



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

98-369

SYNOPSIS —

AGENDA:
AUGUST 24, 1998

SUBJECT:
ACCESS
AGREEMENTS FOR
ENVIRONMENTAL
TESTING/PROPOSED
DES MOINES
AGRIBUSINESS
PARK

On the August 24, 1998, Council agenda is a resolution to authorize obtaining access agreements through negotiation or court order as necessary to conduct environmental testing on properties in the proposed Des Moines Agribusiness Park. The proposed Park is generally bounded by Scott Avenue to the north, the Burlington-Northern rail line to the south, SE 43rd Street (City limits) to the east and SE 30th Street to the west. Authorization to obtain access for testing is consistent with Council’ s prior actions to work toward eliminating economic distress by encouraging reinvestment in the area and in accordance with the Cooperative Agreement that the City has executed with the U.S. Environmental Protection Agency (EPA) for redevelopment of the proposed Park. Ellen Walkowiak with the City’ s Office of Economic Development is coordinating the City activities relative to this project.

TYPE:
**RESOLUTION
ORDINANCE
RECEIVE/FILE**

SUBMITTED BY:
ERIC ANDERSON
CITY MANAGER

FISCAL IMPACT –

Funding is available from a \$100,000 grant under the Brownfields Economic Redevelopment Initiative Program that Region VII of the U.S. Environmental Protection Agency (EPA) awarded the City in September 1997 (Account #653543). EPA is currently in the process of approving an additional \$100,000 award for this project.

RECOMMENDATION –

Authorize City staff to identify properties in the proposed Des Moines Agribusiness Park and obtain access agreements from property owners through negotiation or court order as necessary to conduct environmental testing.

BACKGROUND –

During the past year, Council has taken several actions to work toward eliminating economic distress by encouraging reinvestment in an approximate 3,200-acre area generally bounded by Dean Avenue to the north, the Des Moines River to the south, SE 43rd Street (City limits) to the east and SE 14th Street to the west. The proposed Des Moines Agribusiness Park (Park), which comprises 1,200 acres, is a subset of this area.

In August 1997, the Board of Directors of the Iowa Department of Economic Development (IDED) certified the Des Moines Agribusiness Park Enterprise Zone, which includes the proposed Park, to promote reinvestment through a special package of predominantly State tax incentives.

In September 1997, Region VII of the U.S. Environmental Protection Agency (EPA) awarded the City a \$100,000 grant under the Brownfields Economic Redevelopment Initiative Program for site assessment work and related planning in order to develop the proposed Park. (Environmental testing is required as part of the grant.)

In January 1998, Council adopted the urban renewal plan for the SE Agribusiness Urban Renewal Project which includes the proposed Park. It is projected that the Park will be an area of focused redevelopment activity that may involve future land acquisition, use relocation and property clearance.

In July 1998, Council submitted an amended application to EPA to secure an additional \$100,000 for more extensive site assessment work and related planning. Staff has recently learned that EPA is in the process of approving this award.

A Phase I environmental assessment has been conducted on all properties in the proposed Park. This research involved reviewing public records, interviewing landowners and others, and viewing properties as permitted to understand the environmental conditions related to prior and existing land uses both in the proposed Agribusiness Park and on surrounding sites.

Results of the Phase I research indicate that a Phase II environmental assessment, which involves soil and groundwater testing, should be conducted on one publicly-owned and 32 privately-owned sites. These sites represent approximately 230 acres, although entire acreages may not

need to be tested.

Sites must be prioritized for testing based on available funding. It is proposed that sites be tested in the following sequence: (1) City-owned property - 4 acres south of E. Granger Avenue between SE 35th and SE 36th Streets, (2) sites with potential public health impacts - 6 acres north of E. Granger Avenue between SE 36th and SE 37th Streets and 1.8 acres at 3950 Vandalia Road and (3) sites with the most promising redevelopment potential starting with land located north of Vandalia Road south of the proposed SE Diagonal Highway between SE 34th and SE 38th Streets and continuing eastward as resources permit.

In accordance with the Cooperative Agreement that the City has executed with the EPA, it is necessary to obtain access from property owners to perform environmental testing on at least (5) sites in the proposed Park. Extensive efforts will be made to negotiate access agreements with property owners. State law also permits court-ordered access if necessary. After the additional \$100,000 grant has been approved, the amended Cooperative Agreement will require the City to conduct testing on 10 more sites. Additional site characterization will result in determining the environmental condition of approximately 100 acres which will improve the redevelopment potential of the area markedly. Testing is projected to be completed in early 1999.

Results of the environmental testing will be important to assist the City in ascertaining the redevelopment potential of the Park. The City will have no obligation to acquire properties in the proposed Park as a result of the testing.

Staff has commenced its research on cost-effective environmental remediation approaches, financing options for clean-up and pollution prevention strategies. It is also working closely with the State of Iowa to determine how to facilitate projects based on the new Iowa Land Recycling and Environmental Remediation Standards Act designed to encourage voluntary clean-up. The intent is to provide extensive technical assistance to existing property owners and to create a successful reinvestment process by minimizing challenges to redevelopment.

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