 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	August 10, 2015
	<b>Agenda Item No.</b>	<b>13</b>
	<b>Roll Call No.</b>	<b><u>15-1346</u></b>
	<b>Communication No.</b>	<b><u>15-442</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Authorization to proceed with acquisition of the necessary right-of-way and easements for the Yeader Creek Grade Control Improvements Project by gift, negotiation, or eminent domain.

**SYNOPSIS:**

Recommend approval of authorization to proceed with acquisition of the necessary right-of-way and easements for the Yeader Creek Grade Control Improvements Project by gift, negotiation, or eminent domain. This action is required by Iowa law before the City can initiate the right-of-way acquisition process under eminent domain. The project provides for installation of grade control structures and bank stabilization in Yeader Creek between Ewing Park and Diehl Avenue and between SW 9<sup>th</sup> Street and SW 12<sup>th</sup> Street.

**FISCAL IMPACT:**

Amount: \$75,000 (estimate)

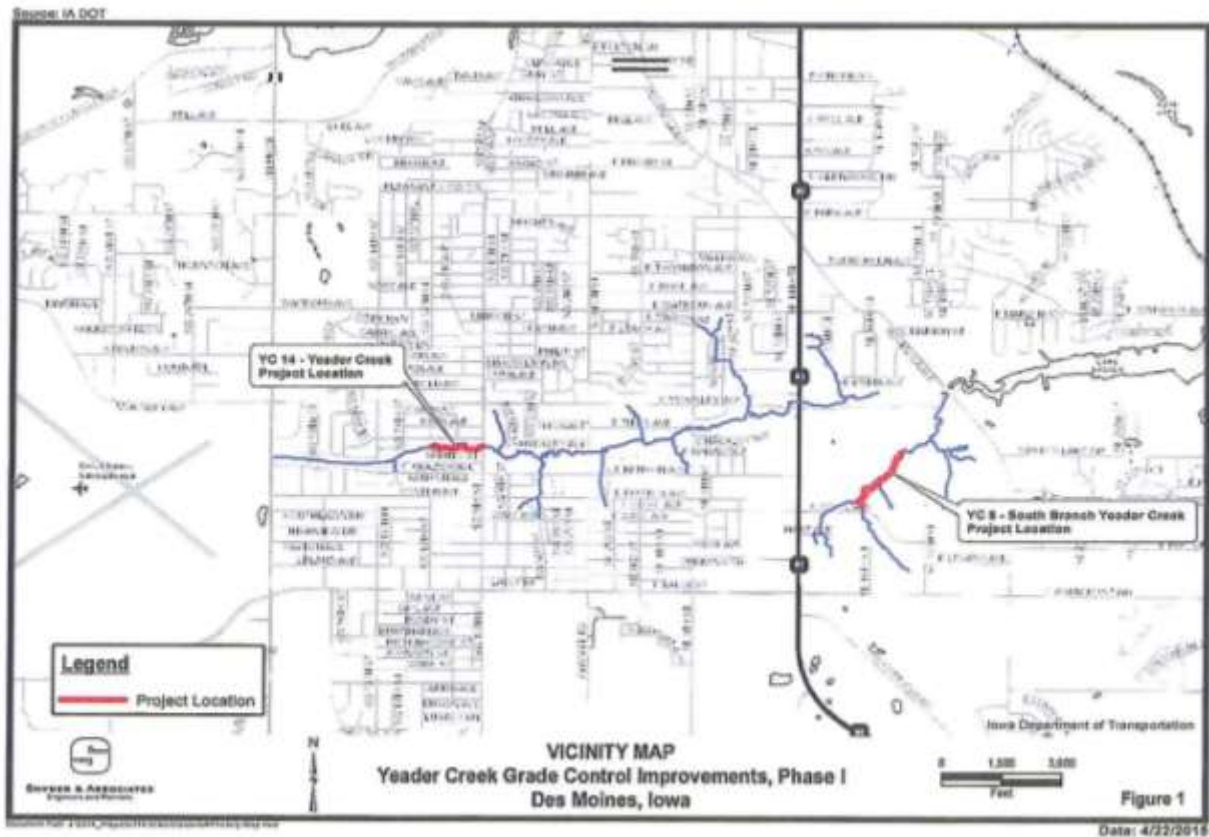
Funding Source: 2015-16 CIP, Page Storm Water Improvements – 7, Easter Lake Watershed Improvements, SM061

**ADDITIONAL INFORMATION:**

The Easter Lake Water Quality Plan (Plan) was completed in October 2012 by the Iowa Department of Natural Resources (IDNR) in cooperation with the City and Polk County Conservation Board. The Plan identified three (3) phases of water quality improvements, both within Easter Lake and in the watershed area to be implemented over 10 years at a total estimated cost of \$15,000,000. There are seven (7) locations along Yeader Creek, which were identified in the Plan to require grade control structures and erosion protection in an effort to reduce the amount of sediment and phosphorus being delivered to Easter Lake. On August 11, 2014, by Roll Call No. 14-1257, the City entered into a cooperative agreement with IDNR for the Yeader Creek Grade Control Improvements, Phase 1 project that includes two (2) locations identified in the Plan:

- 1) South branch of Yeader Creek between Ewing Park and Diehl Avenue.
- 2) Yeader Creek between SW 9<sup>th</sup> Street and SW 12<sup>th</sup> Street.

At this time, it is estimated that approximately 22 permanent easements and nine (9) temporary easements from 18 different property owners will be required for this project.



**PREVIOUS COUNCIL ACTION(S):**

Date: August 11, 2014

Roll Call Number: [14-1257](#) and [14-1258](#)

Action: [Cooperative](#) Agreement with Iowa Department of Natural Resources to fund 50% of Easter Lake Watershed Quality Improvement Project. ([Council Communication No. 14-390](#)) Moved by Gatto to adopt. Motion Carried 7-0.

(A) [Professional](#) Services Agreement with Snyder & Associates, Inc. for Design Phase Services for the Yeador Creek Grade Control Improvements Phase 1 Project, not to exceed \$226,500. ([Council Communication No. 14-397](#)) Moved by Gatto to adopt. Motion Carried 7-0.

Date: June 24, 2013

Roll Call Number: [13-0992](#)

Action: [Memorandum](#) of Understanding with Iowa Department of Natural Resources (IDNR), Polk County Conservation Board, Polk County Soil and Water Conservation District, Iowa Department of Agriculture and Land Stewardship and Natural Resources Conservation Service for implementation of Easter Lake Water Quality Management Plan Project, Phase 1. ([Council Communication No. 13-338](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: October 8, 2012

Roll Call Number: [12-1574](#)

Action: [Supporting](#) Polk Soil and Water Conservation District Application for an Iowa Department of Natural Resources Watershed Implementation Grant to be used for Easter Lake Watershed, Project 1. ([Council Communication No. 12-533](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: February 27, 2012

Roll Call Number: [12-0358](#)

Action: [Intergovernmental](#) 28E Cooperative Agreement with Iowa Department of Natural Resources and Polk County Conservation Board to fund Easter Lake Water Quality Plan. ([Council Communication No. 12-088](#)) Moved by Meyer to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).