CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: May 15, 2017

ITEM:

Resolution - Approval of resubmitted 28E Agreement
North and Middle Rivers Watershed Management Authority

FINANCIAL IMPACT: Undetermined.

BACKGROUND: On April 3, 2017 the City Council approved a 28E Agreement to establish an administrative agency and create a joint administrative board with various governmental entities for watershed management in the Greater Des Moines Area. The information in the Council Communication of April 3 is provided below. Subsequent to approval by the City of West Des Moines, changes were made to the Agreement regarding noticing of each participating entity, shown on the attached redlined document. Although the changes do not affect the substance of the Agreement, they do require its re-approval.

The State of Iowa authorized the creation of Watershed Management Authorities (WMA) in 2010 to assess and reduce flood risk, assess and improve water quality, monitor federal flood risk planning and activities, and allocate potential moneys made available to the WMA to address water quality and flood mitigation. The Des Moines Area Metropolitan Planning Organization (MPO) is leading an effort to develop a WMA for the North and Middle Rivers watershed.

The MPO has requested that Adair County, Madison County, Polk County, Warren County, Carlisle, Cumming, Des Moines, Norwalk, Van Meter, West Des Moines, Dallas County Soil and Water Conservation District, Madison County Soil and Water Conservation District, Polk Soil and Water Conservation District, and Warren County Soil and Water Conservation District enter into this agreement. The purpose of the agreement is to establish an administrative agency and create a joint administrative board. The WMA will be enabled enter into contracts and make expenditures. The agreement is in effect for perpetuity unless terminated in accordance with Section 12 of the agreement.

OUTSTANDING ISSUES: None

RECOMMENDATION:
City Council Adopt: Resolution approving and authorizing the execution of a 28E agreement to establish the North and Middle Rivers Watershed Management Authority.

Lead Staff Member: Brian J. Hemesath, P.E. BJH

STAFF REVIEWS

Department Director	
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney RJS
Agenda Acceptance	

RESOLUTION

A RESOLUTION REAPPROVING AND AUTHORIZING THE EXECUTION OF A IOWA CODE CHAPTER 28E AGREEMENT TO ESTABLISH THE NORTH AND MIDDLE RIVERS WATERSHED MANAGEMENT AUTHORITY

WHEREAS, the Des Moines Area Metropolitan Planning Organization has requested Adair County, Madison County, Polk County, Warren County, Carlisle, Cumming, Des Moines, Norwalk, Van Meter, West Des Moines, Dallas County Soil and Water Conservation District, Madison County Soil and Water Conservation District, Polk Soil and Water Conservation District, and Warren County Soil and Water Conservation District enter into a 28E Agreement in accordance with Iowa Code Chapter 28E;

WHEREAS, the Agreement establishes a Watershed Management Agreement (WMA) for North and Middle Rivers as enabled by Iowa Code section 466B to support watershed planning and improvements;

WHEREAS, the City of West Des Moines is located within the North and Middle Rivers Watershed as defined by the United States Geological Survey Hydrologic Unit Code 8; and

WHEREAS, on April 3, 2017 the City Council approved the Agreement; and

WHEREAS, subsequent to approval of the Agreement by the City, changes to the text of the Agreement regarding notices to participating entities were made, requiring approval by the City of the amended Agreement; and

WHEREAS, the City Council has deemed that it is in the best interest of the citizens of the City to approve and execute the above described WMA 28E agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT the intergovernmental agreement, the North and Middle Rivers Watershed Management Authority 28E agreement on file in the office of the City Clerk is hereby approved and the Mayor is hereby authorized and directed to execute such agreement and the City Clerk is directed to attest to the Mayor's signature.

PASSED AND ADOPTED this 15th day of May, 2017.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

SECTION 15. NOTICES.

~~Notices of this agreement were sent to cities, counties and soil and water conservation districts within the watershed inviting each entity to join.~~ Notices under this Agreement shall be in writing and delivered to the representative of the party to receive notice (identified below) at the address of the representative designated to receive notice for each Party as set forth in this Agreement. The effective date of any notice under this Agreement shall be the date of actual delivery of such notice and not the date of dispatch. The preferred means of notice shall be either actual hand delivery, certified US Mail, return receipt requested with postage prepaid thereon, or by recognized overnight delivery service, such as FedEx or UPS.

Notices shall be delivered to the following persons regarding each Party:

Chair, Adair County
400 Public Square
Greenfield, Iowa 50849

Chair, Madison County
112 N John Wayne Drive
Winterset, Iowa 50273

Chair, Polk County
111 Court Avenue
Des Moines, Iowa 50309

Chair, Warren County
301 N Buxton Street
Indianola, Iowa 50125

Mayor, City of Carlisle
195 N First Street
Carlisle, Iowa 50047

Mayor, City of Cumming
649 N 44th Street
Cumming, Iowa 50061

Mayor, City of Des Moines
400 Robert D. Ray Drive
Des Moines, Iowa 50309

Mayor, City of Norwalk
705 North Avenue
Norwalk, Iowa 50211

Mayor, City of Van Meter
310 Mill Street
PO Box 160
Van Meter, Iowa 50261

Mayor, City of West Des Moines
4200 Mills Civic Parkway
West Des Moines, Iowa 50265

Chair, Dallas SWCD
1918 Green Street
Adel, Iowa 50003

Chair, Madison SWCD
815 IA-92
Winterset, Iowa 50273

Chair, Polk SWCD
1513 North Ankeny Blvd. Suite 3
Ankeny, Iowa 50023-4167

Chair, Warren SWCD
909 E 2nd Avenue
Indianola, Iowa 50125

Or such other address as any Party may specify by notice to the other Parties.

Or such other address as any Party may specify by notice to the other Parties.

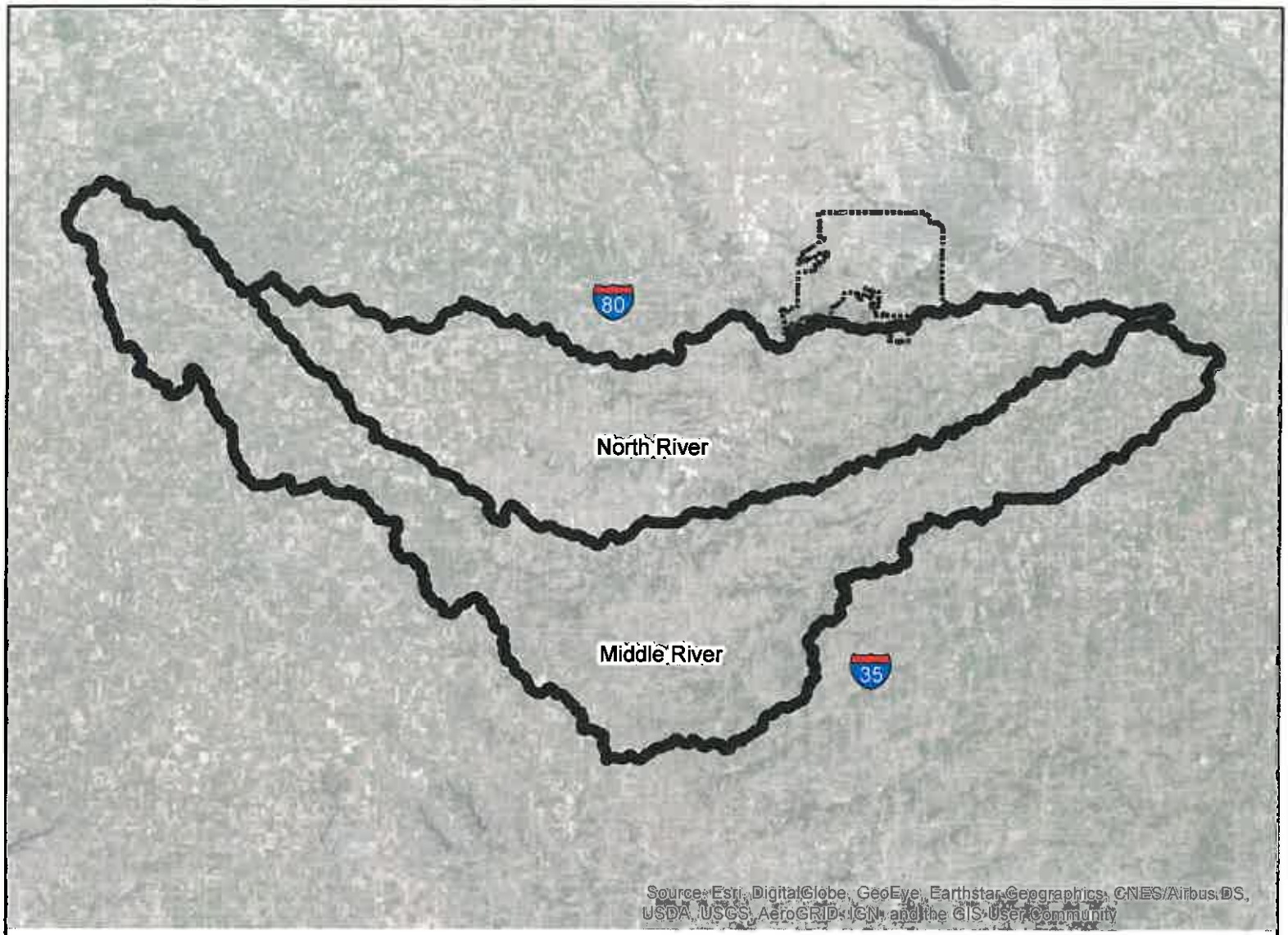
SECTION 16. RECORDATION.

This Agreement shall be recorded pursuant to the requirements of *Code of Iowa*, Chapter 28E.

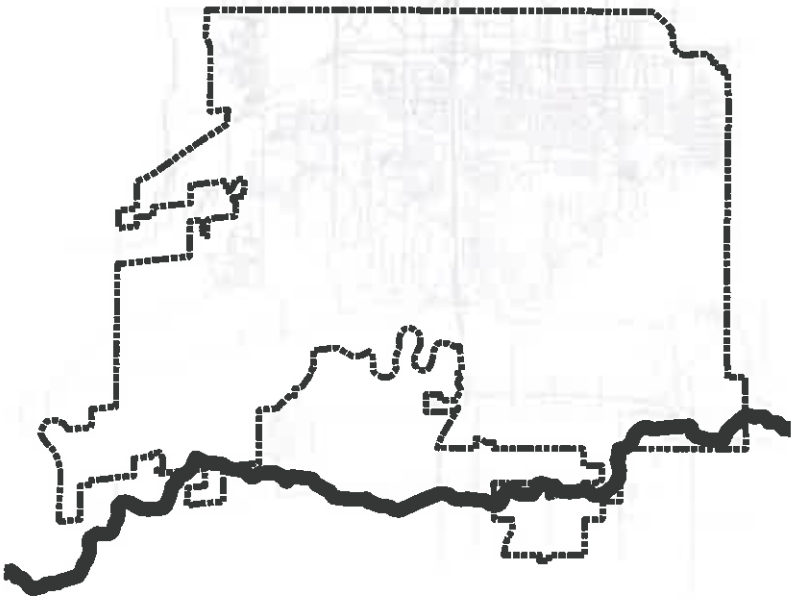
SECTION 17. ENTIRE AGREEMENT.

This Agreement and attachments hereto constitute the entire Agreement among the Parties and supersedes or replaces any prior agreements among the Parties relating to its subject matter.

SECTION 18. NO WAIVER.



VICINITY MAP



LEGEND

PROJECT LOCATION

N
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THE CITY OF WEST DES MOINES

PROJECT:
North and Middle Rivers Watershed Management Authority Agreement

LOCATION:
"Attachment A"

DRAWN BY: JDR	DATE: 3/29/2017	PROJECT: 0208-016	SHT. 1 of 1