



Date March 8, 2021

APPROVAL OF A 28E AGREEMENT BETWEEN THE CITIES OF DES MOINES AND JOHNSTON, POLK COUNTY AND POLK COUNTY CONSERVATION BOARD FOR THE CONSTRUCTION, FUNDING AND MAINTENANCE OF THE BRIDGE OVER BEAVER CREEK ON THE 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 Polk County Conservation Board for the construction and maintenance of the Trestle-to-Trestle Trail, which was constructed within the City of Des Moines and also within Polk County and the City of Johnston, as a Multi-Use Recreational Trail to provide recreational and commuter opportunities (“2007 28E Agreement”); and

WHEREAS, the 2007 28E Agreement specifies that the City shall have ownership of all Trail improvements, except for the Trail improvements within the City of Johnston; and

WHEREAS, the trestle bridge over Beaver Creek, which connected on both sides to the Trestle to Trestle Trail, was destroyed by floods in 2019: and

WHEREAS, Chapter 28E of the Iowa Code allows any public agency in Iowa, including municipalities, counties, and county conservation boards, to enter into agreements with public or private agencies for joint or cooperative action with respect to any power, privilege, or authority exercised or capable of being exercised by the public agency; and

WHEREAS, staff from the City of Des Moines, the City of Johnston, Polk County, and the Polk County Conservation Board have negotiated a 28E Agreement for the construction, funding and maintenance to rebuild the bridge (“the Bridge”), a copy of which is on file in the City Clerk’s Office; and

WHEREAS, the estimated cost of the Bridge replacement project is \$2,000,685.00, and under the proposed 28E agreement, the City is responsible to provide funds in the amount of up to \$200,000 towards the costs of the Bridge project; and

WHEREAS, under the proposed 28E Agreement, Polk County will be responsible to manage the construction of the Bridge and will own the Bridge and Polk County Conservation Board will be responsible for maintenance of the Bridge; and

WHEREAS, it is in the best interests of the City of Des Moines to enter into said 28E Agreement to capitalize on shared costs and improved recreational opportunities for the citizens of Des Moines.

Date March 8, 2021

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Trestle-to-Trestle Multi-Use Recreational Bridge Construction, Funding, and Maintenance Chapter 28E Agreement Between Polk County, the City of Johnston, the City of Des Moines and the Polk County Conservation Board, which is on file in the City Clerk's Office, is hereby approved and the Mayor is authorized and directed to sign said 28E Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to said signature.

(Council Communication No. 21- 092)

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Ann DiDonato
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

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.

_____ City Clerk