



Date June 22, 2020

APPROVING AMENDMENT TO COOPERATIVE AGREEMENT WITH IOWA DEPARTMENT OF NATURAL RESOURCES TO PROVIDE FUNDING FOR THE EASTER LAKE WATERSHED DREDGING AND IMPROVEMENTS PROJECT

WHEREAS, on February 27, 2012, by Roll No. 12-0358, the City Council approved a 28E Cooperative Agreement with the Iowa Department of Natural Resources (DNR) and Polk County Conservation Board to develop a Water Quality Plan for Easter Lake to address impairments caused by excess nutrients and sediment delivery to Easter Lake; and

WHEREAS, on March 11, 2019, by Roll Call No. 19-0363, the City Council approved a Cooperative Agreement with DNR in which DNR agreed to reimburse the City up to \$425,000 of the construction costs of a project for Easter Lake detention basin dredging; and

WHEREAS, such Cooperative Agreement provides that the project be completed by June 30, 2020, and additional time is needed to complete the project; and

WHEREAS, the DNR has prepared an Amendment No. 1 to the Cooperative Agreement to extend the completion date to December 31, 2020, a copy of which is on file in the City Clerk's Office; and

WHEREAS, the Public Works Department recommends approval of this Amendment No. 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Amendment No. 1 to Cooperative Agreement, a copy of which is on file in the City Clerk's Office, is hereby approved, and the Mayor is hereby authorized and directed to sign such Amendment on behalf of the City and the City Clerk to attest to the Mayor's signature.

(Council Communication No. 20-267)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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

IOWA DEPARTMENT OF NATURAL RESOURCES

Amendment Number 1 to
CONTRACT NUMBER 19CRDLWBMBALM-0015

Between

IOWA DEPARTMENT OF NATURAL RESOURCES
And
THE CITY OF DES MOINES

IN WITNESS THEREOF, the parties hereto have executed this Contract Amendment on the day and year last specified below.

DEPARTMENT OF NATURAL RESOURCES

By: Kayla Lyon Date: 6/29/2020
Kayla Lyon, Director

CITY OF DES MOINES
By: T. M. Franklin Cownie Date: 6/25/20
T. M. Franklin Cownie, Mayor

This Contract Amendment shall not begin until it has been either (1) signed by both parties or (2) the Contract Amendment start date has occurred, whichever is later.

For DNR use only:

1. Retain a signed copy of the Contract in the project file and send a hardcopy with 1st invoice to Budget & Finance.
2. Please do one of the following:
 - a. Email scanned copy to christina.iiams@dnr.iowa.gov (please name subject your Contract #);
 - b. Fax copy to 515-725-8201 (Attn: Christina Iiams); **OR**
 - c. Mail a copy of the contract to IOWA DNR, ATTN: Christina Iiams, 502 E 9th St, Des Moines IA 50319

APPROVED AS TO FORM:

Ann O'Connell
Assistant City Attorney

This Contract Amendment is entered is between the Iowa Department of Natural Resources (DNR) and the City of Des Moines (City). The parties agree as follows:

Section 1 Statement of Purpose

1.1 Purpose. The purpose of the Contract Amendment is to extend the time allowed to perform the Tasks set out in the Original Contract, without additional money being paid out by DNR.

Section 2 Duration of Contract Amendment

2.1 Term of Contract Amendment. The term of this Contract Amendment shall be from June 22, 2020 through December 31, 2020, unless terminated earlier in accordance with the Termination section of the Original Contract. However, this Contract Amendment shall not begin until it has been signed by both parties. DNR shall have the sole option to amend this Contract to add up to no more than six years total from the beginning date of the Original Contract.

2.2 Approval of Contract Amendment. If the amount of compensation to be paid by DNR according to the terms of the Original Contract together with this Contract Amendment is greater than \$25,000.00 and the Contract was never approved by the commission; or if this Contract Amendment increases the value of the Contract by \$25,000 or by more than 10% of the previous Contract approved by the commission, whichever is greater, then performance shall not commence unless by June 22, 2020 this Contract Amendment has been approved by the Natural Resource Commission.

Section 3 Contract Amendment Statement of Work

3.1 Statement of Work. As part of this Contract Amendment, Contractor shall perform the following Tasks by the Task Milestone Dates set out below.

Deliverable	Task Milestone Date	Amount of compensation allotted to Task	Invoice Due No Later Than
<p><u>Original Task 1 is revised as follows:</u> Task 1: Easter Lake Watershed Improvements – Detention Basins Description of Revision: The City shall dredge and rehabilitate ponds 1, 3, 4, 5, 8, 9, and 10 in the Easter Lake watershed, located just south of the lake (See detailed plans attached as Exhibit 1) with the intended purpose of reducing sediment and nutrient delivery to the lake. The City shall administer and oversee construction of the pond rehabilitation, including but not limited to, oversight of sediment removal and spoiling on adjacent property, and shaping and stabilizing shorelines as outlined in Exhibit 1. The City may employ a subcontractor to complete this task subject to the provisions of Section 17 of the General Conditions of this Cooperative Agreement.</p>	November 30, 2020	\$425,000.00	December 31, 2020
		Total	Not to exceed \$425,000.00

Section 4 COMPENSATION

4.1 Reserved.

Section 5 OTHER AMENDMENT PROVISIONS

RESERVED.

Section 6 EFFECT OF AMENDMENT ON ORIGINAL AGREEMENT PROVISIONS

All provisions of the Original Contract shall remain in full force and effect unless specifically changed by this Contract Amendment.