

**CITY COUNCIL  
COMMUNICATION:**

**ITEM \_\_\_\_\_**

**02-334**

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

**AGENDA:**

**SYNOPSIS -**

JUNE 17, 2002

Approval of the City of Des Moines to enter into a 28E agreement with the Iowa Department of Transportation (IDOT); Board of Water Works Trustees of the City of Des Moines, Iowa; Board of Water Works Trustees of the City of West Des Moines, Iowa; City of West Des Moines, Iowa; City of Windsor Heights, Iowa; Urbandale Sanitary Sewer District; and Urbandale-Windsor Heights Sanitary District for the distribution of \$6.4 million of federal funds received for the purpose of relocating existing utilities within the Interstate 235 (I-235) corridor as a result of the reconstruction of I-235 through the metropolitan area.

**SUBJECT:**

DISTRIBUTION OF  
FEDERAL FUNDS  
FOR THE  
RELOCATION OF  
UTILITIES IN  
CONNECTION WITH  
THE  
RECONSTRUCTION  
OF I-235

**FISCAL IMPACT -**

The City of Des Moines receives a pro-rata share of \$6,400,000.

**TYPE:**

**RECOMMENDATION -**

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**Approval.**

**BACKGROUND -**

**SUBMITTED BY:**

JEB E. BREWER, P.E.  
CITY ENGINEER

WILLIAM G. STOWE  
PUBLIC WORKS  
DIRECTOR

The House of Representatives bill H.R. 5394, October 5, 2000, appropriated \$6,400,000 for municipality relocation costs for I-235 in Polk County, Iowa. The municipalities affected by utility relocation are the City of Des Moines; the Board of Water Works Trustees of the City of Des Moines, Iowa; Board of Water Works Trustees of the City of West Des Moines, Iowa; City of West Des Moines, Iowa; City of Windsor Heights, Iowa; Urbandale Sanitary Sewer District; and Urbandale-Windsor Heights Sanitary District.

Reimbursement for eligible utility work, as defined in the agreement, shall be the actual contract costs, plus direct and indirect costs, incurred by that municipality, or by IDOT on behalf of the

municipality to the extent such costs are determined to be eligible for grant funding or reimbursement by IDOT. The costs of constructing betterments or functional improvements to a utility system being relocated or restored pursuant to the agreement, except those necessary to meet current Urban Design Standards, and a pro-rata share of the direct and indirect costs associated therewith, shall not be included in determining a municipality's total cost of eligible utility work, and shall not be eligible for grant funding or reimbursement by IDOT.

As applied to the City of Des Moines, eligible utility work shall be limited to the \$12,700,000 in sanitary and storm sewer relocation costs which IDOT has agreed to advance on behalf of Des Moines, but for which Des Moines has accepted financial responsibility and has agreed to repay to IDOT, all as set forth and provided in paragraph 10 of the Predesign Agreement, Agreement No. 2001-P-028, executed by Des Moines and IDOT, respectively, on September 22, 2000 and October 9, 2000. Accordingly, Des Moines' share of the \$6.4 million federal appropriation shall be used to reduce its \$12.7 million utility relocation repayment obligation to IDOT as provided in Agreement No. 2001-P-028.

Nothing in the agreement precludes a municipality from obtaining separate grant funding for utility enhancement projects to be performed in the vicinity of I-235, but not incident to the I-235 Project; and if obtained, such grant funding shall not be included as an addition or increment to the funded \$6.4 million.

Each municipality's share of the disbursement of the \$6.4 million shall be that proportion of each municipality's total cost of eligible utility work to the total cost of all eligible utility work performed by or on behalf of all municipalities.

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