



Date January 25, 2010

RESOLUTION APPROVING NOTICES TO THE PUBLIC FOR PROJECTS TO BE LOCATED IN A FLOODPLAIN AND A REQUEST FOR THE RELEASE OF FUNDS FROM THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR FUNDS FROM THE CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT OF 2009

WHEREAS, the Iowa Department of Economic Development (IDED) has received U.S. federal funds under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 (P.L. 110-329); and

WHEREAS, the City of Des Moines has applied to IDIED for the amount of \$4,000,000 with the primary purpose of installation of a storm water and sanitary sewer separation system in the downtown area in the City of Des Moines for Contract 08-DRI-232; and

WHEREAS, it is a requirement of HUD to prepare an Environmental Review Record (ERR) before federal or nonfederal funds can be released for the use of program activities; and

WHEREAS, the Department of Community Development is the HUD designated Responsible Entity (RE) and is required to prepare and maintain the ERR for HUD Grants awarded to projects in the City of Des Moines, Iowa; and

WHEREAS, the Department of Community Development has the responsibility to prepare and maintain the ERR for HUD grants and has determined that the projects are Categorically Excluded subject to Sec.58.5 of the federal environmental review procedures under 24CFR Part 58.35.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Mayor is authorized and directed to execute, and the City Clerk is authorized and directed to publish, the attached "Notice of Proposed Project to be Located in a Floodplain or Wetlands" (Exhibit A) in the Des Moines Register on January 26, 2010; the "Notice of Decision Regarding Project to be Located in a Floodplain or Wetlands" (Exhibit B) in the Des Moines Register on February 11, 2010, and the "Concurrent Notice to Public of Finding of No Significant Impact on the Environment and Notice to Public of Intent to Request Release of Funds" (Exhibit C) in the Des Moines Register on February 11, 2010 in accordance with federal regulations 24 CFR 58.42, 58.43, and 58.44, which notices are hereby approved.

BE IT FURTHER RESOLVED that the Mayor is designated as certifying officer for purposes of federal regulation 24 CFR 58.71 and is authorized to execute the "Request for Release of Funds and Certification" (Exhibit D) which form is hereby approved, and the City Clerk is directed to attest to his signature.

★ Roll Call Number

Agenda Item Number

26

Date January 25, 2010

(Council Communication No. 10- 049)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, 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.

MOTION CARRIED APPROVED

Mayor

City Clerk

NOTICE OF PROPOSED PROJECT TO BE LOCATED IN A FLOODPLAIN OR WETLANDS

Publication Date: January 26, 2010

The **City of Des Moines, IA** is proposing to conduct an **installation of a storm water separation system in downtown Des Moines**, to be funded with Community Development Block Grant (CDBG) **Jumpstart Federal Disaster Recovery** funds received through the Iowa Department of Economic Development (IDED).

The **City of Des Moines, IA** has determined that this proposed project lies in a floodplain/wetland and thus is publishing this notice in compliance with Executive Orders 11988 and 11990 and the Floodplain Management Wetlands Protection Guidelines adopted by the Water Resources Council.

This proposed project is located **in downtown Des Moines, IA: east of Water Street along Court Avenue; north along 2nd Av. to Grand Av; west along Grand Av. to 3rd St.**, and will consist of **installation of a storm water sewer separation system**.

The **City of Des Moines, IA** has additional information available on this project, which can be reviewed at the **Engineering Dept., 400 Robert D. Ray Dr., Des Moines, IA 50309**. Interested persons can also call **Mr. Jeb E. Brewer, City Engineer** at **(515)283-4920** for additional information about this proposed project. The **City of Des Moines, IA** is now considering potential alternative sites, potential flood impact on the proposed project, and potential mitigation to minimize flood hazard or wetlands impact.

Written comments on this proposed project are invited and should be submitted by **February 10, 2010** to **the Community Development Dept., 602 Robert D. Ray Dr., Des Moines, IA 50309**. All such comments will be taken into account by the **City of Des Moines, IA** prior to its decision on the proposed project.

T.M. Franklin Cownie, Mayor

City Hall
400 Robert D. Ray Dr.
Des Moines, IA 50309

NOTICE OF DECISION REGARDING PROJECT TO BE LOCATED IN A FLOODPLAIN OR WETLANDS

Publication Date: February 11, 2010

The **City of Des Moines, IA** is proposing to conduct an **installation of a storm water separation system in downtown Des Moines**, to be funded with Community Development Block Grant (CDBG) **Jumpstart Federal Disaster Recovery** funds received through the Iowa Department of Economic Development (IDED).

In order to comply with Executive Orders 11988 or 11990 and the Water Resources Council's Floodplain Management/Wetlands Protection Guidelines, **the City of Des Moines, IA** hereby states that this **installation of a storm water sewer separation system located in downtown Des Moines, IA: east of Water Street along Court Avenue; north along 2nd Av. to Grand Av; west along Grand Av. to 3rd St.** lies within an identified floodplain. However, **the City of Des Moines, IA** has reached a decision that this is the only practicable alternative for this project.

Its decision is based on an evaluation of the following alternatives: **no other location alternatives, or to not conduct the project.** The **City of Des Moines, IA** will, however, ensure that this project will conform to all state and/or local floodplain standards, and will take the following actions to mitigate the flood hazard.

The project itself is a mitigation measure to limit the impact of flood hazard.

Written comments on this proposed project are invited and should be submitted by **February 26, 2010** to **the Community Development Dept., 602 Robert D. Ray Dr., Des Moines, IA 50309.** All such comments will be taken into account by the **City of Des Moines, IA** prior to its decision on the proposed project.

T.M. Franklin Cownie, Mayor

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