



Roll Call Number

16-2191

Agenda Item Number

51-I

Date December 19, 2016

**APPROVING AMENDMENT TO CHAPTER 28E AGREEMENT
AND NEW 28E BETWEEN THE CITY OF DES MOINES, IOWA AND THE BOARD OF
WATER WORKS TRUSTEES OF THE CITY OF DES MOINES**

WHEREAS, before the Council is an Amendment to the 28E AGREEMENT for the Provision of Billing and Collection Services, Payment of Pilot and Other Charges and Use of Water approved by the City Council on August 10, 2009, entered into by and between the City and The Des Water Works Board of Trustees on August 10, 2009 and filed with the Secretary of State of the State of Iowa as 28E Agreement M502672 on August 12, 2009 and recorded with the Polk County Recorder on September 10, 2009 at Book 13200 at Pages 213-238 (the "28E AGREEMENT"); and

WHEREAS, the Amendment to the 28E Agreement deletes the provisions regarding the compensation for police and fire services under a PILOT from the 28E AGREEMENT and includes those provisions in separate 28E Agreement between the parties; and

WHEREAS, the Council also approved a "Letter Agreement between City of Des Moines and Des Moines Water Works Concerning Certain Issues of Mutual Interest" dated December 22, 2014 (hereinafter the "Letter Agreement") concerning the City's health insurance pool availability to Water Works employees, the PILOT charge, and Fleur Drive Medians maintenance; and

WHEREAS, the items addressed in the Letter Agreement concerning the City's health insurance pool availability to Water Works employees, the PILOT charge, and Fleur Drive Medians maintenance are addressed in a new separate 28E Agreement between the parties.

NOW, THEREFORE, BE IT RESOLVED by the Des Moines City Council that it hereby approves:

1. The Amendment to the Chapter 28E Agreement Between the City of Des Moines, Iowa and the Board of Water Works Trustees of the City of Des Moines, Iowa for the Provision of Billing and Collection Services to the City of Des Moines, Payment of Pilot and other Charges and the Use of Water and authorizes and directs the Mayor to execute the Agreement and the City Clerk to attest to his signature.
2. That the 28E Agreement between the City of Des Moines, Iowa and the Board of Water Works Trustees of the City of Des Moines, Iowa for the Payment of Pilot Charges and Maintenance of Fleur Drive Medians and Availability of City Group Benefit Plans and authorizes and directs the Mayor to execute the Agreement and the City Clerk to attest to his signature,



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- 3. The City Clerk is authorized to file the Amendment and Agreement with the Secretary of State and the Polk County Recorder.

Moved by Hensley to adopt with the striking of one sentence in Part IV 9. This Agreement excludes future improvements, including without limitation, a pedestrian/bike tunnel under Fleur Drive or other pedestrian/bike passage way across Fleur Drive.

APPROVED AS TO FORM:

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

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.

Diane Rauh

City Clerk