



**Roll Call Number**

21.1939

**Agenda Item Number**

55

**Date** December 20, 2021

APPROVING 28E AGREEMENT WITH THE IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP – DIVISION OF SOIL CONSERVATION AND WATER QUALITY, POLK COUNTY, AND DES MOINES WATER WORKS TO PROVIDE FUNDING FOR THE CENTRAL IOWA COVER CROP SEEDER PROJECT IN AN AMOUNT NOT TO EXCEED \$75,000.

WHEREAS, increased flooding and reduced water quality within the Des Moines River watershed has impacted Des Moines residential and commercial properties; and

WHEREAS, the City, along with Polk County, and various other communities have entered into 28E agreements to create the Beaver Creek Watershed Management Authority and the North Raccoon River Watershed Management Coalition; and

WHEREAS, the Beaver Creek Watershed Management Authority and North Raccoon River Watershed Management Coalition have developed Watershed Management Plans; and

WHEREAS, the Iowa Department of Agriculture and Land Stewardship – Division of Soil conservation and Water Quality, Polk County, and Des Moines Water Works desire to enter into a cooperative agreement with the City for the purchase, maintenance and use of a cover crop seeder; and

WHEREAS, Polk County has agreed to be responsible for the purchase, maintenance, and liability needs of necessary equipment, including a cover crop seeder, that will be owned by the County in order to establish cover crop best management practices within sub-watersheds with approved management plans residing within the Des Moines watershed, with special emphasis in Beaver Creek and the North Raccoon River, in order to meet the goals of the Watershed Management Plans; and

WHEREAS, Polk County has further agreed to be responsible for entering into lease agreement(s) with a third party to operate and maintain the equipment; and

WHEREAS, the Public Works Department has determined that the Water Shed Management Plans best management practices within the Des Moines watershed with a special emphasis in the Beaver Creek and North Raccoon River watersheds will directly benefit the stormwater management utility and its operations and purpose, pursuant to Des Moines Municipal Code Section 118-272(b); and

WHEREAS, Public Works Department staff have negotiated the terms of a 28E Agreement with such parties, to provide cost share for the purchase and operation of a cover crop seeder for application of cover crop best management practices within sub-watersheds with approved management plans residing within the Des Moines River watershed with a special emphasis in the



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Beaver Creek and Raccoon River Watersheds, in an amount not to exceed \$75,000 as the City's cost of the cost share for the estimated \$600,000 cover crop seeder purchase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described 28E Agreement between the City, the Iowa Department of Agriculture and Land Stewardship – Division of Soil Conservation and Water Quality, Polk County, and Des Moines Water Works For the Central Iowa Cover Crop Seeder Project, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said 28E Agreement for and on behalf of the City of Des Moines, Iowa.

(Council Communication No. 21-538)

Moved by Boesen 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	7			

**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.

J. M. Franklin Cownie  
Mayor

P. Kay Cmelik  
City Clerk