



Date January 9, 2017

APPROVING AND AUTHORIZING RENEWAL AMENDMENT TO AGREEMENT WITH POLK SOIL AND WATER CONSERVATION DISTRICT TO ADMINISTER AND PROVIDE FUNDING FOR EASTER LAKE WATERSHED STORMWATER BEST MANAGEMENT PRACTICES PRIVATE PROPERTY COST SHARING PROGRAM

WHEREAS, the Polk Soil and Water Conservation District (PSWCD) and the City are committed to improving and conserving natural resources; and

WHEREAS, on February 9, 2015, by Roll Call No. 15-0214, the City Council approved the Agreement For Administration and Funding of Easter Lake Watershed Storm Water Best Management Practices Private Property Cost Sharing Program Between City of Des Moines and Polk Soil and Water Conservation District (Agreement); and

WHEREAS, the Agreement terminates on December 31, 2016, and Public Works Department staff and PSWCD desire to renew the Agreement for an additional three year term until December 31, 2019, with the City providing an additional \$150, 468 during such renewal term to PSWCD to continue its administration of the Best Management Practices Program; and

WHEREAS, the Public Works Department recommends approval of this Renewal Amendment as the BMP Program should result in reduced sediment and phosphorous pollution and increased water quality in contributing water sources to Easter Lake.

NOW, THEREFORE, BE IT RESOLVED by the City of Des Moines, Iowa, that the Renewal Amendment to Agreement for Administration and Funding of Easter Lake Watershed Storm Water Best Management Practices Private Property Cost Sharing Program Between the City of Des Moines and Polk Soil and Water Conservation District, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Renewal Amendment for and on behalf of the City.

Moved by _____ adopt.

Approved As To Form

Ann DiDonato

Ann DiDonato

Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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

**RENEWAL AMENDMENT TO AGREEMENT
FOR
ADMINISTRATION AND FUNDING OF EASTER LAKE WATERSHED STORM
WATER BEST MANAGEMENT PRACTICES PRIVATE PROPERTY COST SHARING
PROGRAM
BETWEEN
CITY OF DES MOINES
AND
POLK SOIL AND WATER CONSERVATION DISTRICT**

THIS RENEWAL AMENDMENT TO AGREEMENT made this ____ day of _____, 2017, by and between the City of Des Moines, Iowa, (the "CITY"), 400 Robert D. Ray Drive, Des Moines, Iowa 50309-1891, and the Polk Soil and Water Conservation District (the "SWCD"), a State of Iowa agency, 1513 North Ankeny Blvd, Suite 3, Ankeny, Iowa 50023.

WHEREAS, the SWCD and the CITY (collectively, the "parties") are committed to improving and conserving natural resources; and

WHEREAS, on February 9, 2015, by Roll Call No. 15-0214, the Des Moines City Council approved the Agreement For Administration and Funding of Easter Lake Watershed Storm Water Best Management Practices Private Property Cost Sharing Program Between City of Des Moines and Polk Soil and Water Conservation District ("Agreement"); and

WHEREAS, the Agreement terminates on December 31, 2016 and the parties desire to renew the Agreement for an additional three year term until December 31, 2019 and the CITY agrees to provide an additional \$150,468 during such renewal term.

NOW, THEREFORE, in consideration of mutual promises and covenants herein contained, the parties agree as follows:

1. That the term of the Agreement shall be renewed for three (3) years until December 31, 2019.
2. The CITY shall provide funding in the amount of \$150,468 by no later than December 31, 2019 to be used to reimburse private property owners to implement the BMP Program.
3. Except as amended above, all other terms of the Agreement shall remain in effect.
4. This Amendment shall be in full force and effect upon its execution by the parties.

IN WITNESS WHEREOF, the parties have caused this Renewal Amendment to be signed on their behalf by their duly authorized officers all as of the date stated above.

CITY OF DES MOINES, IOWA

POLK SOIL AND WATER
CONSERVATION DISTRICT

T. M. Franklin Cownie, Mayor

Chip Mathis

Chip Mathis, Chairperson

APPROVED AS TO FORM:

ATTEST:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

Diane Rauh, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this ___ day of _____, 2016, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared T. M. FRANKLIN COWNIE and DIANE RAUH, to me personally known, and who, being by me duly sworn did state that they are the Mayor and City Clerk, respectively, of City of Des Moines, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; that the instrument was signed on behalf of City of Des Moines, Iowa, by authority of its City Council, as contained in the Resolution adopted by City Council under Roll Call No. 16-_____ of City Council on the ___ day of _____, 2016, and that T. M. FRANKLIN COWNIE and DIANE RAUH acknowledged the execution of the instrument to be the voluntary act and deed of City of Des Moines, Iowa, by it and by them voluntarily executed.

Notary Public in the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 20th day of December, 2016, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared CHIP MATHIS, to me personally known, who being by me duly sworn, did say that he is the CHAIRPERSON of POLK SOIL AND WATER CONSERVATION DISTRICT, that the seal affixed to the foregoing instrument is the seal of the DISTRICT (or no seal has been procured by the commission); that the instrument was signed (and sealed) on behalf of the commission, by authority of its Board ; and that CHIP MATHIS acknowledged the execution of the instrument to be the voluntary act and deed of said DISTRICT, by it and by him voluntarily executed.

Pamela A. Schwartz

Notary Public in the State of Iowa

