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Date April 24, 2023

**APPROVING JOINT PUBLIC SERVICE AGREEMENT WITH THE CITY OF NORWALK
FOR CONSTRUCTION OF TRAFFIC SIGNALS AT THE INTERSECTION OF
HIGHWAY 5 AND HIGHWAY 28**

WHEREAS, the City of Des Moines, in conjunction with the Norwalk, has determined that improved traffic control needs to be constructed for North and South bound traffic on Highway 28 and East bound traffic exiting Highway 5 and entering onto Highway 28, with traffic control at this intersection to be coordinated with existing traffic signals on the North side of Highway 28 located within Des Moines and with future traffic control devices South of the intersection in Norwalk (hereinafter “Project”), with Engineer’s estimated total cost of the Project (including engineering, survey, construction, software, hardware, materials, interconnection of traffic signals in the area, and other costs) expected not to exceed \$500,000.00 and with actual construction costs shared between the City, the City of Norwalk, and the Iowa State Department of Transportation (IDOT) as described below; and

WHEREAS, the City Manager’s Office has negotiated a 28E Agreement with the City of Norwalk, in form on file in the office of the City Clerk, addressing costs and construction of the Project including payment by the City of Des Moines in the amount of the lesser of twenty-five percent (25%) of the Project cost or \$125,000.00; and

WHEREAS, the agreement is contingent upon the City of Norwalk receiving a grant from the Iowa Department of Transportation (IDOT) in the amount of fifty-five percent (55%) of the costs of the Project up to \$200,000.00; and

WHEREAS, in accordance with the 28E Agreement, Norwalk shall be responsible for the remaining Project costs after application of Des Moines’s twenty-five (25%) payment, not to exceed \$125,000.00, and the IDOT grant amount, and for construction and construction bidding, administration, and management services for the Project and for all future maintenance of the Project improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The 28E Agreement between the City of Norwalk, Iowa and the City of Des Moines, Iowa for Construction of Traffic Signals at the Intersection of Highway 5 and Highway 28 at the base of the Eastbound Exit Ramp from Highway 5 located in Norwalk, Warren County, Iowa, in form on file in the office of the City Clerk, be and is hereby approved.
2. The Mayor is hereby authorized to execute said Agreement on behalf of the City of Des Moines and the City Clerk to attest to said signature.
3. That the City Clerk be and is hereby authorized and directed to record said Chapter 28E Agreement with the Iowa Secretary of State's Office.



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4. That the City Manager and City Engineer are hereby authorized to administer and make payments in accordance with said Chapter 28E agreement.

(Council Communication No. 23- 203)

MOVED BY _____ TO ADOPT.

SECOND BY _____.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

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

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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