 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	September 14, 2015
	<b>Agenda Item No.</b>	<b>67</b>
	<b>Roll Call No.</b>	<b><u>15-1571</u></b>
	<b>Communication No.</b>	<b><u>15-494</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. As identified and prioritized in the Easter Lake Water Quality Plan by the Iowa Department of Natural Resources (IDNR), 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. This item was continued to the September 14, 2015 Council Meeting in order to allow for a public meeting that was held on August 26, 2015 to address concerns of affected property owners.

**FISCAL IMPACT:**

Amount: \$75,000 total estimated acquisition and closing costs

Funding Source: 2015-16 Capital Improvement Program (CIP), Page Storm Water Improvements – 7, Easter Lake Watershed Improvements, SM061

**ADDITIONAL INFORMATION:**

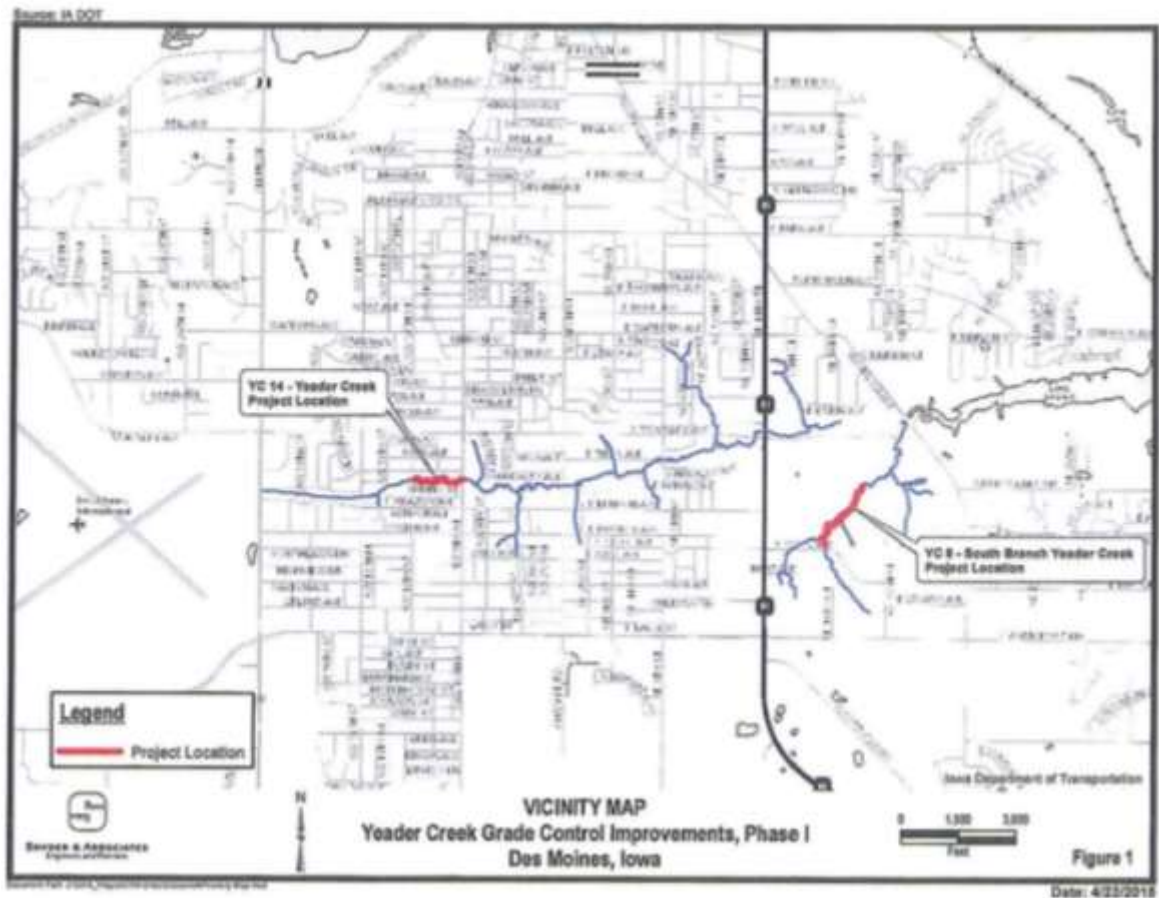
The Easter Lake Water Quality Plan (Plan) was completed in October 2012 by the IDNR in cooperation with the City and Polk County Conservation Board. The Plan identified three (3) phases of water quality improvements both within Easter Lake and in the watershed area to be implemented over 10 years at 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, which 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.

The public meeting was held on August 26, 2015 at the Southside Library. Meeting notices were sent to each property owner affected by the project. The meeting was attended by 14 citizens, not all were directly impacted. In addition to two (2) staff members from the design consultant, eight (8) City staff, the Mayor, and one (1) Council member attended the meeting.

The Easter Lake Plan, reason for project location and impacts of the project were discussed. Staff responded to questions and explained the acquisition process. Following a presentation by the design team and city staff, attendees asked questions and then were offered the opportunity to ask property specific questions individually. Four (4) of the affected property owners were not supportive of the project or the anticipated impacts and spoke in opposition. Other affected property owners at the meeting had questions, were generally in support, or did not speak.



#### **PREVIOUS COUNCIL ACTION(S):**

Date: August 24, 2015

Roll Call Number: [15-1419](#)

Action: [Continuing](#) to September 14, 2015 Council Meeting - Authorization to proceed with acquisition of the necessary right-of-way and easements for the Yeader Creek Grade Control Improvements Project. Moved by Hensley to adopt. Motion Carried 7-0.

Date: August 10, 2015

Roll Call Number: [15-1346](#)

Action: [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Yeader Creek Grade Control Improvements Project. ([Council Communication No. 15- 442](#)) Moved by Hensley to continue to August 24, 2015 Council meeting. Refer to the City Manager to schedule a meeting with property owners, the Polk County Conservation staff, and City representatives to address concerns. Motion Carried 7-0.

Date: August 11, 2014

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

Action: [Cooperative](#) Agreement with IDNR 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 Yeader 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: August 11, 2014

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

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

Date: June 24, 2013

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

Action: [Memorandum](#) of Understanding with 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 IDNR Watershed Implementation Grant to be used for Easter Lake Watershed, Project I. ([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 IDNR 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**

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