

**PROCEEDINGS OF THE BOARD OF TRUSTEES
OF THE WEST DES MOINES WATER WORKS**

February 21, 2024

The regular meeting of The Board of Trustees of the West Des Moines Water Works was called to order by Chair Scott Brennan, attending via GoTo Meetings online, at 4:03 PM on Wednesday, February 21, 2024. The meeting was held at the West Des Moines Water Works, 1505 Railroad Avenue, A.C. Ward Water Treatment Plant Conference Room. Vice Chair Gretchen Tegeler, Trustees Erin Sheriff and Ted Ohmart were present in person. Trustee Jody Smith attended via GoTo Meetings online. Also present were staff members Christina Murphy, General Manager; Josh Heggen, Business Relations Manager; Pat Mullenbach, Finance Manager and Treasurer; William Mabuice, Principal Engineer – Water Distribution and Development; Mitch Pinkerton, Water Production Manager; Mark Hanasz, Water Distribution Manager; Lyle Hammes, Principal Engineer – Water Production; Vincent White, Engineering Technician and AFL-CIO Local 3861 Chapter President and the City of West Des Moines' City Engineer, Brian Hemesath.

Other Attendees: Doug Mandernach, Civil Design Advantage; Scott Sullivan, Prairie Fire Development; Nick Williams, Prairie Fire Development; Josh Jensen, Prairie Fire Development; Deputy Chief Whitsell, WDM Fire Marshal; Captain Westhoff, WDM Fire Inspector; Jamie Buelt of enQ Strategies; Amy Beattie, Attorney with Brick Gentry.

Moved by Tegeler, seconded by Sheriff that the agenda be approved.
Roll call: All yes. Motion approved.

No one came forward during the Citizen Forum.

Moved by Tegeler, seconded by Ohmart to receive and file the Monthly Financial Report for January 2024.

Roll call: All yes. Motion approved.

Moved by Sheriff, seconded by Tegeler to approve the following motions and resolutions on the Consent Agenda:

- a. Motion – Approving Minutes of the Regular Board Meeting of January 17, 2024
- b. Motion – Approving Minutes of the Special Board Meeting of February 13, 2024
- c. Resolution – Accepting Completed City Improvements – South Grand Prairie Parkway – Stagecoach Drive to Grand Avenue (City of West Des Moines Project #0510-012-2021)
- d. Resolution – Accepting Completed City Improvements – Stagecoach Drive – S Jordan Creek Pkwy. to S. 78th Street (City of West Des Moines Project #0510-016-2021)
- e. Resolution – Accepting Permanent Public Easement and Right-of-Way for Water Main – Delavan Warehouse
- f. Resolution – Accepting Amended, Restated and Substituted Permanent Public Easement and Right-of-Way for Water Main – Taxium, LLC
- g. Resolution – Accepting Amended, Restated and Substituted Permanent Public Easement and Right-of-Way for Water Main – Jordan Creek Point, LLC
- h. Resolution – Accepting Permanent Public Easement and Right-of-Way for Water Main – Fox Ridge Plat 4
- i. Motion – Approving the Water Supply Service Agreement for Valley View Park (City Project 0510-040-2023)

Roll call: All yes. Motions approved and Resolutions adopted.

The Chair announced that this is the time and place for a public hearing on the matter of adopting a Budget Amendment for 2024 for the West Des Moines Water Works as found in your meeting packet. No oral objections were offered, and the Secretary reported that no written objections thereto had been filed. Hearing no further comments, the Chair declared the public hearing closed.

Moved by Tegeler, seconded by Sheriff to concur with the recommendation from the Finance and Audit committee and approve Resolution titled "Adopting a Budget Amendment for 2024."

Roll call: All yes. Resolution Adopted.

Moved by Sheriff, seconded by Tegeler to concur with the recommendation from the Personnel and Compensation committee and approve Motion titled "Ratifying the Hiring of Katie Basler as Administrative Assistant – Office."

Roll call: All yes. Motion Approved.

Discussion regarding the Prairie Fire Development occurred. The General Manager (GM) began with some background information regarding the development that has been ongoing for a couple of years. The area is currently outside of West Des Moines city limits and the timeline for water main infrastructure, extension for EP True Parkway and annexation is unknown. The GM noted that there is an existing agreement between West Des Moines and Waukee through the year 2030 regarding annexation boundaries. The current proposal brought to the Board is for a 45,000 square foot (SF) warehouse to be built, with full buildout of up to three buildings. There were 3 options explored for this proposal: (1.) Deny the Connection – due to the lack of infrastructure, future liabilities; (2.) Xenia would provide connection for domestic service only and require a water tank to be built to provide fire protection, which would not be sufficient to cover the fire code requirement for this size of a building. The water tank also poses problems of water quality standards and no capacity to refill the tank as needed in an emergency situation. (3.) Partner with the City of Waukee to provide connection at a higher flow than Xenia could provide, but still not sufficient to cover the fire code requirement for this size of a building. This option would need numerous agreements between WDM and Waukee over boundaries, potential liabilities with future alignment and create a dangerous precedent that other developers would in turn seek water connection from WDMWW outside city limits. After discussions and weighing the risks, the GM and the Planning and Regionalization Subcommittee recommend the option to deny connections until infrastructure is in place. Brian Hemesath, WDM City Engineer, stated that the city is currently working on the Fox Creek annexation with the timeline for completion unknown. He stated that infrastructure will be put into place as development occurs in this area. He stated that the WDM city is in support of WDMWW to deny connection according to the current proposal. Doug Mandernach, from Civil Design Advantage, stated that through meetings with WDM city they have discussed the alignment of EP True Parkway and have signed annexation papers. He stated that the construction plan has changed from a 45,000 SF building to a 12,000 SF building, with potential for multiple smaller buildings in the future. He stated that he has an October agreement with Xenia to grant supply of water connection. The GM reminded him that WDMWW has a prior agreement dated October 16, 2023 with Xenia that any new customers need to have approval in writing from WDMWW to acquire

connection service from Xenia and a signed annexation agreement. Nick Williams, of the Prairie Fire Development, stated that he has invested much into this development for the past 2 years and has met with surrounding landowners and WDM city officials regarding multiuse development along Interstate 80, future annexation and building up the value of this land. He has met many roadblocks and wants to protect the assets and work that has been already done. He stated that though they are trying to be a good partner with WDM by giving them information about their building plan, they have been denied this connection because of it; whereas if they had decided to develop the land as residential, they wouldn't be facing this issue. Deputy Chief Whitsell, WDM Fire Marshal, stated from a fire code standpoint, with no infrastructure in place the fire department could not provide adequate protection for their investment, the development is outside city limits and is not serviced currently. It was established that though this building will be built under Dallas County requirements, WDM city requires sprinkler system and fire flows for anything outside of single-family residential homes, for buildings larger than 6,000 SF. Trustee Smith reiterated that the GM and staff has warned the developer from the beginning of negotiations that the lack of infrastructure has been the main issue. He recommended denial for the current proposal until the developer submits a new proposal with a smaller warehouse. He also opposes the option of Waukee providing connection because of the long-term precedent that would set and issues that may arise in the future. Trustee Tegeler opposed the Waukee option. She suggested the developer also submit a new proposal for the lower SF building. Josh Jensen, of Prairie Fire Development, stated that with the denial of connection, they face bankruptcy of their business and multiple employees out of employment. He stated that at a November 14, 2023 meeting, they were told they would be able to tap into the 6-inch water main. They are willing to downsize the warehouse in order to continue with the building phase. The GM and Chair Brennan discussed how WDMWW needs to be responsible to provide the appropriate protection to the area. It was recommended that the developer submit a new proposal in writing before the March 20, 2024 meeting in order to further discuss possible solutions for a smaller warehouse building and to gather more information from Dallas County and WDM city requirements for the size of building proposed.

Moved by Smith, seconded by Sheriff to concur with the recommendation from the Planning/Regionalization committee and approve Motion titled "Denying Connection to the Prairie Fire Development."

Roll call: All yes. Motion Approved.

Moved by Smith, seconded by Sheriff to concur with the recommendation from the Planning/Regionalization committee and approve Motion titled "Approving Appointments of Christina Murphy as primary and Lyle Hammes as alternate to Central Iowa Water Works (CIWW) Technical Committee and Long-Range Planning Committee."

Roll call: All yes. Motion Approved.

The Chair announced that this is the time and place for a public hearing on the matter of approving the use of a State Revolving Loan (SRF) Loan – 88th Street Aquifer Storage and Recovery (ASR) Well as found in your meeting packet. No oral objections were offered, and the Secretary reported that no written objections thereto had been filed. Hearing no further comments, the Chair declared the public hearing closed.

Moved by Sheriff, seconded by Tegeler to concur with the recommendations from Staff and approve the Resolution titled "Approving the Environmental Information Document as part of the WDMWW Application to use SRF Funding for the 88th Street ASR Well."

Roll call: All yes. Motion Approved.

Moved by Tegeler, seconded by Ohmart to concur with the recommendations from Staff and approve the Motion titled "Approving Price Quotation and Authorizing Purchase of Programming Logic Control (PLC) Spare Parts Inventory."

Roll call: All yes. Motion Approved.

Moved by Sheriff, seconded by Tegeler to concur with the recommendations from Staff and approve the Resolution titled "Approving an Aquifer Storage and Recovery (ASR) Well Agreement with Microsoft."

Roll call: All yes. Motion Approved.

Moved by Tegeler, seconded by Smith to concur with the recommendations from Staff and approve the Motion titled "Approving Price Quotation and Authorizing Purchase of Controls Equipment and Services for the Fuller Road Booster Station Repairs."

Roll call: All yes. Motion Approved.

Moved by Sheriff, seconded by Tegeler to pay the bills in the amount of \$653,563.33 including non-construction bills in the amount of \$496,411.53 and construction bills in the amount of \$157,151.80.

Roll call: All yes. Motion approved.

Moved by Smith, seconded by Tegeler to receive and file the following items:

- | | | |
|----|-------------------------|-------------------|
| a. | Project Progress Report | February 21, 2024 |
| b. | Water Quality Report | January 2024 |
| c. | Check Register | January 2024 |
| d. | Change Order Report | February 21, 2024 |

Roll call: All yes. Motion approved.

The Customer and Community Relations Committee reported that a customer with a substantial bill due to an outdoor faucet left on over a period of time has received a significant credit to remove the sewer charge; however, the customer will need to pay the remainder as no further credit will be granted.

The Planning / Regionalization Committee gave an update on upcoming meetings regarding CIWW.

The Finance and Audit Committee, Operations Committee, Personnel and Compensation Committee gave no report.

The General Manager (GM) reported on upcoming discussions regarding the level to recommend for buffer capacity and the industrial reserve. Discussions will continue throughout the year. The GM recommended WDMWW send a letter to support PFAS.

Trustee Jody Smith left the meeting at 5:35 pm.

The Water Production Manager reported that Randy Backe, Water Plant Operator will be retiring March 8, 2024. The recruitment for his replacement is underway.

The Business Relations Manager expressed thanks to all employees and board members who attended the Employee Recognition Dinner.

The Finance Manager and Treasurer, Water Distribution Manager, Principal Engineer – Distribution and Development, Principal Engineer – Water Production, AFL-CIO Local 3861 Chapter President, Liaison to the City of West Des Moines, City Engineer Brian Hemesath gave no report.

Moved by Sheriff, seconded by Tegeler to adjourn at 5:52 PM.

Roll call: All yes. Motion approved.

Scott Brennan
Chair

Attest:

Christina Murphy
Secretary

These Minutes are a draft. If corrections or additions are made the corrected minutes will be published after approval at the March 20, 2024 meeting.