


COUNCIL COMMUNICATION

	Number:	21-407	Meeting:	October 4, 2021
	Agenda Item:	36	Roll Call:	21-1487
	Submitted by:	Benjamin R. Page, Park and Recreation Director		

AGENDA HEADING:

Approve Supplemental Agreement No. 2 to the Lease for Public Park and Recreation Purposes Saylorville Lake, Iowa Corridor Area for improvements to Prospect Park as part of the Central Iowa Water Trails (CIWT) Project.

SYNOPSIS:

Recommend approval of Supplemental Agreement No. 2 to the Lease for Public Park and Recreation Purposes Saylorville Lake, Iowa Corridor Area and authorize the Mayor to sign the agreement. The City currently maintains the Neal Smith Trail from the Saylor Creek Bridge to the south and the corresponding federally owned land lease with the U.S. Army Corps of Engineers (ACOE). Supplemental Agreement No. 2 terms allow improvement to Prospect Park being one (1) component of the Des Moines area Metropolitan Planning Organization (MPO) Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant for the CIWT.

FISCAL IMPACT:

There is no additional fiscal impact associated with this item, as long as ICON fulfills their contractual obligations as outlined in BUILD Grant to the Des Moines area MPO between the City of Des Moines, the Des Moines area MPO, CIWT, LLC, and Polk County Conservation (PCC) that the City Council previously approved on September 13, 2021.

ADDITIONAL INFORMATION:

- The City leases approximately 262.30-acres of land along the Des Moines River from the ACOE, which includes Prospect Park. The City has been maintaining this land and association recreational amenities and improvements since 1982.
- The Des Moines area MPO was awarded a BUILD Transportation Discretionary Grant for the CIWT: Phase I Dam Mitigation and User Access Project.
- The project is proceeding as a joint effort by the Des Moines area MPO and CIWT LLC and includes mitigating the low-head dam at Scott Avenue to help facilitate a water recreational trail and enhance three (3) additional sites along the Des Moines River, including Prospect Park, Birdland Marina, and the Harriet Street Corridor.
- The City Council approved an agreement regarding the BUILD grant with the Des Moines area MPO, CIWT LLC, and PCC and receiving and filing project plans and specification.

- The City Council approved a 28E Agreement between CIWT LLC and City of Des Moines for the operation and maintenance of the regional water trail access points and downtown water trail locations.
- CIWT LLC is responsible for operation and maintenance of in-water improvements, including the controls and power for mechanical items, excluding docks and walkways providing access to the waterway, and including safety, course directional, and decorative and artistic signage relating to the water trails.
- Supplemental Agreement No. 2 amends the lease of Prospect Park and includes the following stipulations:
 - Prospect Park plans and specifications will need to include provisions requiring testing of fill materials to ensure contaminated materials are not being delivered or leaving Prospect Park.
 - Ensure the required inspection by the Rock Island Real Estate Division is satisfactorily accomplished prior to certifying project completion and recommending City acceptance of improvements.
- All other terms and conditions of the original lease and subsequent supplemental agreements remain in full force and effect.
- Site Specific Conditions included in Supplemental Agreement No. 2 are to be satisfied by the Des Moines area MPO and CIWT LLC in accordance with the terms included in the Agreement regarding the BUILD Grant approved by City Council on September 13, 2021 by Roll Call No. 21-1446.

PREVIOUS COUNCIL ACTION(S):

Date: September 13, 2021

Roll Call Number: [21-1445](#), [21-1446](#), and [21-447](#)

Action: Items related to the Central Iowa Water Trails Project involving City of Des Moines, Central Iowa Water Trails, LLC, Des Moines Area Metropolitan Planning Organization, Polk County Conservation, and Iowa Confluence Water Trail as follows:

- (A) [28E Agreement](#) with [Central Iowa Water Trails, LLC](#) for the operation and maintenance of the City of Des Moines Regional Water Trail Access Points and Downtown Water Trail Locations. ([Council Communication No. 21-398](#)) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Westergaard.
- (B) [Agreement](#) regarding [Build Grant](#) to the Des Moines Area Metropolitan Planning Organization, Central Iowa Water Trails, LLC, and Polk County Conservation, and receiving and filing project plans and specifications. ([Council Communication No. 21-399](#)) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Westergaard.
- (C) [Appointment](#) to Iowa Confluence Water Trails (ICON) Board of Directors and recommendations for City Representatives on ICON Executive Committee and Great Outdoors Foundation (GOF) ICON Investments Selection Committee. ([Council Communication No. 21-397](#)) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Westergaard.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

- Acceptance of the completed land-side project improvements.
- Comply with terms as set forth in Supplemental Agreement No. 2.

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