

Date October 21, 2024

**APPROVAL OF SECOND AMENDMENT TO LOWER FOURMILE CREEK GREENWAY
MANAGEMENT AND MAINTENANCE CHAPTER 28E AGREEMENT
BETWEEN CITY OF DES MOINES AND POLK COUNTY CONSERVATION BOARD**

WHEREAS, on November 6, 2017, by Roll Call No. 17-1901, the City Council approved the Lower Fourmile Creek Greenway Master Plan, which included development of a management and maintenance agreement for the oversight of the entire greenway; and

WHEREAS, on July 15, 2019 by Roll Call No. 19-1121, the Des Moines City Council approved the Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement Between City of Des Moines and Polk County Conservation Board (PCCB)(“Agreement”), which Agreement was amended on September 14, 2020, by Roll Call No. 20-1459, to add PCCB removal of roadways and City reimbursement of bid costs for such work; and

WHEREAS, on April 27, 2020, by Roll Call No. 20-0722, the City Council approved programming for Road removal within the Greenway in the amount of up to \$1,200,000 and approved the Capital Improvement Budget for FY21 which included \$700,000 for Road removal, and payments totaling \$701, 997.09 have been made to PCCB for completed removals; and

WHEREAS, the City and PCCB have negotiated a Second Amendment to the Agreement, in form on file in the office of the City Clerk, to provide for additional scope of work and additional funding in the amount of \$250,000 in FY24-25 and approved in the Capital Improvement Budget for FY24-25 to be provided by City to PCCB for such work, to clarify certain terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the above described Second Amendment to Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement Between the City of Des Moines and Polk County Conservation Board is hereby approved; the Mayor is authorized and directed to sign said Second Amendment on behalf of the City and the City Clerk is directed to attest to his signature; and the Parks and Recreation Department Director or designee is directed to administer and monitor compliance with the Agreement on behalf of the City.

(Council Communication No. 24-424)

MOVED BY _____ to adopt.

Approved as to form:

SECOND BY _____.

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				

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.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk