

## OFFICIAL NOTICE

The Des Moines County Board of Supervisors will hold a regular session on **Tuesday, August 30<sup>th</sup>, 2022** at 9:00 A.M. in the public meeting room at the Des Moines County Courthouse.

8:30 AM -Work Session: Board of Supervisors: Review of Weekly Business

**PUBLIC NOTICE** – the meeting can be viewed by live stream at [www.dmcountry.com/youtube](http://www.dmcountry.com/youtube). Anyone with questions during the meeting may email the Board of Supervisors at [board@dmcountry.com](mailto:board@dmcountry.com) OR call 319-753-8203, Ext 4

### TENTATIVE AGENDA:

1. Pledge of Allegiance
2. Changes to Tentative Agenda
3. Meet with Department Heads / Elected Officials
4. Correspondence
5. Discussion / Vote:
  - A. 2<sup>nd</sup> Public Hearing – Repeal Ordinance #56 An Ordinance Authorizing the Operation of All-Terrain and Off-Road Utility Vehicles in Des Moines County, Iowa
  - B. Resolution 2022-058 and Final Plat of Pinch Point Subdivision
  - C. Resolution 2022-059 and Final Plat of New Bush Subdivision
  - D. Resolution 2022-060 and Final Plat of Lewis Family Farm Subdivision
  - E. Class C Liquor License – Price Wedding – Barn on the Ridge
  - F. Abatement Request by City of West Burlington for Westland Mall Plat Two Lot: P (Parcel #10-35-202-007)
  - G. Fireworks Permit for Stump Town Shooters at 14133 Irish Ridge Road
  - H. Approval of Consulting Engineer Contract – FR-11/FHWA No. 143211
  - I. Minutes for Regular Meeting on August 23<sup>rd</sup>, 2022
6. Other Business
7. Future Agenda Items
8. Committee Reports
9. Public Input
10. Adjournment

### Work Sessions after meeting:

BOS / City of Burlington

RE: ARPA Funds

BOS / County Engineer

RE: Project Tour

**Repeal**  
**DES MOINES COUNTY ATV/UTV ORDINANCE #56**

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN AND OFF-ROAD  
UTILITY VEHICLES IN DES MOINES COUNTY, IOWA

The purpose of this ordinance is to repeal in its entirety Des Moines County ATV/UTV Ordinance approved October 2, 2018 and recorded as document #2018-004888 and amended on November 2, 2021 and recorded as document #2021-006587. The repeal of this ordinance is due to approval of House File 2130 and signed by the Iowa Governor on June 13, 2022 regarding regulations and the operation of all-terrain vehicles and off-road utility vehicles in the state.

REPEAL DES MOINES COUNTY ORDINANCE #56 and its amendments in their entirety, is hereby approved, effective and adopted this \_\_\_\_\_ day of \_\_\_\_\_.

DES MOINES COUNTY BOARD OF SUPERVISORS

APPROVED  
AUG 23 2022  
  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Jim Cary, Chair

\_\_\_\_\_  
Shane McCampbell, Vice-Chair

\_\_\_\_\_  
Thomas L. Broecker, Member

**DES MOINES COUNTY  
BOARD OF SUPERVISORS  
RESOLUTION #2022-058**

WHEREAS Section 354.8 of the Code of Iowa states that a governing body shall certify by resolution the approval of a subdivision plat, and,

WHEREAS the Final Plat for **Pinch Point Subdivision** has been reviewed for conformance to applicable County standards by the Des Moines County Auditor, Health Department, Secondary Roads Department, and Land Use Department and has been duly recommended by the aforementioned entities for approval,

NOW THEREFORE, BE IT RESOLVED: That the Board of Supervisors hereby approves the Final Plat of **Pinch Point Subdivision**, with the following conditions:

- A permit for an Onsite Waste Water Treatment System shall be obtained from the Des Moines County Health Department prior to the installation of any bathroom plumbing facilities on Lot 1, and a code compliant system shall be installed prior to the discharge of any sewage.
- Portions of Lots 1 and 2 are currently enrolled in the Conservation Reserve Program (CRP) through the USDA Farm Service Agency. If the ground in this area is disturbed prior to the expiration of the CRP easement, Des Moines County shall not be held responsible for any penalties associated with violating the CRP agreement.

Approved and adopted this 30<sup>th</sup> day of August, 2022.

DES MOINES COUNTY BOARD OF SUPERVISORS

Jim Cary, Chair

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Shane McCampbell, Vice Chair

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Tom Broeker, Member

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ATTEST: \_\_\_\_\_

Terri Johnson, County Auditor

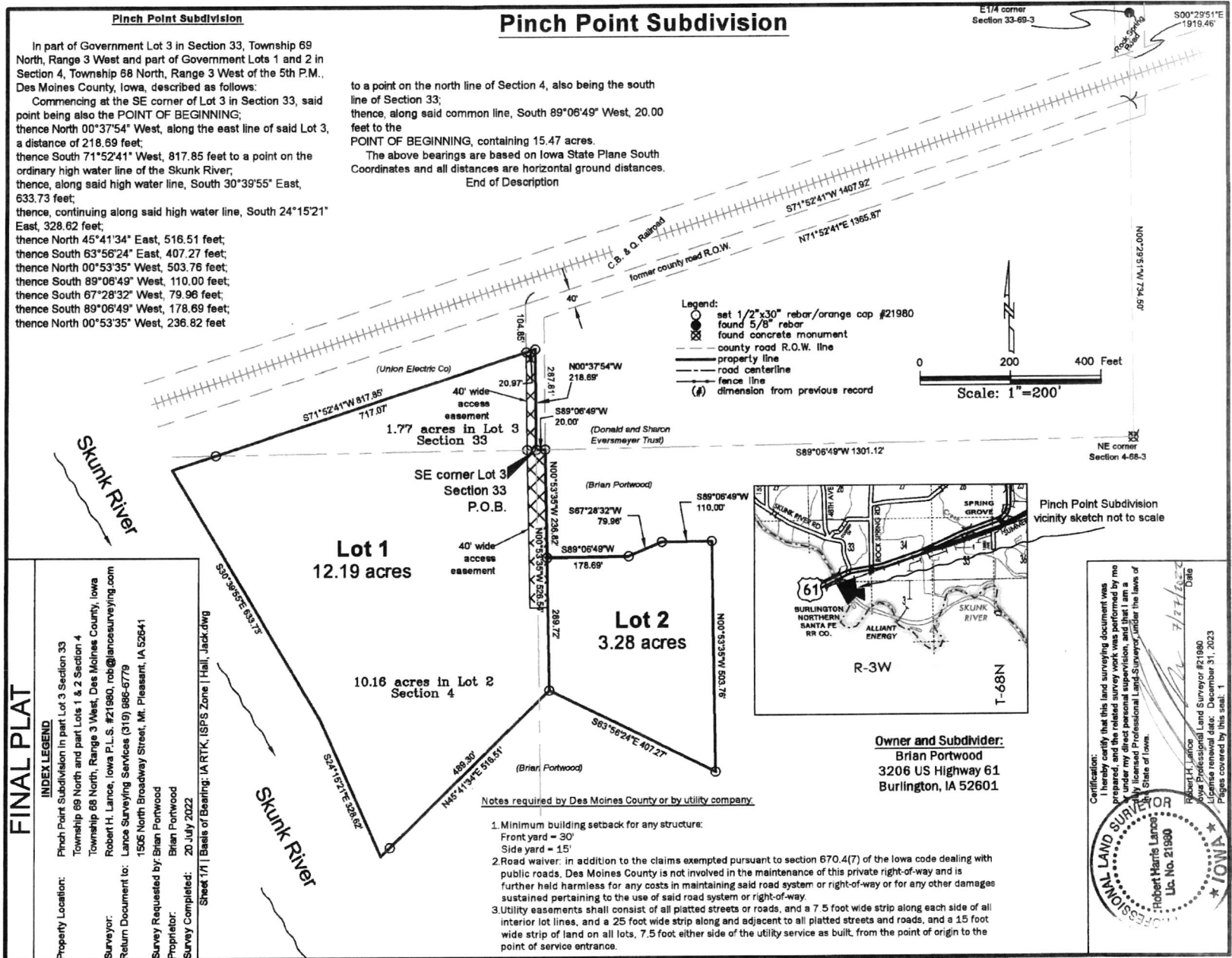
**Pinch Point Subdivision**

**Pinch Point Subdivision**

In part of Government Lot 3 in Section 33, Township 69 North, Range 3 West and part of Government Lots 1 and 2 in Section 4, Township 68 North, Range 3 West of the 5th P.M., Des Moines County, Iowa, described as follows:

Commencing at the SE corner of Lot 3 in Section 33, said point being also the POINT OF BEGINNING;  
 thence North 00°37'54" West, along the east line of said Lot 3, a distance of 218.69 feet;  
 thence South 71°52'41" West, 817.85 feet to a point on the ordinary high water line of the Skunk River;  
 thence, along said high water line, South 30°39'55" East, 633.73 feet;  
 thence, continuing along said high water line, South 24°15'21" East, 328.62 feet;  
 thence North 45°41'34" East, 516.51 feet;  
 thence South 63°56'24" East, 407.27 feet;  
 thence North 00°53'35" West, 503.76 feet;  
 thence South 89°06'49" West, 110.00 feet;  
 thence South 67°28'32" West, 79.96 feet;  
 thence South 89°06'49" West, 178.69 feet;  
 thence North 00°53'35" West, 236.82 feet

to a point on the north line of Section 4, also being the south line of Section 33;  
 thence, along said common line, South 89°06'49" West, 20.00 feet to the POINT OF BEGINNING, containing 15.47 acres.  
 The above bearings are based on Iowa State Plane South Coordinates and all distances are horizontal ground distances.  
 End of Description



**FINAL PLAT**

**INDEX LEGEND**

Property Location: Pinch Point Subdivision in part Lot 3 Section 33  
 Township 68 North and part Lots 1 & 2 Section 4  
 Township 68 North, Range 3 West, Des Moines County, Iowa  
 Surveyor: Robert H. Lance, Iowa P.L.S. #21980, rob@lancesurveying.com  
 Return Document to: Lance Surveying Services (319) 985-6779  
 1505 North Broadway Street, Mt. Pleasant, IA 52641  
 Survey Requested by: Brian Portwood  
 Proprietor: Brian Portwood  
 Survey Completed: 20 July 2022  
 Sheet 1/1 | Basis of Bearing: IARTK, ISPS Zone | Hail, Jack.dwg

**Notes required by Des Moines County or by utility company.**

1. Minimum building setback for any structure:  
 Front yard - 30'  
 Side yard - 15'
2. Road waiver: In addition to the claims exempted pursuant to section 670.4(7) of the Iowa code dealing with public roads, Des Moines County is not involved in the maintenance of this private right-of-way and is further held harmless for any costs in maintaining said road system or right-of-way or for any other damages sustained pertaining to the use of said road system or right-of-way.
3. Utility easements shall consist of all platted streets or roads, and a 7.5 foot wide strip along each side of all interior lot lines, and a 25 foot wide strip along and adjacent to all platted streets and roads, and a 15 foot wide strip of land on all lots, 7.5 foot either side of the utility service as built, from the point of origin to the point of service entrance.

**Owner and Subdivider:**  
 Brian Portwood  
 3206 US Highway 61  
 Burlington, IA 52601

Certification: I hereby certify that this land surveying document was prepared, and the related survey work was performed by me or under my direct supervision and control, in accordance with the laws of the State of Iowa.

**PROFESSIONAL LAND SURVEYOR**  
 Robert H. Lance  
 Lic. No. 21980  
 Issue Date: December 31, 2023  
 Pages covered by this seal: 1

7/27/22



**DES MOINES COUNTY  
BOARD OF SUPERVISORS  
RESOLUTION #2022-059**

WHEREAS Section 354.8 of the Code of Iowa states that a governing body shall certify by resolution the approval of a subdivision plat, and,

WHEREAS the Final Plat for **New Bush Subdivision** has been reviewed for conformance to applicable County standards by the Des Moines County Auditor, Health Department, Secondary Roads Department, and Land Use Department and has been duly recommended by the aforementioned entities for approval,

NOW THEREFORE, BE IT RESOLVED: That the Board of Supervisors hereby approves the Final Plat of **New Bush Subdivision**, with the following conditions:

- A permit for an Onsite Waste Water Treatment System shall be obtained from the Des Moines County Health Department prior to construction of a new residence, and a code compliant system shall be installed prior to its habitation.

Approved and adopted this 30th day of August 2022.

DES MOINES COUNTY BOARD OF SUPERVISORS

Jim Cary, Chair

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Shane McCampbell, Vice Chair

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Tom Broeker, Member

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ATTEST: \_\_\_\_\_

Terri Johnson, County Auditor

Index Legend

Location: part SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 2, T-71N, R-4W  
 Des Moines County, Iowa  
 Surveyor: Brian J. Carter, P.L.S. #16733  
 12bcarter@gmail.com, 319-394-9403  
 Return to: Carter Engineering LLC  
 22980 180th Ave, Morning Sun, IA 52640  
 Requestor: David Bush  
 Proprietor: David Bush

Carter Engineering, LLC. 22980 180th Ave, Morning Sun, Iowa 52640 Phone (319) 394-9403

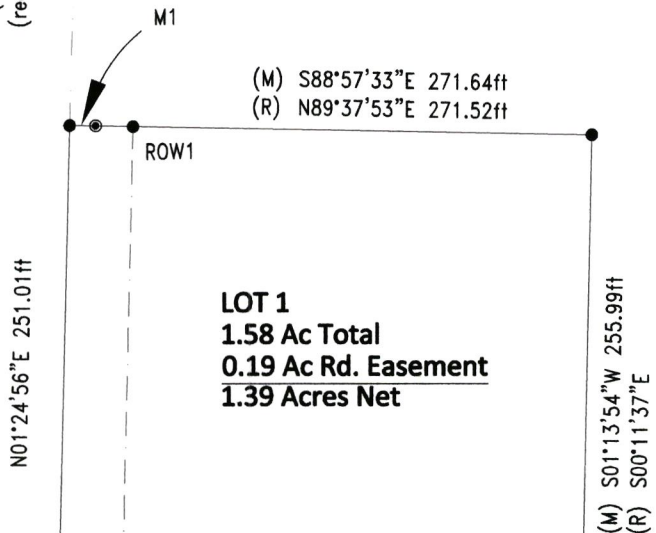
**FINAL PLAT NEW BUSH SUBDIVISION**

OWNER AND SUBDIVIDER:  
 David D Bush  
 20505 Beaverdale Road  
 Yarmouth, IA 52660

David D Bush Life Estate  
 2016-007001

(M) N01°24'56"E 1939.74ft  
 (R) N00°00'00"E 2464.54ft  
 (recorded info for section line)

NW Corner E $\frac{1}{2}$  NE $\frac{1}{4}$   
 Section 2, T-71N, R-4W  
 Found 1" Square Iron Pin



Line Table		
Line #	Direction	Length
L1	N89°08'56"W	77.74ft
L2	N2°59'17"W	5.90ft
M1	S88°57'33"E	13.44ft
ROW1	S88°57'33"E	32.97ft
ROW2	N89°08'56"W	32.94ft

P.O.B. N89°08'56"W 194.23ft L1  
 L2  
 ROW2

Beaverdale Road  
 ROW Easement (33')

Parcel B  
 2016-005570

Point of Commencement

SW Corner E $\frac{1}{2}$  NE $\frac{1}{4}$   
 Section 2, T-71N, R-4W  
 Found Iron Rebar with  
 Yellow Cap #16263.  
 2016-005825

SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 Section 2  
 T-71N, R-4W

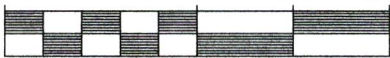
**LEGEND**

- Found Iron Rebar w/cap #16263
- Found 4x4 Iron Plate
- Set 1/2"x30" Iron Rebar w/cap #16733 Pink
- ⊗ Found Stone/Iron Section Corner as noted
- ⊠ Set Section Corner as noted
- Found Iron Pin, No Cap
- × Calculated Position



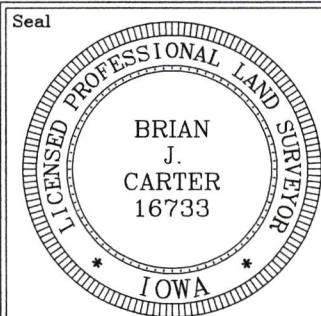
BASIS OF BEARINGS: Iowa Regional Coordinate System, Zone 14

100 0 50 100



Scale 1" = 100 ft

Page 1 of 2



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*(Signature)* 8-20-22  
 Brian J. Carter, P.E. & P.L.S. License No. 16733

My license renewal date is December 31, 2022.

Pages or sheets covered by this seal: 2

Date 7/18/22	Drawn By bjc	No. 22-5
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DESCRIPTION: Lot 1

A parcel of land in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, T-71N, R-4W of the 5th P.M., Des Moines County, Iowa, more particularly described as follows:

Commencing at the iron rebar at the SW Corner E $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 2, Thence N01°24'56"E 273.78 feet along the west line of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 2 and the centerline of Beaverdale Road to the Point of Beginning, Thence N01°24'56"E 251.01 feet along the west line of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 2, Thence S88°57'33"E 271.64 feet, Thence S01°13'54"W 255.99 feet, Thence N89°08'56"W 77.74 feet, Thence N02°59'17"W 5.90 feet, Thence N89°08'56"W 194.23 feet to the Point of Beginning. Containing 1.58 acres, more or less, including 0.19 acres of right-of-way easement, subject to any easements or agreements of record.

**This subdivision  
plat is hereby approved.**  
**DES MOINES COUNTY BOARD OF SUPERVISORS**

**CHAIRMAN** \_\_\_\_\_

**MEMBER** \_\_\_\_\_

**MEMBER** \_\_\_\_\_

**DATE** \_\_\_\_\_

NOTES REQUIRED BY DES MOINES COUNTY

1. MINIMUM BUILDING SETBACK FOR ANY STRUCTURE:  
FRONT YARD = 30'  
SIDE YARD = 15'
2. ROAD WAIVER: IN ADDITION TO THE CLAIMS EXEMPTED PURSUANT TO SECTION 670.4(7) OF THE IOWA CODE DEALING WITH PUBLIC ROADS, DES MOINES COUNTY IS NOT INVOLVED IN THE MAINTENANCE OF THIS PRIVATE RIGHT-OF-WAY AND IS FURTHER HELD HARMLESS FOR ANY COSTS IN MAINTAINING SAID ROAD SYSTEM OR RIGHT-OF-WAY OR FOR ANY OTHER DAMAGES SUSTAINED PERTAINING TO THE USE OF SAID ROAD SYSTEM OR RIGHT-OF-WAY.
3. UTILITY EASEMENTS SHALL CONSIST OF ALL PLATTED STREETS OR ROADS, AND A 7.5 FOOT WIDE STRIP ALONG EACH SIDE OF ALL INTERIOR LOT LINES, AND A 25 FOOT WIDE STRIP ALONG AND ADJACENT TO ALL PLATTED STREETS AND ROADS, AND A 15 FOOT WIDE STRIP OF LAND ON ALL LOTS, 7.5 FOOT EITHER SIDE OF THE UTILITY SERVICE AS BUILT, FROM THE POINT OF ORIGIN TO THE POINT OF SERVICE ENTRANCE.

**DES MOINES COUNTY  
BOARD OF SUPERVISORS  
RESOLUTION #2022-060**

WHEREAS Section 354.8 of the Code of Iowa states that a governing body shall certify by resolution the approval of a subdivision plat, and,

WHEREAS the Final Plat for **Lewis Family Farm Subdivision** has been reviewed for conformance to applicable County standards by the Des Moines County Auditor, Health Department, Secondary Roads Department, and Land Use Department and has been duly recommended by the aforementioned entities for approval,

NOW THEREFORE, BE IT RESOLVED: That the Board of Supervisors hereby approves the Final Plat of **Lewis Family Farm Subdivision**.

Approved and adopted this 30th day of August, 2022.

DES MOINES COUNTY BOARD OF SUPERVISORS

Jim Cary, Chair

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Shane McCampbell, Vice Chair

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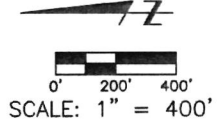
Tom Broeker, Member

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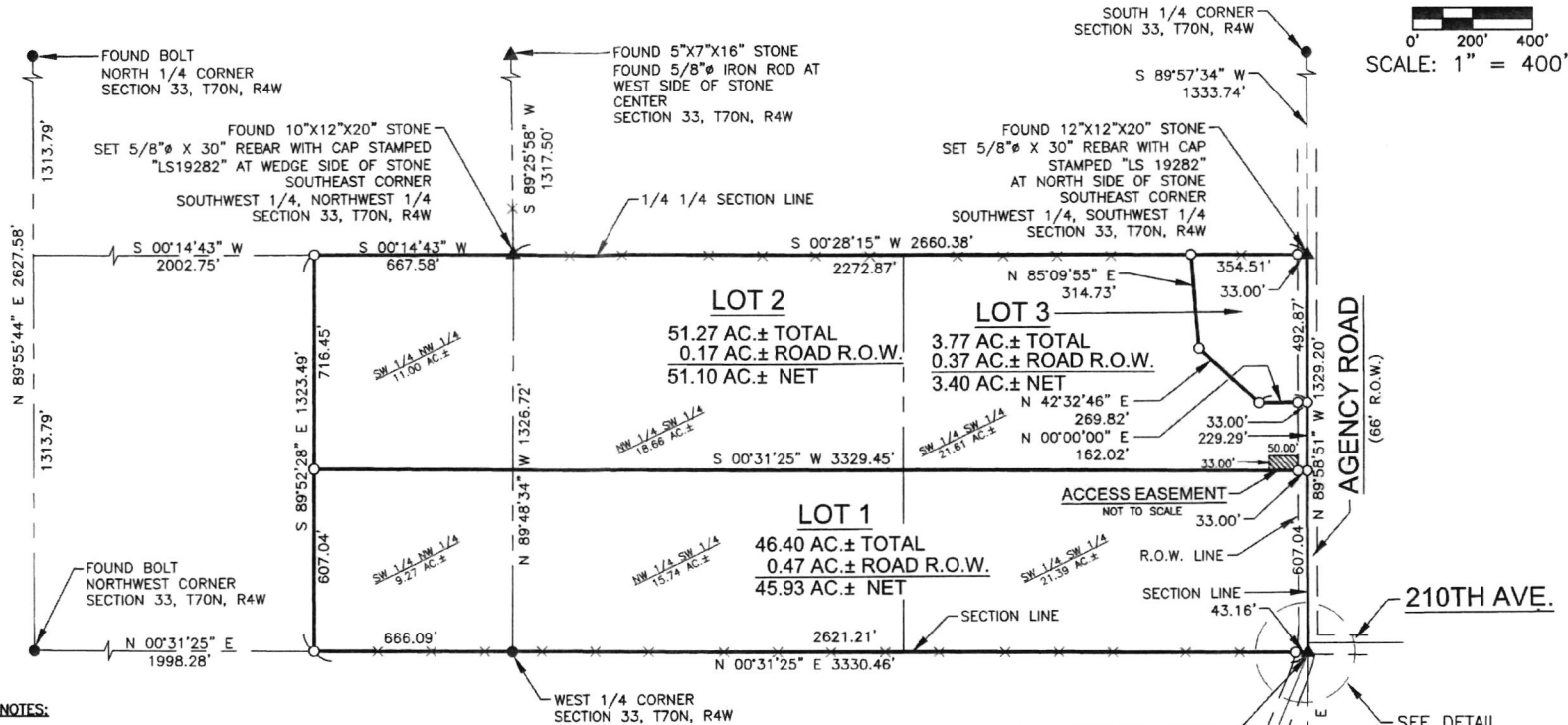
ATTEST: \_\_\_\_\_

Terri Johnson, County Auditor

# FINAL PLAT LEWIS FAMILY FARM SUBDIVISION



FOR COUNTY RECORDER'S USE ONLY



**NOTES:**

1. ● INDICATES 5/8" IRON ROD (U.N.O.) FOUND IN PLACE.
2. ○ INDICATES 5/8" X 30" REBAR WITH PLASTIC CAP STAMPED "LS 19282" SET THIS SURVEY.
3. —X— EXISTING FENCE.
4. DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
5. BEARINGS & DISTANCES IN PARENTHESIS ARE THOSE OF RECORD; ALL OTHERS ARE FIELD MEASUREMENTS.
6. BEARINGS ARE BASED ON IOWA REGIONAL COORDINATE SYSTEM, ZONE 14, BURLINGTON.

**OWNER:**

RUSSELL D. & SHANE A. LEWIS  
20812 AGENCY RD.  
DANVILLE, IA. 52623

**SUBDIVIDER:**

RUSSELL D. LEWIS  
20882 AGENCY RD.  
DANVILLE, IA. 52623



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

*M.K. Olson* 8/25/2022  
MICHAEL K OLSON DATE  
LICENSE NUMBER: 19282  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022  
PAGES OR SHEETS COVERED BY THIS SEAL: 1&2

## Bruner, Cooper & Zuck, Inc.

Civil Engineers . Structural Engineers . Architects . Land Surveyors  
Professional Design Firm LS/ARC/PE/SE Corp. 184-002633-0015  
bcz@bczengineering.com www.bczengineering.com

188 East Simmons St. Galesburg, Illinois 61401 309.343.9282	308 North 3rd Street Burlington, Iowa 52601 319.752.9282	835 Golden Valley Drive Bettendorf, Iowa 52722 563.355.1856
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JOB NO. 2022128-2  
DRAWN: RLL CHECKED: MKO APPROVED: MKO

**INDEX LEGEND**  
LEWIS FAMILY FARM SUBDIVISION  
SW1/4, NW1/4 SECTION 33  
NW1/4, SW1/4 SECTION 33  
SW1/4, SW1/4 SECTION 33  
T70N, R4W, DES MOINES COUNTY, IOWA

REQUESTOR: RUSSELL D. LEWIS  
PROPRIETOR: RUSSELL D. LEWIS & SHANE A. LEWIS  
SURVEYOR: MICHAEL K. OLSON  
mko@bczengineering.com  
COMPANY: BRUNER, COOPER & ZUCK, INC.  
308 NORTH 3RD STREET  
BURLINGTON, IA 52601  
PH: 319-752-9282

PERIMETER DESCRIPTION: LEWIS FAMILY FARM SUBDIVISION

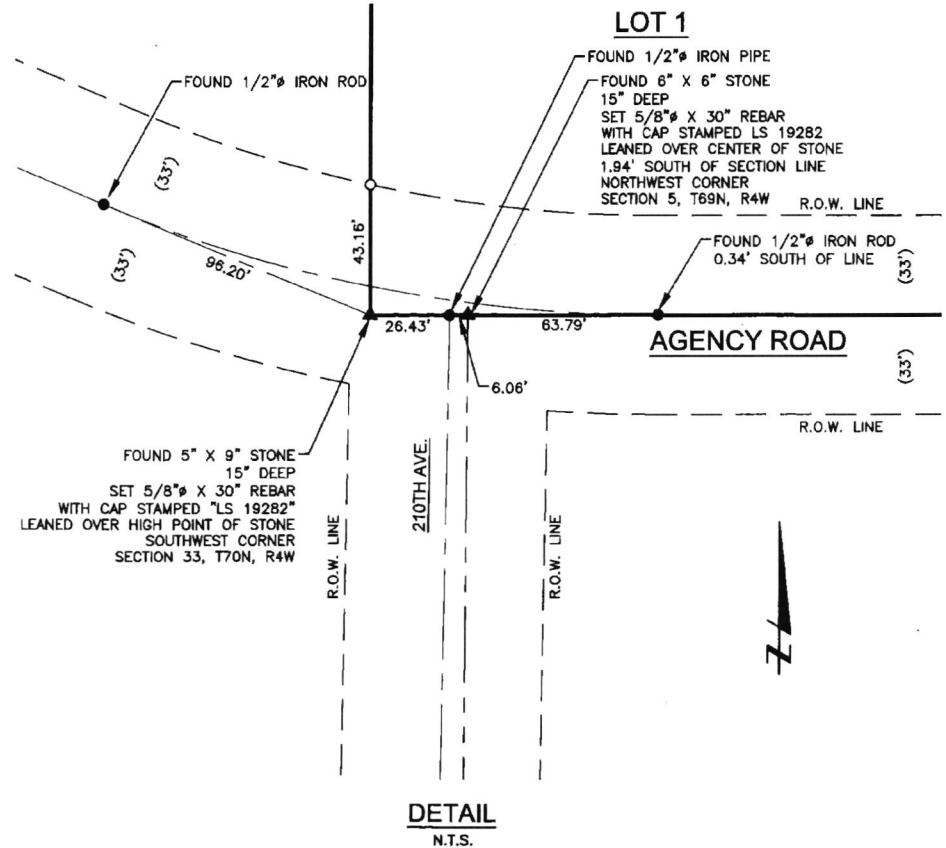
PART OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 70 NORTH, RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DES MOINES COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 33;  
 THENCE N 00° 31' 25" E, 3330.46' ALONG THE SECTION LINE TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33;  
 THENCE S 89° 52' 28" E, 1323.49' TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33;  
 THENCE S 00° 14' 43" W, 667.58' ALONG THE 1/4 1/4 SECTION LINE TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33;  
 THENCE S 00° 28' 15" W, 2660.38' ALONG THE 1/4 1/4 SECTION LINE TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33;  
 THENCE N 89° 58' 51" W, 1329.20' ALONG THE SECTION LINE TO THE POINT OF BEGINNING, CONTAINING 101.44 ACRES, MORE OR LESS.

BEING SUBJECT TO AN EXISTING ROAD ALONG THE SOUTH SIDE THEREOF AND ALSO SUBJECT TO EASEMENTS, AGREEMENTS OR RESTRICTIONS OF RECORD.

NOTES REQUIRED BY DES MOINES COUNTY OR BY UTILITY COMPANY:

1. MINIMUM BUILDING SETBACK FOR ANY STRUCTURE: FRONT YARD = 30'  
SIDE YARD = 15'
2. ROAD WAIVER: IN ADDITION TO THE CLAIMS EXEMPTED PURSUANT TO SECTION 670.4(7) OF THE IOWA CODE DEALING WITH PUBLIC ROADS, DES MOINES COUNTY IS NOT INVOLVED IN THE MAINTENANCE OF THIS PRIVATE RIGHT-OF-WAY AND IS FURTHER HELD HARMLESS FOR ANY COSTS IN MAINTAINING SAID ROAD SYSTEM OR RIGHT-OF-WAY OR FOR ANY OTHER DAMAGES SUSTAINED PERTAINING TO THE USE OF SAID ROAD SYSTEM OR RIGHT-OF-WAY.
3. UTILITY EASEMENTS SHALL CONSIST OF ALL PLATTED STREETS OR ROADS, AND A 7.5 FOOT WIDE STRIP ALONG EACH SIDE OF ALL INTERIOR LOT LINES, AND A 25 FOOT WIDE STRIP ALONG AND ADJACENT TO ALL PLATTED STREETS AND ROADS, AND A 15 FOOT WIDE STRIP OF LAND ON ALL LOTS, 7.5 FOOT EITHER SIDE OF THE UTILITY SERVICE AS BUILT, FROM THE POINT OF ORIGIN TO THE POINT OF SERVICE ENTRANCE.







# State of Iowa

Alcoholic Beverages Division

*App. No. 166972*

## Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
HY-VEE, INC.	Hy-Vee Keokuk Price Wedding	(515) 267-2949		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
14133 Irish Ridge Road		Burlington	DesMoines	52601
MAILING ADDRESS	CITY	STATE	ZIP	
5820 Westown Parkway	West Des Moines	Iowa	50266	

**FILED**

**AUG 23 2022**

DES MOINES CO. AUDITOR  
BURLINGTON, IOWA

## Contact Person

NAME	PHONE	EMAIL
Kelly Palmer	(515) 267-2800	kpalmer@hy-vee.com

## License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
	Class C Liquor License	5 Day	Submitted to Local Authority

TENTATIVE EFFECTIVE DATE	TENTATIVE EXPIRATION DATE	LAST DAY OF BUSINESS
Sep 22, 2022	Sep 26, 2022	

### SUB-PERMITS

Class C Liquor License

### PRIVILEGES



# State of Iowa

Alcoholic Beverages Division

## Status of Business

BUSINESS TYPE

Privately Held Corporation

## Ownership

### • Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Randy Edeker	Urbandale	Iowa	50322	CEO	0.00	Yes
Michael Jurgens	Urbandale	Iowa	50322	EVP, Secretary	0.00	Yes
Andrew Schroeder	Johnston	Iowa	50131	Vice President, Accounting	0.00	Yes

## Insurance Company Information

INSURANCE COMPANY

EMPLOYERS MUTUAL  
CASUALTY COMPANY

POLICY EFFECTIVE DATE

Sep 27, 2021

POLICY EXPIRATION DATE

Sep 27, 2022

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE  
DATE

OUTDOOR SERVICE EXPIRATION  
DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE  
DATE

TEMP TRANSFER EXPIRATION  
DATE



August 23, 2022

Terri Johnson, Des Moines County Auditor  
Des Moines County Courthouse  
513 North Main Street  
Burlington, IA 52601

ATTENTION: Des Moines County Supervisors

Dear Terri,

The City of West Burlington is requesting the release of any and all property taxes associated with the following property:

Legal Description: West Burlington Westland Mall Plat Two Lot: P (Parcel #10-35-202-007) 3.010 acres.

This property is a retention pond.

If you have any questions, please contact me at (319) 752-5451

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg Mandsager", is written over the typed name.

Gregg Mandsager  
City Administrator

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**CITY OF WEST BURLINGTON**

122 Broadway Street • West Burlington, Iowa 52655

Phone 319-752-5451

Fax 319-752-8425

[www.westburlington.org](http://www.westburlington.org)



**RESOLUTION NO. 2022-24**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF A QUIT CLAIM DEED  
CONVEYING LOT P IN WESTLAND MALL PLAT TWO SUBDIVISION FROM  
WESTLAND MALL REALTY HOLDING, LLC TO THE CITY OF WEST  
BURLINGTON, IOWA**

**WHEREAS**, on March 15, 2022, Westland Mall Realty Holding LLC, proposed to convey to the City of West Burlington certain real property located on Huston Street and known as Lot P in Westland Mall Plat Two Subdivision.

**WHEREAS**, Westland Mall Realty Holding LLC proposes to transfer the property to the City of West Burlington "as is;" and

**WHEREAS**, the City of West Burlington, Iowa is willing to accept Lot P in Westland Mall Plat Two Subdivision.

**NOW, THEREFORE, BE IT RESOLVED BY THE WEST BURLINGTON CITY COUNCIL:** That the Quit Claim Deed, conveying Lot P in Westland Mall Plat Two Subdivision to the City of West Burlington, attached hereto as Exhibit "A" be accepted.

Council Member Lees moved the foregoing Resolution be adopted. Council Member Newberry seconded the motion to adopt. Members of the City Council of the City of West Burlington, Iowa voted as follows to adopt the Resolution:

AYES: Newberry, Johnson, Lees, Young

NAYS: None

Passed and approved this 20th day of April, 2022.

Ron Teater, Mayor

ATTEST:

Kelly D. Fry, City Clerk





**Des Moines County Treasurer**  
 Janelle Nalley-Londquist  
 PO Box 248  
 Burlington, IA 52601  
 (319) 753-8252

**OFFICIAL NOTICE OF  
 DELINQUENT TAXES**

<b>Parcel Number</b>
10-35-202-007

**IMPORTANT TAX INFORMATION ENCLOSED**

CITY OF WEST BURLINGTON  
 122 BROADWAY ST  
 WEST BURLINGTON, IA 52655-1230

<b>GRAND TOTAL</b>	/	<b>DUE BY</b>
\$569.00		05/31/2022

**\*\*RETURN THIS PORTION WITH YOUR PAYMENT\*\***

**Notice of Tax Delinquency**

**Our records indicate that you have delinquent taxes due on the following described parcel(s). THE FULL AMOUNT DUE MUST BE PAID TO BRING YOU UP TO DATE. INTEREST ACCRUES AT THE RATE OF 1.5% (TAX SALES - 2.0%) PER MONTH ROUNDED TO THE NEAREST DOLLAR. (If paid - disregard this notice)**

**\*\*\*PLEASE NOTE: Tax sales must be paid in full - no partial payments can be accepted. Should the Tax Sale be redeemed, and unpaid taxes remain, they may be offered by the treasurer at our Tax Sale on Monday - June 20, 2022 commencing at 9:00 AM at the Des Moines County Courthouse per Iowa Code Chapter 446.**

**Please mail or bring this notice to make payment. Credit or debit cards accepted in our office - fees apply. Also, you may pay by credit card or e-check online at [www.iowatreasurers.org](http://www.iowatreasurers.org) - fees apply. Tax sales cannot be paid online.**

Type	Parcel	District	Bill Number	Due Date	Tax	Interest	Additional Costs	Total Due
2019 - Tax Sale			21-0332	06/21/2021	\$375.00	\$90.00	\$0.00	\$465.00
2020 - Tax		183T	517327	03/31/2022	\$97.00	\$3.00	\$4.00	\$104.00
<b>Total</b>					<b>\$472.00</b>	<b>\$93.00</b>	<b>\$4.00</b>	<b>\$569.00</b>

10-35-202-007  
 WEST BURLINGTON  
 WESTLAND MALL PLAT TWO  
 LOT:P

Deed Name(s): CITY OF WEST BURLINGTON

**Include this STUB with September 2022 payment.**

Des Moines County Treasurer  
 Janelle Nalley-Londquist  
 PO Box 248  
 Burlington, IA 52601  
 2021 CT  
 Parcel#: 10-35-202-007  
 Receipt# 563279  
 Dist: 080

**Include this STUB with March 2023 payment.**

Des Moines County Treasurer  
 Janelle Nalley-Londquist  
 PO Box 248  
 Burlington, IA 52601  
 2021 CT  
 Parcel#: 10-35-202-007  
 Receipt# 563279  
 Dist: 080

(319) 753-8252

(319) 753-8252

**TAX DUE: Full Year or September 2022**

**\$178.00** or **\$89.00**

Delq Oct 1, 2022

**TAX DUE: March 2023**

**\$89.00**

Delq April 1, 2023



CITY OF WEST BURLINGTON  
 122 BROADWAY ST  
 WEST BURLINGTON, IA 52655-1230

**1**

CITY OF WEST BURLINGTON  
 122 BROADWAY ST  
 WEST BURLINGTON, IA 52655-1230

**2**



**Des Moines County Tax Bill for September, 2022 and March, 2023.**

Send the correct stubs along with your check for payment. If your taxes are paid by your Bank in Escrow, this is for your information only. Based on January 1, 2021 valuations. Taxes for July 1, 2021 through June 30, 2022. Payable September 2022 and March 2023.

**Keep this document in a safe location.**

**PARCEL** Deed: CITY OF WEST BURLINGTON Mail: CITY OF WEST BURLINGTON Class C  
 Dist/Parcel WB/WB 10-35-202-007 Type: 2021 CT Receipt# 563279  
 Location: Legal: WEST BURLINGTON WESTLAND MALL PLAT TWO LOT:P

Acres: 3.010 Tax ID:

**VALUATIONS AND TAXES**

	2021 (This Year)		2020 (Last Year)	
	Assessed	Taxable	Assessed	Taxable
Land:	7,500	6,750	7,500	6,750
Buildings:	2,300	2,070	2,300	2,070
Dwellings:	0	0	0	0
<b>Total Values:</b>	<b>9,800</b>	<b>8,820</b>	<b>9,800</b>	<b>8,820</b>
Less Military Credit:		0		0
<b>Net Taxable Values:</b>		<b>8,820</b>		<b>8,820</b>
Value Times Levy Rate of:	33.5146800		35.1811600	
EQUALS GROSS TAX OF:		\$295.60		\$310.30
Less Credits of: Bus Prop Tax Credit Fund:		\$117.81		\$115.81
Homestead:		\$0.00		\$0.00
Low Income/Elderly Credit:		\$0.00		\$0.00
Ag land Credit:		\$0.00		\$0.00
Family Farm Credit:		\$0.00		\$0.00
<b>Net Annual Taxes:</b>		<b>\$178.00</b>		<b>\$194.00</b>
Payments:		\$0.00		

**NOTICE(S) TO OWNER(S)**

Tax Sale Certificate:21-0332

**OWNERS**

DEED: CITY OF WEST BURLINGTON

CONTRACT:

Tax Dollars for Emergency Management County \$1,290,859.00

Taxing Authority:	Distribution of your current year taxes:			Total property taxes levied by taxing authority:		
	% of Total	2021 (This Year)	2020 (Last Year)	This Year	Last Year	Percent +/-
WEST BURLINGTON INDEPENDENT	44.31	78.87	92.29	2,759,257.00	3,136,250.00	(12.02)
CITY OF WEST BURLINGTON	29.85	53.13	53.22	1,807,739.00	1,775,697.00	1.80
GENERAL BASIC	10.44	18.58	19.28	6,134,697.00	6,203,758.00	(1.11)
DEBT SERVICE	5.58	9.94	10.48	3,535,777.00	3,623,003.00	(2.41)
GENERAL SUPPLEMENTAL	4.26	7.59	6.29	2,506,462.00	2,020,653.00	24.04
SOUTHEASTERN COMMUNITY COLLEGE	3.87	6.88	6.88	6,145,895.00	5,889,657.00	4.35
ASSESSOR	1.09	1.94	1.92	640,012.00	617,118.00	3.71
AG EXTENSION OFFICE	0.54	0.97	0.98	319,000.00	312,000.00	2.24
PIONEER CEMETERY	0.05	0.09	0.09	30,000.00	28,000.00	7.14
STATE BRUCCELLOSIS	0.01	0.01	0.01	462,458.00	480,273.00	(3.71)
WB/WB OCT 2009 ADD TO URA 183T	0.00	0.00	0.00	0.00	0.00	0.00
MH-DD SERVICES	0.00	0.00	2.56	0.00	823,762.00	(100.00)
<b>TOTALS</b>	<b>100.00</b>	<b>178.00</b>	<b>194.00</b>	<b>24,341,297.00</b>	<b>24,910,171.00</b>	

Due to recent law change, polling hours will be 7:00AM-8:00PM on election day, exceptions may apply. Questions 319-753-8232.

You may pay online at: [www.iowatreasurers.org](http://www.iowatreasurers.org)

Your Tax Receipt Number is: **563279**

Des Moines County Treasurer  
 Janelle Nalley-Londquist  
 PO Box 248  
 Burlington, IA 52601  
 Due in September 2022: \$89.00  
 Due in March 2023: \$89.00  
 Date Paid: \_\_\_\_\_ Date Paid: \_\_\_\_\_  
 Check # \_\_\_\_\_ Check # \_\_\_\_\_

(319) 753-8252

**Retain this lower portion for your records. Enter the date paid and your check number for your information. Keep in a safe place.**



Number: 2022-003212  
Recorded: 6/16/2022 at 4:07:36.0 PM  
County Recording Fee: \$17.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$20.00  
Revenue Tax: \$0.00  
Natalie Steffener RECORDER  
Des Moines County, Iowa

Instrument #: 2022-002388  
06/16/2022 02:51:00 PM Total Pages: 2  
DOC QUIT CLAIM DEED  
Recording Fee: \$17.00 Transfer Tax: \$0.00  
Natalie Steffener, Recorder, Des Moines County Iowa



**QUIT CLAIM DEED  
Recorder's Cover Sheet**

**Preparer Information:** Ryan D. Gerling, 420 N Roosevelt Ave, Ste 110, Burlington, IA 52601-1912, Phone: 319-752-4537

**Taxpayer Information:** City of West Burlington, 122 Broadway St, West Burlington, IA 52655

**Return Document To:** City of West Burlington, 122 Broadway St, West Burlington, IA 52655

**Grantors:** Westland Mall Realty Holding LLC

**Grantees:** City of West Burlington

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:**

**QUIT CLAIM DEED**

Corrective the legal description doc #2011-001400 Recording Date 5-5-2022

For the consideration of One Dollar(s) and other valuable consideration, Westland Mall Realty Holding LLC, a limited liability company organized and existing under the laws of Iowa, does hereby Convey to City of West Burlington all our right, title, interest, estate, claim and demand in the following described real estate in Des Moines County, Iowa:

Lot P, in WESTLAND MALL PLAT TWO SUBDIVISION, a Subdivision in the City of West Burlington, Des Moines County, Iowa, as per Plat filed April 7, 2011, recorded as Doc.# 2011-001400, in the Office of the County Recorder of Des Moines County, Iowa. SUBJECT to Established Roads and SUBJECT to Easements, Agreements or Restrictions of Record.

CONSIDERATION INVOLVED IS \$300.00 OR LESS

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 3/15/22

Westland Mall Realty Holding LLC, an Iowa limited liability company

By [Signature]  
Felix Reznick, Authorized Signatory

STATE OF Florida COUNTY OF Broward

This record was acknowledged before me on March 15, 2022 by Felix Reznick, Authorized Signatory for Westland Mall Realty Holding, LLC a limited liability company.



Signature of Notary Public

FILED

APPLICATION FOR FIREWORKS PERMIT  
UNINCORPORATED AREAS OF DES MOINES COUNTY, IOWA

AUG 24 2022

DES MOINES CO. AUDITOR

Submit To: Des Moines County Auditor, Courthouse, 513 N. Main, Burlington, Iowa 52601 BURLINGTON, IOWA

APPLICANT (MUNICIPALITY, FAIR ASSOCIATION, AMUSEMENT PARK, ORGANIZATION, GROUP OF INDIVIDUALS) STUMP TOWN SHOOTERS PHONE: 314-461-7296

ADDRESS OF APPLICANT: 104 S. BASHFORD ST. WINFIELD IA 52659

NAME OF APPLICANT'S REPRESENTATIVE COMPLETING APPLICATION: TODD KLEEMEYER

REPRESENTATIVE'S DATE OF BIRTH (DOB): 06-01-1978

DATE/TIME OF DISPLAY INCL. RAIN DATE: ~~10/15/22~~ 10/01/22 @ 8:30 pm <sup>10/02/22 R.D.</sup>

LOCATION OF DISPLAY: 1433 Irish Ridge Rd. Burlington IA 52601

DETAILED DESCRIPTION OF DISPLAY FIREWORKS TO INCLUDE 3" + 4" BALL SHELLS & A FEW WHITE SHOT CAGES. FOR A WEDDING RECEPTION.

OPERATOR (Name and DOB) TODD KLEEMEYER 06/01/1978 PHONE: 319-461-7296

ADDRESS: 104 S. BASHFORD ST. WINFIELD IA. 52659

Qualifications of Operator (Copy of proof must be attached)

- 1.  Pyrotechnic Guild International, Inc. / American Pyrotechnic Association certification
- 2.  Other formal fireworks safety training. Please specify: \_\_\_\_\_

Fire Prevention Measures: 4 WHEELER WITH WATER TANK / SEVERAL WATER FIRE EXTINGUISHERS

I Mark Crooks, being Marshal of the Town Burlington Fire Department, Tama Township, do hereby approve of the display, location and fire prevention measures for this Fireworks display. **Fire Chief/ Designee Signature & Date** [Signature] 8/9/22

I hereby affirm that I understand that no person shall handle or explode Fireworks while under the influence of alcohol, narcotics, or drugs which could adversely affect judgment, movements, or stability; that no person will set up or explode Fireworks after 11:00 pm; that no person will set up or explode Fireworks who is not 18 and qualified as set out above or who is not under the direct supervision of the Operator; that the Operator will conduct a thorough search for any unexploded Fireworks or fuses; that any unexploded Fireworks will be stored or disposed of in a safe manner; and that the Sponsor, Operator, and I will follow its terms and the laws of the State of Iowa. Further, I specifically agree to protect, defend, and hold Des Moines County, Iowa, its officers and employees, and the Fire Chief/designee who signs this application harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of the permit for which I am applying.

[Signature] 06-28-22  
Signature of Applicant & Date

This Application (is) (is not) approved by the Des Moines County Board of Supervisors on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_  
Chairperson, Des Moines County Board of Supervisors

Copy to: Des Moines County Sheriff; Fire Chief; Police Dispatch

paid by check #2046 8-24-2022. \$20<sup>00</sup>

**CONSULTING ENGINEERING CONTRACT**

COUNTY DES MOINES  
COUNTY BRIDGE NO. FR-11  
FHWA NO. 143211  
PROJECT NO. \_\_\_\_\_

**I. GENERAL**

This CONTRACT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the Board of Supervisors of DES MOINES County, Iowa, Party of the First Part, hereinafter referred to as the "COUNTY" and Calhoun-Burns and Associates, Inc., West Des Moines, Iowa, doing business as a corporation incorporated under the laws of Iowa, Party of the Second Part, hereinafter referred to as the "CONSULTING ENGINEER". A member of the firm is a licensed professional engineer in Iowa, with registration in a field appropriate to the work involved in this CONTRACT.

**II. SCOPE OF SERVICES**

THE COUNTY PROPOSES TO IMPROVE A BRIDGE LOCATED NEAR THE NORTH QUARTER CORNER OF SECTION 24, T-70N, R-03W;

AND THE COUNTY desires to employ the CONSULTING ENGINEER in connection with the engineering work to be performed in accomplishing the objectives of the Farm to Market Road Laws (Current Code of Iowa) and other applicable laws and regulations of the State of Iowa and the United States, consisting of 0.05± miles of roadway and ONE major structures as follows:

PRELIMINARY BRIDGE DESIGN/DETAILING/DRAFTING, INCLUDING HYDRAULIC DESIGN, STRUCTURE TYPE/SIZE/LOCATION, NORMAL IOWA DEPARTMENT OF TRANSPORTATION, CORPS OF ENGINEERS PERMIT SUBMITTALS AND OTHERS AS REQUIRED, FINAL BRIDGE DESIGN/DETAILING/DRAFTING, AND GENERAL SERVICES DURING CONSTRUCTION.

The authority of the COUNTY to enter into the CONTRACT is found in Chapter 310, current Code of Iowa.

**III. TIME OF BEGINNING AND COMPLETION OF THE WORK**

- A. If no specific time period is indicated, CONSULTING ENGINEER shall complete its services within a reasonable period of time. Upon execution of this CONTRACT, the CONSULTING ENGINEER and the COUNTY may establish a schedule of work completion. Failure of the CONSULTING ENGINEER to maintain progress in accordance with this schedule may be cause for termination of the CONTRACT.
- B. If, through no fault of CONSULTING ENGINEER, such periods of time or dates are changed, or the orderly and continuous progress of CONSULTING ENGINEER'S services are impaired, or CONSULTING ENGINEER'S services are delayed or suspended, then the time for completion of CONSULTING ENGINEER'S services and the rates and amounts of CONSULTING ENGINEER'S compensation shall be adjusted equitably.
- C. If COUNTY authorized changes in the scope, extent, or character of the Project, then the time for completion of CONSULTING ENGINEER'S services and the rates and amounts of CONSULTING ENGINEER'S compensation shall be adjusted equitably.

D. COUNTY shall make decisions and carry out its other responsibilities in a timely manner so as not to delay the CONSULTING ENGINEER'S performance of its services.

**IV. NUMBER OF COPIES**

The CONSULTING ENGINEER shall furnish to the COUNTY:

- 1   electronic copy in PDF format of preliminary plan drawings.
- 0   electronic copy in PDF format of shop drawings for steel structures.
- 0   electronic copy in PDF format of road plans for reconnaissance and field exam.
- 0   electronic copy in PDF format of drainage plats.
- 0   electronic copy in PDF format of capacity analyses computations.
- 0   electronic copy in PDF format of road plans and cross sections after field exam corrections for soils recommendations.
- 1   electronic copy in PDF format of check plan drawings.

**V. FEES**

**A. SURVEYS**

NOT A PART OF THIS CONTRACT. TO BE PROVIDED BY THE COUNTY. IF REQUESTED WILL REQUIRE SUPPLEMENTAL AUTHORIZATION.

**B. ROAD PLANS**

PRELIMINARY DESIGN:	LUMP SUM =	\$	850.00
PRELIMINARY DETAILING:	LUMP SUM =	\$	850.00
PRELIMINARY DRAFTING:	LUMP SUM =	\$	950.00
FINAL DESIGN, DETAILING, AND DRAFTING:	TO BE NEGOTIATED UPON DECISION BY COUNTY TO PROCEED.		

**C. BRIDGE PLANS**

PRELIMINARY DESIGN:	LUMP SUM =	\$	5,700.00
PRELIMINARY DETAILING:	LUMP SUM =	\$	4,500.00
PRELIMINARY DRAFTING:	LUMP SUM =	\$	5,200.00
SUBMITTALS, ADMINISTRATION COORDINATION, MEETINGS, ETC.:	AT HOURLY RATES AT ABOUT \$ 2,500.00		
FINAL DESIGN, DETAILING, AND DRAFTING:	TO BE NEGOTIATED UPON DECISION BY COUNTY TO PROCEED.		
SHOP DRAWINGS, WAVE EQUATION, CONSULTATION DURING CONSTRUCTION, ETC.:	TO BE NEGOTIATED UPON DECISION BY COUNTY TO PROCEED.		

**D. CULTURAL, HISTORICAL, ARCHAEOLOGICAL INVESTIGATIONS**

NOT A PART OF THIS CONTRACT. TO BE PROVIDED BY THE COUNTY. IF REQUESTED WILL REQUIRE SUPPLEMENTAL AUTHORIZATION.

**E. WETLANDS, ENDANGERED SPECIES INVESTIGATIONS – EOR Iowa, LLC**

CONFIRMATION OF NATIONWIDE PERMIT:	LUMP SUM =	\$	200.00
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IF WETLAND DELINEATION OR ADDITIONAL ASSESSMENTS ARE REQUESTED BY USACOE, PRIOR AUTHORIZATION FROM THE COUNTY ENGINEER WILL BE REQUIRED.



**F. LEAD/ASBESTOS TESTING**

NOT A PART OF THIS CONTRACT. WORK COMPLETED UNDER PREVIOUS CONTRACT.

**G. RIGHT-OF-WAY AND UTILITY COORDINATION**

NOT A PART OF THIS CONTRACT. TO BE PROVIDED BY THE COUNTY. IF REQUESTED WILL REQUIRE SUPPLEMENTAL AUTHORIZATION.

**H. SUBSURFACE INVESTIGATIONS**

TO BE NEGOTIATED UPON DECISION BY COUNTY TO PROCEED.

**I. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) COORDINATION**

NOT A PART OF THIS CONTRACT. TO BE PROVIDED BY THE COUNTY.

**VI. PAYMENTS**

Payments shall be made to the CONSULTING ENGINEER as follows:

- A. The CONSULTING ENGINEER may submit monthly statements with proof to the COUNTY for services rendered on the CONTRACT to date. Upon acceptance by the COUNTY, payment will be made promptly. Final payment will be made upon acceptance of the completed plans.
- B. If after the Effective Date of the CONTRACT any governmental entity takes a legislative action that imposes taxes, fees, or charges on CONSULTING ENGINEER'S services or compensation under this CONTRACT, then the CONSULTING ENGINEER shall invoice such new taxes, fees, or charges as a Reimbursable Expense. COUNTY shall pay such invoiced new taxes, fees, and charges; such payment shall be in addition to the compensation to which CONSULTING ENGINEER is entitled under the terms of this CONTRACT.

**VII. MISCELLANEOUS PROVISIONS**

**A. OWNERSHIP OF ENGINEERING DOCUMENTS**

- (1) All survey notes, sketches, tracings, plans, specifications, reports on special studies and other data prepared under this CONTRACT shall be delivered to the COUNTY upon request.
- (2) Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the party receiving electronic files agrees that it will perform acceptance tests or procedures within 60 days, after which the receiving party shall be deemed to have accepted the data thus transferred. Any transmittal errors detected within the 60-day acceptance period will be corrected by the party delivering the electronic files.
- (3) All work furnished by the CONSULTING ENGINEER, including data on electronic media, pursuant to this CONTRACT, are instruments of its Services toward the said Project. They are not intended or represented to be suitable for reuse by the COUNTY or others on extensions of the said Project or any other project. Any such reuse without written verification and adaptation by the CONSULTING ENGINEER for specific purposes intended will be at the user's sole risk and without liability or legal exposure to the CONSULTING ENGINEER. Any such verification and adaptation shall entitle the CONSULTING ENGINEER to further compensation at hourly billing rates plus expenses or a lump sum to be agreed upon at that time.



## B. CHANGES OF WORK

If the CONSULTING ENGINEER is of the opinion that any work it has been directed to perform is beyond the scope of this CONTRACT and constitutes extra work, it shall promptly notify the COUNTY in writing of that fact. In the event the COUNTY determines that such work does constitute extra work, it shall provide extra compensation to the CONSULTING ENGINEER upon a basis of hourly billing rates, plus actual expenses or a negotiated lump sum. No claims for extra work can be made by the CONSULTING ENGINEER without receiving written agreement from the COUNTY in advance. Major changes in the scope of the anticipated work shall require negotiation of a supplemental CONTRACT.

## C. DELAYS

The CONSULTING ENGINEER will notify the COUNTY of any unusual delay including the reasons therefore, to its normal progress in the preparation of plans, either actual or prospective, and request an appropriate extension of time. Action by the COUNTY on such requests may be subject to approval by the Iowa Department of Transportation and/or the Federal Highway Administration.

## D. TERMINATION

If the COUNTY should desire to suspend or terminate the service to be rendered by the CONSULTING ENGINEER under this CONTRACT, such suspension or termination may be effected by the COUNTY giving the CONSULTING ENGINEER written notice 30 days in advance. Payment is to be made by the COUNTY for the CONSULTING ENGINEER'S services, based on hourly billing rates, plus actual expenses.

## E. ARBITRATION

Any dispute between the COUNTY and the CONSULTING ENGINEER, not otherwise resolved by the parties pursuant to the provisions of this CONTRACT, including the documents incorporated herein by reference, shall be settled by filing a proper action in the proper District Court of the State of Iowa, and subsequent arbitration as provided in Current Code of Iowa. This section is the only section of this CONTRACT relating to "arbitration" and Article 1109.12 of the Current "Standard Specifications, etc.", is deleted from, and is not a part of this CONTRACT.

## F. RESPONSIBILITY FOR CLAIMS AND LIABILITY

The CONSULTING ENGINEER shall indemnify and save harmless the COUNTY, the Iowa Department of Transportation, State of Iowa, and the Federal Government from all claims and liability due to negligence of members, agents or employees of only the CONSULTING ENGINEER.

## G. GENERAL COMPLIANCE WITH LAWS

The CONSULTING ENGINEER shall comply with Federal, State and local laws and ordinances applicable to the work.

## H. SUBLETTING, ASSIGNMENT OR TRANSFER

Subletting, assignment or transfer of all or part of the interest of the CONSULTING ENGINEER is prohibited unless written consent is obtained from the COUNTY.

## I. DESIGN CRITERIA

Design criteria shall be the applicable Farm to Market Design Guides and the AASHTO Design Guides for Local Roads and Streets and shall also conform to local requirements if within an incorporated area.

#### J. FORBIDDING USE OF OUTSIDE AGENTS

The CONSULTING ENGINEER warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTING ENGINEER, to solicit or secure this CONTRACT, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the CONSULTING ENGINEER, any fee, commissions, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this CONTRACT. For breach or violation of this warranty, the COUNTY shall have the right to annul this CONTRACT without liability, or, in its discretion to deduct from the CONTRACT price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

#### K. EMPLOYMENT OF COUNTY WORKERS

The CONSULTING ENGINEER shall not engage, on a full or part-time basis during the period of the CONTRACT, any professional or technical personnel who are or have been at any time during the period of the CONTRACT in the employ of the COUNTY, except fully retired employees, without the written consent of the COUNTY.

#### L. ENGINEER'S CERTIFICATION OF PLANS

The CONSULTING ENGINEER shall place a licensed engineer's certification and seal on the title sheet of the completed plans, all in conformity with Chapter 542B, Code of Iowa.

#### M. COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

During the performance of this CONTRACT, the CONSULTING ENGINEER, for itself, its assignees and successors in interest (herein referred to as the "Consultant"), agrees as follows:

##### (1) Compliance with Regulations

The Consultant will comply with the regulations of the U.S. Department of Transportation relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereafter referred to as the "regulations"), which are herein incorporated by reference and made a part of this CONTRACT.

##### (2) Nondiscrimination

The Consultant, with regard to the work performed by it will not discriminate on the grounds of race, color or national origin in the selection and retention of subcontractors, including procurement of materials and lease of equipment. The Consultant will not participate, either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the CONTRACT covers a program set forth in Appendix A-11 of the Regulations.

##### (3) Solicitations for subcontractors, Including Procurement of Materials and Equipment

In all solicitations, either by competitive bidding or negotiation made by the Consultant for work to be performed under a subcontract, including procurement of materials or equipment, each potential subcontract or supplier shall be notified by the Consultant of the Consultant's obligations under this subcontract and the regulations relative to nondiscrimination on the grounds of race, color or national origin.

(4) Information and Reports

The Consultant will provide all information and reports required by the regulations, orders and instruction issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the COUNTY, the Iowa Department of Transportation or the Federal Highway Administration, to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to the COUNTY, the Iowa Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain information.

(5) Sanctions for Noncompliance

In the event of the Consultant's noncompliance with the nondiscrimination provisions of this CONTRACT, the COUNTY shall impose such CONTRACT sanctions as it, the Iowa Department of Transportation, or the Federal Highway Administration, may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the Consultant under the CONTRACT until the Consultant complies, and/or
- (b) Cancellation, termination or suspension of the CONTRACT, in whole or in part.

(6) Incorporation of Provisions

The Consultant will include the provisions of Paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations, orders or instruction issued pursuant thereof.

The Consultant will take such action with respect to any subcontractor procurement as the COUNTY, the Iowa Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Consultant becomes involved in, or is threatened with, litigation with a subcontract or supplier as a result of such direction, the Consultant may request the COUNTY and State to enter into such litigation to protect their interests and, in addition, the Consultant may request the United States to enter into such litigation to protect the interests of the United States.

N. ACCESS TO RECORDS

The CONSULTING ENGINEER and its subconsultants are to maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and to make such materials available at their respective offices at all reasonable times during the CONTRACT period and for three years from the date of final payment under the CONTRACT, for inspection by the State, Federal Highway Administration, or any authorized representatives of the Federal Government and copies thereof shall be furnished if required.

O. THIRD PARTIES

Nothing expressed or referred to in this CONTRACT is intended or shall be construed to give any person, other than the parties hereto, any legal or equitable right, remedy or claim under this CONTRACT, it being the intention that this CONTRACT is for the sole and exclusive benefit of the parties hereto, and for the benefit of no other persons, corporations or other entities.

P. ATTORNEY

The COUNTY shall provide the services of a competent attorney, at no cost to the CONSULTING ENGINEER, who shall be experienced in legal matters pertaining to the type of work required by this project. The CONSULTING ENGINEER shall cooperate and assist said attorney during the course of his/her duties as attorney for the COUNTY.

The CONSULTING ENGINEER acknowledges that it is fully acquainted with the concept of the project as presently developed by the COUNTY, and that it is the intention of this CONTRACT with the CONSULTING ENGINEER to do work necessary to bring the plans on this project to the letting stage. Engineering decisions on this project are the responsibility of the CONSULTING ENGINEER, who will be required to furnish, to the COUNTY, factual data supporting decisions.

This CONTRACT expresses the entire CONTRACT between the parties and no representations, promises or warranties have been made by either of the parties that are not fully expressed herein. This CONTRACT may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

IN WITNESS WHEREOF, the parties hereto have executed this CONTRACT as of the day and year first above written.

**CONSULTING ENGINEER  
CALHOUN-BURNS AND ASSOCIATES, INC.**

**APPROVED FOR THE COUNTY**

  
\_\_\_\_\_  
MICHAEL A. VANDER WERT, P.E.  
PRESIDENT

\_\_\_\_\_  
BOARD OF SUPERVISORS – CHAIR  
  
\_\_\_\_\_  
  
\_\_\_\_\_

**ATTESTED BY:**

\_\_\_\_\_  
BRIAN J. CARTER, P.E.  
DES MOINES COUNTY ENGINEER

August 23<sup>rd</sup>, 2022

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9 AM on Tuesday, August 23<sup>rd</sup>, 2022, with Chairman Jim Cary and Vice-Chair Shane McCampbell present. Member Tom Broeker was absent. This meeting was also held electronically via Webex and YouTube live streaming. Public input was available through board email or call in.

Agenda item 5(D) – Pinch Point Subdivision was removed for further clarification of a road access easement. Unless otherwise noted, all motions passed unanimously. The Pledge of Allegiance was conducted.

Meet with Department Heads: County Auditor Terri Johnson gave an election update. The filing deadline for Ag Extension, Soil and Water Conservation and other candidates is August 31<sup>st</sup>. IT Director Colin Gerst reported his office is busy. Sheriff Kevin Glendening stated everything is going well in his office. He reminded the public that today is the first day of school for Danville, Mediapolis and West Burlington, and to slow down and be careful. Burlington School starts tomorrow. Assistant Land Use Administrator Jarred Lassiter discussed the subdivision removed from the agenda today due to road access questions and there are a couple of other subdivisions out for review. County Attorney Lisa Schaefer stated interviews were held last week for the open receptionist position in her office. Conservation Director Chris Lee reported the parks have slowed down and there were some open camping areas last weekend. The school programs at Starr's Cave will be starting soon and they are moving to an all-online registration system for these programs. SEIL CDS Coordinator Ken Hyndman stated Hope Haven's Annual Meeting and Awards Presentation event will be held October 24<sup>th</sup> at 5:00 PM. County Recorder Natalie Steffener reported her office is busy. Public Health Administrator Christa Poggemiller reported her department is busy. They will hold a child immunization clinic on August 26<sup>th</sup> from 8:30 Am to Noon for infant Covid shots 6 mos. To 4 yrs. old. The Public Health's new website went live yesterday. The new website can be found at [dmcountyboardofhealth.iowa.gov/](http://dmcountyboardofhealth.iowa.gov/) Poggemiller requested a couple of work sessions with the Board of Supervisors to discuss a vaping ordinance and a nuisance ordinance. She discussed the Covid vaccine for the latest Omicron variant BA.4 & BA.5 for 12 yr. old and older. They do not have the vaccine yet. County Engineer Brian Carter reported on road closures. 170<sup>th</sup> St. at Hwy 61 may open soon. Pleasant Grove Road (west of Pleasant Grove) is closed for approximately one-month for pavement replacement project. The project on 115<sup>th</sup> Ave. east of Hwy 99 and north of the water treatment plant has started and the same contractor will be working on the bridge on Hwy 99 over Dry Branch Creek. At times the bridge may be reduced to one lane at times in September. His road crews are busy and will start actively pinching roads soon.

The 1<sup>st</sup> Public Hearing to Repeal Ordinance #56 an Ordinance Authorizing the Operation of All-Terrain and Off-Road Utility Vehicles in Des Moines County was held. McCampbell motioned to open the public hearing and seconded by Cary. Cary read the short repeal of the ordinance into record. No public comments were received. McCampbell motioned to close the public hearing and seconded by Cary. McCampbell motioned to approve the 1<sup>st</sup> reading of the repeal of Ordinance #56 and seconded by Cary.

Payroll Reimbursement claims in the amount of \$610.60 was presented. McCampbell motioned to approve and seconded by Cary.

Class C Liquor License for the Weise Wedding at the Barn of the Ridge on 9/17 was presented. McCampbell motioned to approve and seconded by Cary.

Abatement request for 1910 Agency St., Burlington (Parcel 11-31-404-034) the future site of the new public health building was received. The taxes abated is in the amount of \$2,162. McCampbell motioned to approve and seconded by Cary.

Personnel Actions: Local Health – Inger McClellan, CNA. 8 hrs. unpaid 8/16. McCampbell motioned to approve and seconded by Cary. Correctional Center – Angela Coey, Correctional Officer-Full Time. New hire, new rate \$41,362.40 yr., effective 9/5. McCampbell motioned to approve and seconded by Cary.

McCampbell motioned to approve the August 17<sup>th</sup>, 2022 meeting minutes and seconded by Cary.

Future Agenda Items – IT Director Colin Gerst requested a closed session on 9/13 to discuss jail security. Public Health Administrator requested a work session to discuss a nuisance ordinance. SEIRPC requested a work session to discuss a Wind & Solar Ordinance.

Committee Reports – McCampbell attended a Solid Waste Commission meeting. They now have a

Styrofoam machine that will break up Styrofoam. Cary attended a Board of Health meeting.

Meeting was adjourned at 9:30 AM.

A work session with the County Engineer was held after the meeting for a bridge update and to discuss the status of several bridges and the possibility of using ARPA funds, if any is available after other scheduled projects.

This Board meeting is recorded. The meeting minutes and audio are posted on the county's website [www.dmcountry.com](http://www.dmcountry.com)

Jim Cary, Chair

Attest: Terri Johnson, Auditor