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|  <p style="text-align: center;">Council Communication Office of the City Manager</p> | Date: | February 5, 2018 |
| | Agenda Item No. | 31 |
| | Roll Call No. | <u>18-0207</u> |
| | Communication No. | <u>18-069</u> |
| | Submitted by: | Jonathan A. Gano, P.E., Public Works Director |

AGENDA HEADING:

Approving substitution of the Insurance Attachment to Exhibit E of the First Amended And Restated Chapter 28E Agreement By And Between the Cities of Des Moines and West Des Moines, Providing For The Management, Operation, Maintenance and Security of the Raccoon River and Walnut Creek Flood Protection Improvements and Permanent Easement for Storm Sewer Right-Of-Way, Pump Station, and Flood Protection Levee.

SYNOPSIS:

Recommend approval of substitution of the insurance attachment to Exhibit E of the First Amended and Restated Chapter 28E Agreement By And Between The Cities Of Des Moines And West Des Moines, Providing For The Management, Operation, Maintenance And Security Of The Raccoon River And Walnut Creek Flood Protection Improvements And Permanent Easement For Storm Sewer Right-Of-Way, Pump Station, And Flood Protection Levee.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The West Des Moines City Council has not yet approved or executed the Agreement or Easement and after the action by the Des Moines City Council on January 22, 2018, West Des Moines subsequently requested additional changes to the insurance attachment for the Easement. The City of Des Moines' risk management recommends approving the substitution of the insurance attachment to reflect West Des Moines' requested changes.

The City of Des Moines and City of West Des Moines entered into the original 28E Agreement to designate responsibilities of operation of the U.S. Army Corps of Engineers constructed levee system which provides flood protection to areas of both cities. The City of West Des Moines has identified the need to construct a storm sewer and pump station to provide additional flood protection from interior drainage within the levee protected area primarily in the City of West Des Moines. The storm sewer outfall and pump station requires alteration of a section of the levee currently identified as City of Des Moines maintenance and operation responsibility. Additionally, it will require construction of said improvements on property owned by the City of Des Moines. The amended and restated 28E Agreement designates City of West Des Moines responsibility the area of the existing levee and additional City of Des Moines property necessary to construct, operated, and maintain the storm sewer outfall and pump station improvements. Any alterations to the existing levee will require Corps of Engineers approval and concurrence by City of Des Moines Public Works Department.

PREVIOUS COUNCIL ACTION(S):

Date: January 22, 2018

Roll Call Number: [18-0149](#)

Action: [Approving](#) First Amended and Restated Chapter 28E Agreement with the City of West Des Moines for the management, operation, maintenance and security of the Raccoon River and Walnut Creek flood protection improvements. ([Council Communication No. 18-036](#)) Moved by Mandelbaum to adopt. Motion Carried 7-0.

Date: January 22, 2018

Roll Call Number: [18-0148](#)

Action: [On](#) conveyance of a permanent easement for storm sewer right-of-way, pump station, and flood protection levee, on City-owned property at 227 63rd Street to the City of West Des Moines. Moved by Mandelbaum to adopt. Motion Carried 7-0.

Date: January 8, 2018

Roll Call Number: [18-0044](#)

Action: [Setting](#) date of hearing on conveyance of a permanent easement for storm sewer right-of-way, pump station, and flood protection levee, on City-owned property at 227 63rd Street to the City of West Des Moines, (1-22-18). Moved by Gatto to adopt. Motion Carried 7-0.

Date: November 17, 2003

Roll Call Number: [03-2596](#)

Action: Approving 28E Agreement with City of West Des Moines, providing management, operation, maintenance and security of the Raccoon River and Walnut Creek Flood Protection Improvements constructed by the U.S. Army Corps of Engineers. Moved by Vlassis to adopt. Motion Carried 5-2.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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