


COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	24-424	Meeting:	October 21, 2024
	Agenda Item:	30	Roll Call:	24-1451
	Submitted by:	Benjamin R. Page, Park and Recreation Director		

AGENDA HEADING:

Approval of Second Amendment to Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement between the City of Des Moines, Polk County and Polk County Conservation Board (PCCB).

SYNOPSIS:

Recommend approval of the Second Amendment to the Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement, which outlines roles and responsibilities for the overall management of the Fourmile Creek Greenway in the City of Des Moines. The amendment authorizes the PCCB to remove utilities and roadways as part of their restoration work and the City to reimburse them for this work.

FISCAL IMPACT:

Amount: \$250,000

Funding Source: Fiscal Year (FY) 2024-2025 Capital Improvement Program (CIP), Page 74, Watershed Park Amenities, PK180, GO Bonds

ADDITIONAL INFORMATION:

- The development of a master plan for the Lower Fourmile Creek was a joint project between the City of Des Moines, City of Pleasant Hill, Polk County, Polk County Conservation, Polk County Soil and Water Conservation District (PCSWCD), and the Fourmile Creek Watershed Management Authority (FCWMA). For the purpose of this master plan, greenway improvements were investigated for the main channel, Fourmile Creek, and the area within its 500-year floodplain to protect and enhance water quality and reduce flood risk and damage.
- On November 6, 2017, by Roll Call No. 17-1901, the City Council approved the Lower Fourmile Creek Greenway Master Plan, which included development of a management and maintenance agreement for the oversight of the entire greenway.
- On July 15, 2019, by Roll Call No. 19-1121, the City Council approved the Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement with the PCCB.

- On April 27, 2020, by Roll Call No. 20-0722, the City Council approved the CIP for FY2021 to FY2026 including funds for road removal within the Lower Fourmile Greenway in the amount of up to \$1,200,000. To date, payments totaling \$701,997.09 have been made to the PCCB for completed removals.
- On September 14, 2020, by Roll Call No. 20-1459, the City Council approved the First Amendment to the Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement to add the PCCB removal of roadways and for the City to provide additional approved CIP funding.
- Per the First Amendment:
 - The PCCB agrees and acknowledges that the removal of the roads requires vacation of such right-of-way pursuant to the requirements of the Iowa Code and City approval through the City's street right-of-way vacation process. The PCCB acknowledges that, in order for a road vacation to proceed, among other requirements, the City must own all adjacent property. It is the intention of the parties that such property will be conveyed to the PCCB by a separate agreement. The PCCB agrees to initiate such vacation process by making application for such vacation to the City's Development Services Department requesting such vacation.
 - After vacation of the roads by enactment of a vacation ordinance by the Des Moines City Council and publication of such ordinance as provided by law, the City agrees that the PCCB may commence demolition and removal of the identified roadway and incidental items from such vacated roads at a time mutually agreed upon between the City Parks and Recreation Director and the PCCB Deputy Director.
 - The City and the PCCB anticipate cost savings by demolishing the roads and doing the restoration work in conjunction with the PCCB projects within the Greenway.
 - Upon completion of the approved removal and restoration of road and improvements, the City agrees to reimburse the PCCB for the cost of such work in the amount not to exceed the Council approved funding. Payments shall be made within 30 days of receipt of the invoice, supporting documentation and approval of work.
 - Removal of utility poles and signs will be coordinated with the City's Engineering/Traffic & Transportation Division and MidAmerican Energy. All other utilities will remain in place.
- Both parties shall be responsible for the maintenance, repair, replacement, care, custody and control of their respective trail segments within the Greenway.
 - The City shall retain and continue to program and maintain; Sargent Park, Pocket Park No. 2 for practice fields, Reno Dog Park, Fourmile Creek Park and land that the City will retain for use as City parkland, the Gay Lea Wilson Multi-Use Recreational Trail located on the Greenway that connects from the north city limits to the Pleasant Hill city limits. The City shall continue to own this trail and shall be granted a 30' permanent easement, that shall include the trail and 10' on both sides of the trail, at no cost for the trail upon land owned by the PCCB.
- The City commits an additional not to exceed amount of \$250,000 in funding to the PCCB by this amendment for the completion of approved additional work associated with utility and road

removals and roadway conversion to trail. The utility and road removals, partial removals, road and trail modifications, and construction activities are detailed in the agreement Second Amendment.

PREVIOUS COUNCIL ACTION(S):

Date: September 14, 2020

Roll Call Number: [20-1459](#)

Action: [Amendment](#) to Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement with the PCCB. ([Council Communication No. 20-383](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Polk County Conservation Board

Date: September 11, 2024

Resolution Number: 24-0911

Action: Approving an amendment to the Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement with the City of Des Moines. (Page 26). Moved by Lewis, seconded by Mollenhauer. Motion carried 5-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Conveyance of property and City vacated right-of-way to Polk County.

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