

	<p style="text-align: center;">Council</p> <p style="text-align: center;">Communication</p> <p style="text-align: center;">Office of the City Manager</p>	Date	May 5, 2008
		Agenda Item No. 52 Call No. 08- Communication No. 08-257 Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Approving Chapter 28E Intergovernmental Agreement by and between the City of Des Moines, Iowa, and the Polk County Conservation Board for Wetlands Mitigation.

SYNOPSIS:

Recommend approval of the Chapter 28E Intergovernmental Agreement with Polk County Conservation Board for joint development of a wetlands project to mitigate the loss of wetlands eliminated by the Euclid Avenue Detention Basin and additional City projects.

FISCAL IMPACT:

Amount: There is no direct financial obligation related to this 28E Agreement. However, this 28E agreement eliminates future maintenance cost to the City as the Polk County Conservation Board assumes management of the wetlands.

Funding Source: N/A

ADDITIONAL INFORMATION:

Within the construction limits of the Euclid Avenue Detention Basin, located at the northeast corner of East 14th Street and East Euclid Avenue adjacent to the redevelopment area for the Eastgate Shopping Center, and also within the construction limits for additional stormwater utility projects, are wetland areas which have been or will be drained and filled for construction and thereby effectively eliminated as wetlands. The City Council has previously approved and accepted the offer to purchase 84.9 acres of land in the vicinity of U.S. Highway 65 and the Skunk River to replace existing wetlands for the Euclid Avenue Detention Basin and for additional stormwater utility projects.

The City has currently obtained Section 404 permits from the U.S. Army Corps of Engineers (“COE”), which also meet Section 401 State water quality certification requirements for wetlands mitigation projects to mitigate for the loss of wetlands for construction of the stormwater improvements.

The City and the Polk County Conservation Board have negotiated the terms of a Chapter 28E Intergovernmental Agreement for the Joint Exercise of Powers to acquire, develop, and maintain wetlands areas as part of a Wetlands Mitigation Project. The agreement will be attached to the Roll Call related to this action. By accepting the terms of the agreement the City agrees to develop the above-mentioned 84.9 acres of land as a wetlands area, and convey the land to the County for maintenance as wetlands areas at the close of the COE monitoring period, in consideration for which the County agrees

to maintain the area as wetlands in compliance with the requirements of the COE 404 permit and other applicable State and Federal laws and regulations.

PREVIOUS COUNCIL ACTION(S):

Date: June 21, 1999

Roll Call Number: 99-1908

Action: Establish Fair Market Value, and Offer to Purchase Real Estate to replace existing Wetlands located at the Euclid Avenue Detention Basin - \$186,780. Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.

Date: June 22, 1998

Roll Call Number: 98-2078

Action: Agreement between the City and Eastgate Plaza LLC, for redevelopment of Eastgate Shopping Center (NE corner of E. 14th and Euclid). ([Council Communication No. 98-270](#)). Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Coleman. Pass: Vlassis.

Date: April 20, 1998

Roll Call Number: 98-1212

Action: Preliminary terms of Agreement with Eastgate Plaza, LLC, for redevelopment of the Eastgate Shopping Center, (Northeast corner of E. 14th and Euclid). ([Council Communication No. 98-151](#)). Moved by McPherson to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Construction of the remaining wetland mitigation area and conveyance of said wetland areas to the Polk County Conservation Board.

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