


## COUNCIL COMMUNICATION

	Number:	<b>20-475</b>	Meeting:	<b>November 9, 2020</b>
	Agenda Item:	<b>55</b>	Roll Call:	<b>20-1829</b>
	Submitted by:	<b>Pamela S. Cooksey, P.E., Assistant City Manager and Steven L. Naber, P.E., City Engineer</b>		

### AGENDA HEADING:

Approving Agreement with Central Iowa Water Trails, LLC (CIWT) regarding proposed impact to City levee as part of the Central Iowa Water Trails Project.

### SYNOPSIS:

Recommend approval of the agreement with CIWT that provides for a proposed increase in the water surface elevation of the Des Moines River for the 100-year event between Scott Avenue and S.E. 6<sup>th</sup> Street, re-design of the City levee design and CIWT responsibility for the cost of additional professional services for hydraulic modeling and levee re-design by City consultants, increase real estate costs and construction costs associated with the revised levee design.

### FISCAL IMPACT:

Amount: \$400,000 (estimated) to be paid by CIWT

Funding Source: City to invoice CIWT for the actual costs for additional professional services, real estate and construction costs associated with revised levee design.

### ADDITIONAL INFORMATION:

- CIWT operates as a regional public-private partnership for the purpose of implementing a recreational and dam safety plan for 150 miles of water trails throughout Central Iowa.
- The Des Moines Area Metropolitan Planning Organization (DMAMPO) was awarded a Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant for the Central Iowa Water Trails: Phase I Dam Mitigation and User Access Project.
- The project is proceeding as a joint effort by the DMAMPO and CIWT and includes mitigating the low-head dam at Scott Avenue to help facilitate a water recreational trail and enhance three (3) additional sites along the Des Moines River, including Prospect Park, Birdland Marina, and the Harriet Street Corridor.

- The proposed design at Scott Avenue by CIWT’s consultant, Merrick and Company, will not achieve the required no-rise certification, as the project would result in an increased water surface elevation of the Des Moines River for the 100-year event between Scott Avenue and S.E. 6<sup>th</sup> Street.
- The water trails project submittal to the Corps of Engineers for Section 408 review requires a “Letter of No Objection” from the City, as the property owner impacted. This action will authorize the City Engineer to issue the required letter subject to receiving current design and information, the ability to mitigate the impact by levee modifications fully funded by CIWT and resolution of outstanding City comments related to the hydraulic performance of the improvements. Final design of the Harriet Street site will not result in an increase to the 100-year flood elevation.
- The City’s current design of the levee is at or near a 95% level of completion. The final levee design has not been submitted to the Corps of Engineers for review and approval while awaiting resolution of the water trail design. Now that CIWT has determined the impact to the water surface elevation cannot be eliminated at Scott Avenue, the City will modify the levee design to increase the height to mitigate the increase in water surface elevation and meet the Corps of Engineers, Federal Emergency Management Administration and established City design requirements.
- The re-design of the levee to accommodate the water trails impact will result in delaying the City’s planned improvements to this section of the levee. The levee improvements are expected to be bid by the end of 2021, with construction in 2022 and 2023.
- This agreement obligates CIWT to reimburse the City for additional professional services for hydraulic modeling and levee re-design by City consultants, increased real estate costs and construction costs associated with the revised levee design.
- The water trail design at Scott Avenue is subject to the granting of a variance by the City Council pursuant to Chapter 50 Floodplain Development, for failure to meet the performance standards provided in Section 50-34. Consideration of the appeal by CIWT and granting of a variance will be based on the ability to fully mitigate the impact by increasing the levee height.
- Responsibility for funding, performing construction, maintenance, repair and operation of improvements will be addressed in separate agreements.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

- Professional Service Agreements/Supplemental Agreements for hydraulic modeling and modification of levee design.

- Consideration of appeal by CIWT and variance pursuant to Chapter 50 Floodplain Development for failure to meet the performance standards in Section 50-34.
- Other anticipated actions include future agreements between the City and CIWT, and possibly others, for proposed improvements associated with the BUILD Grant. This is expected to include responsibilities and obligations for project funding, construction, maintenance, operations.

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