

Date June 28, 2010

APPROVE FUNDING REQUEST FROM POLK COUNTY FOR REPAIR OF  
TRESTLE TO TRESTLE MULTI-USE RECREATIONAL TRAIL

WHEREAS, on January 22, 2007 by Roll Call No. 07-169, the City Council approved a 28E Agreement with the City of Johnston, Polk County and the Polk County Conservation Board for the Construction and Maintenance of the Trestle to Trestle Multi-Use Recreational Trail by which Polk County was responsible for the construction of such trail; and

WHEREAS, the 28E Agreement provides that the City will own the trail improvements, except for the portion that is within Johnston, upon its completion, however, the City has not yet accepted ownership due, in part, to a slope failure on a portion of the Trail to pass inspection by the Engineering Department; and

WHEREAS, Polk County has designed a solution intended to prevent future slope failure, and it is expected that the City will be able to accept the Trail improvements after the Trail repairs are completed and the terms of the 28E Agreement have been met; and

WHEREAS, the cost of such repair is expected to exceed \$200,000.00; and

WHEREAS, the Polk County Conservation Board agreed at their April 14, 2010 meeting to provide \$50,000 for the Trail repair; and

WHEREAS, the Polk County Board of Supervisors agreed at their June 22, 2010 meeting to perform such repairs and to accept the conditions of the City's contribution, as described below; and

WHEREAS, Polk County is requesting financial support from the City of Des Moines in the amount of \$50,000, with the remaining costs associated with the Trail repairs to be funded by Polk County; and

WHEREAS, it is deemed to be in the best interests of the City to contribute \$50,000 towards the funding of such Trail repairs upon the following conditions:

- (1) The plans and specifications must be approved by the City Park and Recreation and Engineering Departments.
- (2) The repairs must be completed by no later than December 31, 2010, unless weather or other unexpected conditions reasonably prevent such completion.
- (3) The City funds will be paid upon receipt of an invoice indicating performance of the work performed in an amount of at least \$50,000.
- (4) The Polk County Board of Supervisors has passed a resolution accepting these conditions.

★ Roll Call Number

Agenda Item Number

25

Date June 28, 2010

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Council finds that the above described funding of \$50,000.00 to Polk County is hereby approved subject to the above stated conditions.

(Council Communication No. 10- 398 )

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Ann DiDonato*

Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk