, November 28, 1995 Federal Register, Volume 60, No. 228.

The White Fox Mitigation Bank offers stream and wetland credits to a primary service area for the Upper Des Moines River Basin as defined within the Iowa Mitigation Banking document (Last revised: July 2019).

May 12, 2022

The White Fox Mitigation Bank is in compliance with the Banking Instrument.

- The required Conservation Easement, (White Fox, Grantor; Iowa Natural Heritage Foundation, Grantee) is filed with the Wright County Recorder.
- The required long-term maintenance account has been created.
- Construction is currently in progress.
- Credits will be within sufficient quantities and qualities for debit to meet the City of West Des Moines requirements.

It is our understanding that City of West Des Moines will require 0.05 emergent wetland credits, 0.07 forested wetland credits, and 4,861 stream credits to satisfy unavoidable impacts described in the above referenced Section 404 Application. Upon the USACE permit approval and the signing of this Purchase Agreement, and the payment $199,440.00 for the purchase of 0.05 emergent wetland credits, 0.07 forested wetland credits, and 4,861 stream credits to White Fox Farms, LLC, White Fox Farms, LLC will debit 0.05 emergent wetland credits, 0.07 forested wetland credits, and 4,861 stream credits from the White Fox Mitigation Bank's credit ledger to the appropriate project.

General Provisions:

PRICE: The Purchase Price for 0.05 emergent wetland credits, 0.07 forested wetland credits, and 4,861 stream credits will be $199,440.00 payable to White Fox Farms, LLC upon approval of permit CEMVR-RD-2021-1673.

TIME FOR ACCEPTANCE: When accepted, this Agreement shall become a binding contract. If payment in full is not received within 30 days of the permit approval, this Purchase Agreement shall become Null and Void.

Immediately upon receiving payment and two signed originals, White Fox Farms, LLC will execute the documents, return a signed original to you, and by regular mail deliver a copy and proof of payment to:

Matt Zehr
Regulatory Project Manager
Rock Island District Corps of Engineers
Clock Tower Building – PO Box 2004
Rock Island, IL 51204-2004

Ms. Christine Schwake
Iowa DNR Section 401 WQC
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319-0034

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Credits are not reserved until this document is fully executed and returned.

Date: May 12, 2022

Date:_____

White Fox Farms, LLC
2254 280th Street.
Clarion, Iowa 50525

City of West Des Moines
Attention: Brian Hemesath
4200 Mills Civic Parkway
West Des Moines, IA 50265

For White Fox Farms, LLC:

Larry Anderson

Larry Anderson, Owner
White Fox Farms, LLC

City of West Des Moines

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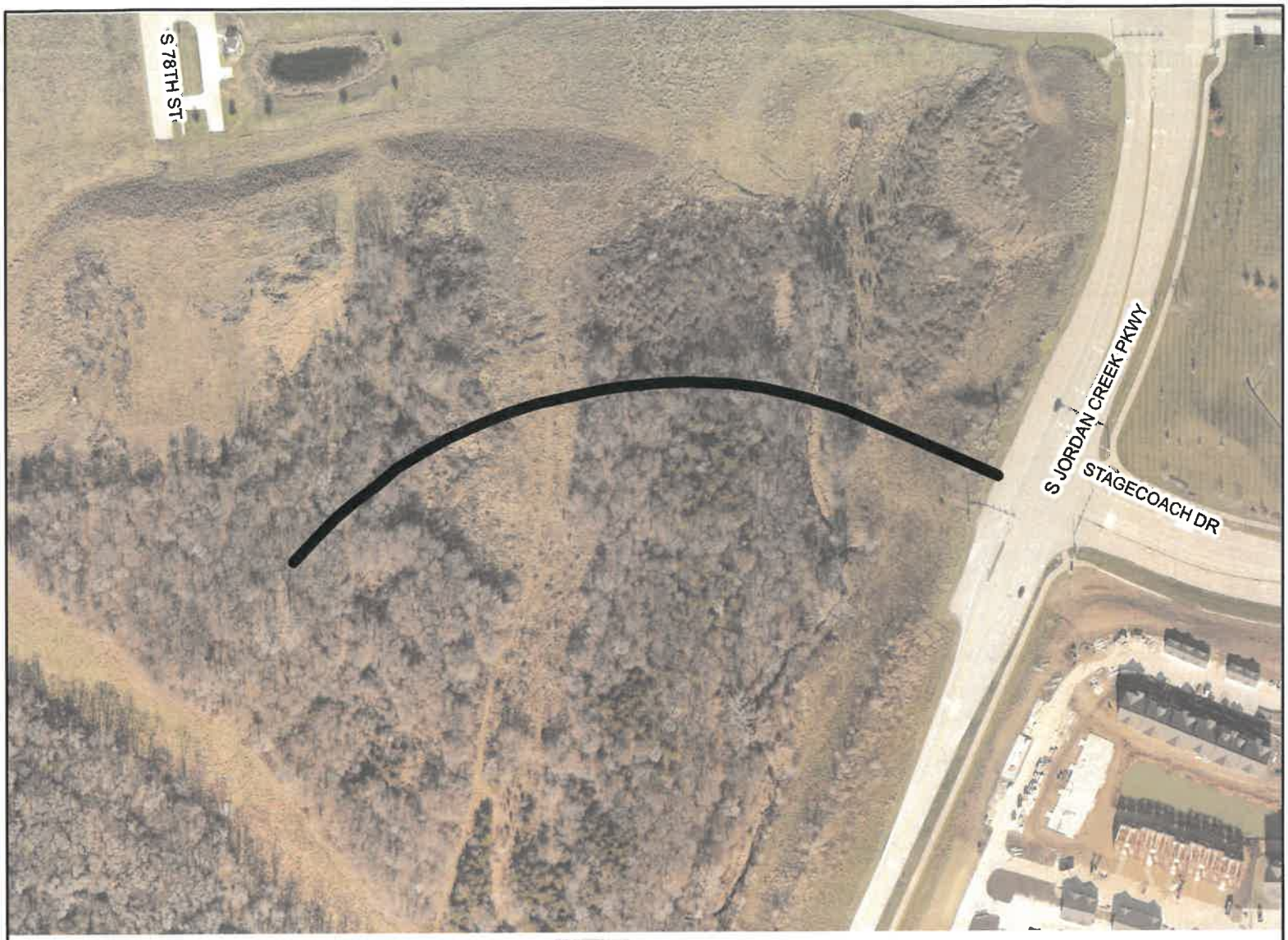
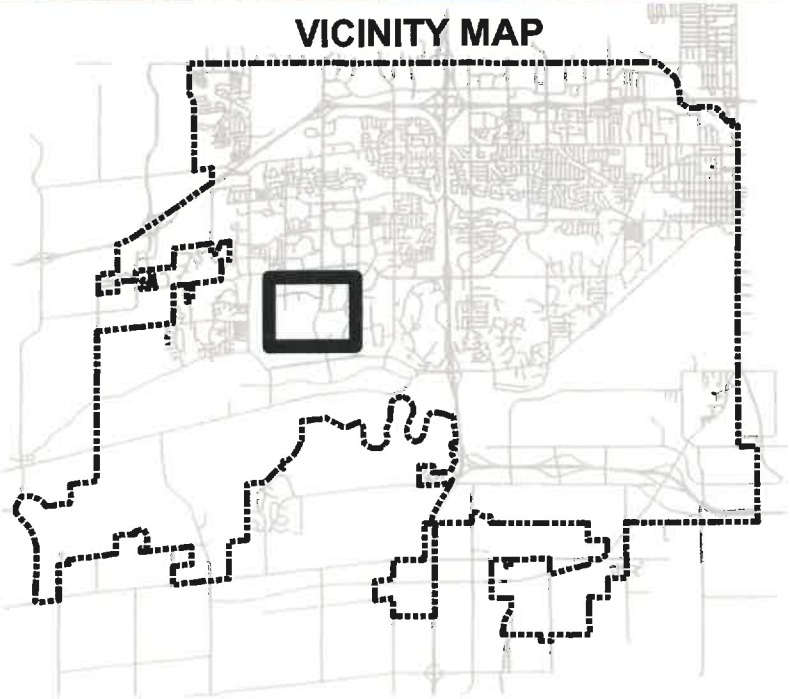
Brian Hemesath
City of West Des Moines



VICINITY MAP



LEGEND

PROJECT LOCATION

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W E
S

THE CITY OF WEST DES MOINES

PROJECT:

Stagecoach Drive

LOCATION: South Jordan Creek Parkway to South 78th Street

DRAWN BY: JDR	DATE: 8/2/2021	PROJECT NUMBER/NAME: 0510-016-2021	SHT. 1 of 1