

Date April 10, 2006

**APPROVAL OF MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF DES MOINES AND THE IOWA DEPARTMENT OF NATURAL RESOURCES  
FOR THE U.S. FOREST SERVICE-INNER CITY FORESTRY "REVITALIZING NEIGHBORHOOD  
FORESTRY IN DES MOINES" GRANT AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME**

**WHEREAS**, on November 17, 2003, by Roll Call No. 03-2598, the City Council approved the "Revitalizing Neighborhood Forestry in Des Moines" Program to be funded in part by a U.S. Forest Service – Inner City Forestry Grant; and

**WHEREAS**, the City's application for a \$35,000.00 grant was approved by the Iowa Department of Natural Resources ("IDNR"), and the IDNR has presented a Memorandum of Understanding ("MOU") for execution on behalf of the City, a copy of which is on file in the City Clerk's Office; and

**WHEREAS**, the MOU includes the Capitol East, King-Irving and Woodland Heights Neighborhoods and provides for community tree assessment, neighborhood forestry meetings, public and private tree inventory, and tree plantings utilizing volunteers, and requires the City of Des Moines Forestry Division to perform in-kind services within the public right-of-way on existing street trees; and

**WHEREAS**, it is in the best interests of the City to approve such MOU.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:**

That the Memorandum of Understanding to Revitalize a Neighborhood Forestry Program between the City of Des Moines, Iowa and the Iowa Department of Natural Resources Forestry Bureau, a copy of which is on file in the City Clerk's Office, be and is hereby approved, and the Mayor is hereby authorized and directed to sign said Memorandum of Understanding on behalf of the City, and the City Clerk is hereby authorized and directed to attest to his signature.

(Council Communication No.06-200 attached)

MOVED BY \_\_\_\_\_ TO ADOPT.

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
DANIELS				
COLEMAN				
COWNIE				
HENSLEY				
McPHERSON				
BROOKS				
VCLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
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.

\_\_\_\_\_  
City Clerk

Date \_\_\_\_\_

Agenda Item 44

Roll Call # \_\_\_\_\_

**Memorandum of Understanding to Revitalize a Neighborhood Forestry Program  
Between  
City of Des Moines, Iowa  
And the  
Iowa Department of Natural Resources**

**THIS AGREEMENT** is made and entered into by and between City of Des Moines, Iowa, hereinafter called the "CITY" and the Iowa Department of Natural Resources, hereinafter called "Department".

WHEREAS, the parties desire to work together to develop and implement neighborhood forestry management plans for the Capitol East, King-Irving, and Woodland Heights Neighborhoods in Des Moines, hereinafter called the Three Neighborhoods.

NOW, THEREFORE, the parties agree as follows:

**I. The CITY agrees:**

- A. That the Director of Public Works, William G. Stowe or his designee will administer this Agreement on behalf of the CITY.
- B. That the CITY will purchase, subject to reimbursement by the Department as provided in section II.B herein, and help coordinate the establishment of a minimum of 400+ new landscape trees (min. 1 inch caliper in #10 containers) in public areas within the Three Neighborhoods by December 31, 2006.
- C. That the CITY will provide \$52,000 in-kind documented non federal match work involving public tree work in the Three Neighborhoods from January 1, 2004 to December 31, 2006 and will deliver to the Department a final report which evaluates results and documents total project expenditures, matching non-federal sources involving actual cash or administrative in-kind contributions.
- D. That the CITY will work with the three recognized neighborhood associations and the Department to jointly develop and recommend a neighborhood forestry action plan to help set neighborhood forestry program direction, encourage citizen involvement, seek additional funding opportunities and future recommendations to sustain trees in Des Moines neighborhoods.

6. Take the lead in locating and training volunteers to assist in the Three Neighborhood reforestation effort in the spring and Fall of 2006,
  7. Take the lead in developing and printing neighborhood forestry action plan materials to assist residents with proper tree planting and care and
  8. Take the lead in finding private funding sources to help increase private tree planting in the designated neighborhoods by December 31, 2006.
- D. To acknowledge contributions of the CITY in this project in all appropriate news releases and communications related to said project, with text as approved by the CITY.
- E. To jointly develop with the CITY the neighborhood forestry action plan and to be responsible for the planting of the trees referred to in section I.B above pursuant to such plan.

III. It is mutually understood and agreed that:

- A. Federal funds made available to the CITY under terms of this Agreement shall be expended in accordance with the fiscal regulations governing the CITY and the USDA Forest Service. CITY agrees to maintain accounting records and allow authorized officials of the Department to examine these records for a period of three years after completion of the project.
- B. Nothing herein shall be construed as obligating the Department for future payment of money in excess of that stated in Section II of this Agreement.
- C. All programs carried out under terms of this Agreement will be in compliance with all applicable laws and regulations of state and federal government, including, but not limited to, Equal Opportunity Employment provision, Occupational Health and Safety Act, non discrimination, records retention, audit requirements and allowable costs.
- D. Notwithstanding any other provisions of this agreement, if funds anticipated for the continued fulfillment of this agreement are at any time not forthcoming or insufficient, either through failure of the federal government or the State of Iowa to appropriate funds or discontinuance or material alteration of the program under which the funds were provided, either party shall have the right to terminate this Agreement without penalty by giving no less than thirty (30) days written notice documenting lack of funding.
- E. This Agreement shall remain in effect from January 1, 2004 until December 31, 2006. It may be extended and/or modified by amendment in writing and duly executed by authorized officials of the cooperating parties.

- E. To acknowledge support of the Department by placing the following credit line in all appropriate news releases, publications, reports and other communications,

“This project was supported, in part by a grant from the Iowa Department of Natural Resources – Bureau of Forestry and the USDA Forest Service, Northeastern Area State and Private Forestry.”

**II. The Department agrees:**

- A. That the Bureau Chief for the Department's Bureau of Forestry John Walkowiak or his designee will administer this agreement on behalf of the Department.
- B. To reimburse the CITY for expenses incurred in implementing the Agreement to a maximum amount of \$35,000 in the following manner:
1. All qualifying costs for purchasing and helping to coordinate the establishment of new public trees in the designated neighborhoods incurred for the period January 1, 2004 to June 30, 2006 upon receipt of completed billing form (Attachment A) and Progress Report by July 15, 2006. The department agrees to reimburse the CITY within ten (10) days of receipt of a completed Attachment A form.
  2. All qualifying costs for purchasing and helping to coordinate establishment of new public trees in the designated neighborhoods incurred for the period July 1, 2006 to December 31, 2006 upon receipt of completed billing form (Attachment A) and Final Report by January 15, 2007.
- C. Department's – Bureau of Forestry staff will:
1. Coordinate and complete a community tree assessment for the Three Neighborhoods;
  2. Coordinate with the CITY neighborhood forestry meetings with the Three Neighborhoods;
  3. Complete a 100% public and private tree inventory of the Three Neighborhoods detailing where new landscape trees can be established on public lands and recommending high-risk private trees that should be considered for removal by contract,
  4. Work with a third local partner to ID and prioritize removal of high risk trees from qualifying private property in the Three Neighborhoods,
  5. Work with the CITY and Iowa State University Extension Forestry to conduct neighborhood forestry trainings on tree selection, planting and care,

IN WITNESS THEREOF the parties have signed their names below

Iowa Department of  
Natural Resources

City of Des Moines, Iowa

By: [Signature] Date: 03-30-06  
Liz Christiansen  
Deputy Director

By: \_\_\_\_\_ Date: \_\_\_\_\_  
T. M. Franklin Cownie  
Mayor

By: [Signature] Date: 3/30/06  
John Walkowiak  
Forestry Bureau Chief

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

Diane Rauh

By: \_\_\_\_\_  
City Clerk

STATE OF IOWA )  
                  ) ss.  
COUNTY OF POLK )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2006, before me, the undersigned, a Notary Public, personally appeared T. M. FRANKLIN COWNIE and DIANE RAUH, to me personally known, who, being by me duly sworn, did state that they are the MAYOR and CITY CLERK, respectively, of the City of Des Moines, Iowa; that the seal affixed to the foregoing instrument is the seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted under Roll Call 06-\_\_\_\_\_, Agenda Item \_\_\_\_\_, dated \_\_\_\_\_ and that T. M. FRANKLIN COWNIE and DIANE RAUH acknowledged the execution of the instrument to be the voluntary act and deed of the municipal corporation, by it voluntarily executed.

\_\_\_\_\_  
Notary Public in the State of Iowa

STATE OF IOWA )  
                  ) ss.  
COUNTY OF POLK )

On this 30<sup>th</sup> day of March, 2006, before me, the undersigned, a Notary Public, personally appeared LIZ CHRISTIANSEN and JOHN WALKOWIAK, to me personally known, who, being by me duly sworn, did state that they are the DEPUTY DIRECTOR and FORESTRY BUREAU CHIEF, respectively, of the City of Des Moines, Iowa; that the seal affixed to the foregoing instrument is the seal of the STATE OF IOWA DEPARTMENT OF NATURAL RESOURCES, and that the instrument was signed and sealed on behalf of the STATE OF IOWA DEPARTMENT OF NATURAL RESOURCES and that LIZ CHRISTIANSEN and JOHN WALKOWIAK acknowledged the execution of the instrument to be the voluntary act and deed of the STATE OF IOWA DEPARTMENT OF NATURAL RESOURCES, by it voluntarily executed.

[Signature]  
Notary Public in the State of Iowa

4-21-06