 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 15, 2013
	Agenda Item No. 64 Roll Call No. <u>13-1161</u> Communication No. <u>13-379</u> Submitted by: Benjamin R. Page, Park and Recreation Director

AGENDA HEADING:

Resolution approving a Chapter 28E Agreement by and between the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) and the City of Des Moines, Iowa for the design and construction of the Easter Lake Spine Trail as part of the WRA Southern Tier Interceptor, Phase 10, Segment 15-16 Project.

SYNOPSIS:

Recommend approving the 28 Agreement between the City of Des Moines and the WRA for joint design and construction of the Easter Lake Spine Trail and the WRA Southern Tier Interceptor, Phase 10, Segment 15-16 Project in the Easter Lake Area Neighborhood between East Payton and East Pine Avenues.

FISCAL IMPACT:

Amount: \$41,000 estimated for engineering design of the trail and construction phase services and \$350,000 estimated for construction.

Funding Source: 2013-14 CIP, Page Park Improvements–11, Multi-Use Trails, PKS145, \$391,000

ADDITIONAL INFORMATION:

On January 8, 2001, by Roll Call No. 01-0131, Des Moines City Council adopted the Easter Lake New Town Plan as a component of the Des Moines’ 2020 Community Character Plan. On October 25, 2004, by Roll Call No. 04-2280, the City Council approved adding the Easter Lake New Town trail system to the City’s Bicycle and Pedestrian Trail Facilities Plan Map. On June 13, 2011, by Roll Call No. 11-1046, Des Moines City Council adopted the Bicycle and Trail Master Plan as a component of the Des Moines' 2020 Community Character Plan; this plan also includes the Easter Lake New Town Trail System. This trail system identifies a future one (1) mile trail segment, known as a portion of the Easter Lake Spine Trail, along the east side of the retention basins in the Three Lakes Estates development between East Payton and East Pine Avenues.

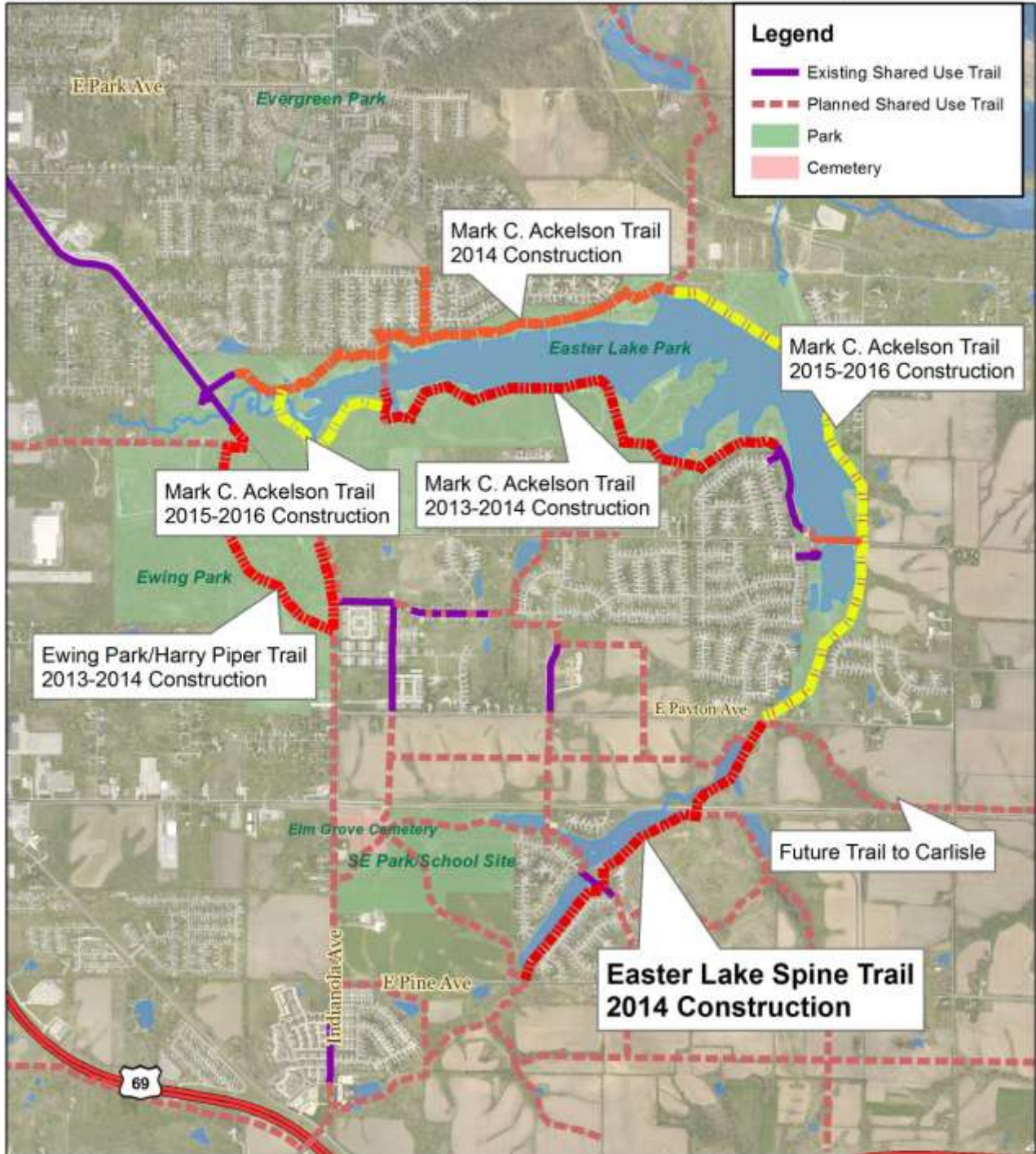
The following map identifies the Easter Lake Spine Trail along with a future trail connection to the Mark C. Ackleson Trail around Easter Lake Park, which is planned to be completed in partnership with Polk County Conservation in 2016.

Planned Easter Lake Area Trail Connections



July 2013

Note: Construction timeframes and trail alignments subject to change



The WRA is in process of designing the Southern Tier Interceptor, Phase 10, Segment 15-16 Project. The proposed alignment of the trail falls within the easement area for the proposed sewer between East Payton and East Pine Avenues.

The WRA and Des Moines have negotiated the terms of a Chapter 28E Agreement, providing for the joint design and construction of the WRA Southern Tier Interceptor, Phase 10, Segment 15-16 Project and of Des Moines' Easter Lake Spine Trail within the location stated above. Two (2) primary benefits to constructing the trail and sewer simultaneously include reduced disruption to residents due to construction activities and cost savings due to combined engineering design, construction administration, and contractor mobilization.

At a public meeting held on July 27, 2013, the WRA and the City jointly presented the sewer and trail project to interested residents. The trail is planned to be 10 feet wide, asphalt, and generally placed in the eastern portion of the easement while the sewer will be generally placed in the western portion of the easement "to the extent practical" in order to minimize conflict in use and maintenance of each facility. The WRA will also be able to use the trail as a paved path to access their sewer facility.

The negotiated 28E Agreement provides standard terms as follows:

- (1) Des Moines shall reimburse the WRA for actual costs for design, construction, construction administration, and change orders associated with the Easter Lake Spine Trail;
- (2) Des Moines shall reimburse the WRA for an agreed-upon lump sum amount of the City's share of the Project grading cost based upon the WRA project consultant's estimate;
- (3) The WRA shall incur the design, construction, construction administration and change order costs for the WRA Southern Tier Interceptor, Phase 10, Segment 15-16 Project; and
- (4) Each party shall assume ownership of its respective project improvements upon final acceptance of the WRA Southern Tier Interceptor, Phase 10, Segment 15-16 Project by the WRA Board.

The negotiated agreement further provides that Des Moines may reject the bid selected by the WRA as the lowest responsive and responsible bid for the Project construction contract, in which event the WRA may proceed to construct the WRA Project without constructing the trail, except for the grading for the trail, which would be Des Moines' cost. In addition, the agreement requires Des Moines to indemnify and defend the WRA in relation to private encroachments within the City-owned construction areas needed for the City and WRA projects and removal of said encroachments.

The proposed Chapter 28E Agreement will be presented to the WRA Board on July 16, 2013.

PREVIOUS COUNCIL ACTION(S):

Date: June 13, 2011

Roll Call Number: [11-1046](#)

Action: [Adoption](#) of Bicycle and Trail Master Plan as an element of the 2020 Community Character Plan and authorize City Manager to appoint an advisory committee to coordinate fundraising and implementation strategy. ([Council Communication No. 11-360](#)) Moved by Moore to adopt; City Manager to provide Council with a pool of candidates for appointment to the Advisory Committee. Motion Carried 7-0.

Date: October 25, 2004

Roll Call Number: 04-2280

Action: Approving the Easter Lake Trail System, a part of the Easter Lake New Town Plan, to be added to the Bicycle and Pedestrian Trail Facilities Plan Map and authorizing and directing the Mayor to forward said addition to the local Metropolitan Planning Organization to add to the existing Trails Plan. ([Council Communication No. 04-541](#)) Moved by Hensley to approve. Motion Carried 7-0.

Date: January 8, 2001

Roll Call Number: 01-0131

Action: Adopting the Easter Lake New Town Plan as an amendment to the 2020 Community Character Land Use Plan (continued from December 18, 2000). ([Council Communication No. 01-011](#)) Moved by Brooks to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation Board

Date: April 26, 2011

Resolution Number: 11-050

Action: Receive and file the Bicycle and Trail Master Plan.

Board: Plan and Zoning Commission

Date: June 2, 2011

Action: Approval of the Bicycle and Trail Master Plan as a comprehensive plan amendment to Des Moines' 2020 Community Character Plan. Motion carried 11-0.

Board: Traffic Safety Committee

Date: May 10, 2011

Action: Approval of the Bicycle and Trail Master Plan as an element of the 2020 Community Character Plan.

Board: Park and Recreation Board

Date: March 23, 2004

Resolution Number: 04-019

Action: Add the "Easter Lake Trails" System to the Bicycle and Pedestrian Trail Facilities Plan Map.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Review substantial amendments, if any.
Accept the trail improvements upon completion.

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