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Date July 27, 2009

APPROVING AND AUTHORIZING LETTERS
TO SENATOR HARKIN, SENATOR GRASSLEY AND CONGRESSMAN BOSWELL
REGARDING NATIONAL HISTORIC PRESERVATION ACT REVIEW OF SEWERS

WHEREAS, the Environmental Protection Agency grant accepted by the City on September 22, 2003 by Resolution No. 03-2172 provided funding for projects that included lining of brick sewers and were determined by the Environmental Protection Agency to qualify for Categorical Exclusions and that the National Historic Preservation Act compliance would be coordinated pursuant to the regulations at 36 CFR Section 800.8; and

WHEREAS, following installation of the lining, on or about November 19, 2008, the Environmental Protection Agency (EPA) consulted with and received advice from the State Historic Preservation Office (SHPO) about certain brick sewers within the project area that may be historic cultural resources; and

WHEREAS, in response from the opinion from SHPO, EPA sent an electronic mail message, dated January 30, 2009, to the City Manager requiring an historic context of the municipal sewer system be prepared; and

WHEREAS, in response, the City Manager sent a letter on April 29, 2009, and requested that the EPA reconsider their determination; and

WHEREAS, by letter dated May 21, 2009, the EPA responded repeating their request that the City complete a Phase 1A characterization; and

WHEREAS, in order to close the grant, the City of Des Moines has agreed to prepare the Phase 1A, Characterization and Historic Context, of our sewers as required by the Environmental Protection Agency, in consultation with the Iowa State Historical Preservation Office; and

WHEREAS, the City of Des Moines continues to object to the determination made and the potential affect this type of determination has on future projects that may affect historic cultural resources subject to National Historic Preservation Act review and approval by Federal and State agencies in consultation with the Iowa State Historic Preservation Office; and

WHEREAS, the City of Des Moines is requesting the assistance of the Honorable Senator Tom Harkin, Senator Grassley and Congressman Boswell to further review the issue and provide possible direction in clarifying requirements and authorities as they relate to satisfying interpretations provided by Federal and State agencies in consultation with the Iowa State Historic Preservation Office.

★ Roll Call Number

Agenda Item Number

7B

Date July 27, 2009

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the letters to Senator Harkin, Senator Grassley and Congressman Boswell regarding National Historic Preservation Act review of sewers, a copy of which is on file in the office of the City Clerk, is hereby approved as to form and content.

BE IT FURTHER RESOLVED: That the Mayor is hereby authorized and directed to sign said letters for and on behalf of the City of Des Moines, Iowa.

Moved by _____ to adopt.

FORM APPROVED:

Kathleen Vanderpool by AD
 Kathleen Vanderpool
 Deputy City Attorney

DEB

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

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.

 City Clerk