



Date January 22, 2024

**APPROVING 28E AGREEMENT BETWEEN POLK COUNTY, IOWA AND CITY OF DES MOINES FOR A SPONSORED PROJECT WITHIN THE SWAN LAKE BRANCH WATERSHED, IN AN AMOUNT NOT TO EXCEED \$250,000**

WHEREAS, the City has outstanding State Revolving Funds (SRF) loans for City Improvements, which loans are eligible to be amended to include sponsored projects; and

WHEREAS, on May 8, 2017, by Roll Call No. 17-0786, the Des Moines City Council approved a Memorandum of Understanding between the City of Des Moines and the Iowa Soybean Association to complete a watershed planning study for the Swan Lake Branch sub-watershed which is located in the North Raccoon River watershed in Dallas County; and

WHEREAS, the Study was completed which identified a 20-year implementation plan for approximately \$2 million in watershed conservation practices, the Swan Lake Branch Watershed Plan, which is on file with the City of Des Moines Public Works Department; and

WHEREAS, the Public Works Department has determined that fostering cooperation with watershed partners on upstream watershed projects will help encourage further implementation of the Swan Lake Branch Watershed Management Plan; and

WHEREAS, on February 19, 2018, by Roll Call No. 18-0292, the Des Moines City Council approved an Iowa Department of Natural Resources Sponsored Project application which included nutrient reduction agricultural edge of field best management practices recommended in the Swan Lake Branch Watershed Plan; and

WHEREAS, the Public Works Department has determined that the said nutrient reducing agricultural edge of field practices on private property within Dallas County will directly benefit the stormwater management utility and its operations and purpose, pursuant to Des Moines Municipal Code Section 118-272(b); and

WHEREAS, IDNR has approved said Sponsored Project application and for up to \$250,000 of design, construction, and administrative costs for edge of field best management practices. Installation of nutrient reducing agricultural edge of field practices on private property (hereinafter "City Project") is funded subject to modification of existing eligible City of Des Moines SRF wastewater project loans to include the City Project and associated interest rate reduction resulting in no additional cost to the City over the 20 year term of the wastewater loan; and

WHEREAS, the City desires to implement the City Project by providing for the installation of nutrient reducing agricultural edge of field practices at no cost to eligible voluntary private property owners in the Swan Lake Branch Watershed; and

WHEREAS, the County is undertaking a similar project in Polk County (hereinafter "County Project"), the County has agreed to also design, construct and administer the City's Project on private property in Dallas County at the same time; and

WHEREAS, the City desires that the County design, bid, construct and administer the City Project; and



**Roll Call Number**

**Agenda Item Number**

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**Date** January 22, 2024

WHEREAS, City staff has negotiated an agreement with Polk County, pursuant to Chapter 28E of the Code of Iowa, relating to the administration and funding of the City Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the 28E Agreement between the City and Polk County for the Swan Lake Branch Watershed Sponsored Project, in an amount not to exceed \$250,000, is on file with the City Clerk and is hereby approved and the Mayor and the 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 and the City Clerk is authorized to file the 28E Agreement with the Secretary of State.

(Council Communication No. 24-035) Moved by \_\_\_\_\_ to adopt.

Approved as to Form:

s/Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

Second by \_\_\_\_\_.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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.

\_\_\_\_\_  
Mayor

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