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Date December 9, 2024

**AUTHORIZING CITY ENGINEER TO SIGN LETTER OF NO-OBJECTION,
WITH STATED QUALIFICATIONS, TO BE SUBMITTED TO THE UNITED STATES
ARMY CORPS OF ENGINEERS (USACE) BY ICON WATER TRAILS TO START THE
SECTION 408 PERMIT REVIEW FOR THE FLEUR DRIVE SITE**

WHEREAS, ICON Water Trails, formerly Central Iowa Water Trails (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; and

WHEREAS, ICON Water Trails has a plan for Downtown Whitewater Access, which includes a site referenced as the “Fleur Drive Site”. This site is located just upstream (west) of the Coleman Bridge to the north of Gray’s Lake and will include improvements that will be adjacent to and directly on top of the existing flood control levee; and

WHEREAS, ICON Water Trails is progressing with design at the Fleur Drive Site and will be submitting for United States Army Corps of Engineers (USACE) Section 408 permit review and approval; and

WHEREAS, the Scott Avenue ICON Water Trails project, as proposed, would not achieve the required no-rise certification and would result in an increased water surface elevation of the Des Moines River for the 100-year event between Scott Avenue and SE 6th Street; and

WHEREAS, the Section 408 submittal to the USACE requires a “Letter of No Objection” from the City, as the levee sponsor impacted by the proposed improvements; and

WHEREAS, following City Council approval of the agreement with CIWT, now ICON Water Trails, by Roll Call 20-1829 on November 9, 2020, the CIWT design consultants determined that changes to the City Levee Design would not be required to mitigate the impact of the increased water surface elevation and preserve the City’s design requirements in accordance with the United States Army Corps of Engineers (“USACE”) and Federal Emergency Management Agency requirements; and

WHEREAS, the responsibility for funding, performing construction, maintenance, repair and operation of the proposed improvements will be handled by ICON Water Trails; and

WHEREAS, the requested “Letter of No Objection” is being authorized, subject to addressing the qualifications set forth and satisfactory resolution of City comments and compliance with the USACE Section 408 approval; and

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WHEREAS, qualifications include the need to submit a geotechnical/environmental investigation report, that all costs for redesign and construction if proposed improvements require redesign of the levee system will be borne by ICON Water Trails, and that an agreement will be finalized for the transfer of land, from the City to Polk County, prior to a final “Letter of No Objection” is authorized that will allow ICON Water Trails to construct, operate, repair, and maintain the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Engineer, if deemed appropriate in his professional judgment, is authorized to sign and submit a “Letter of No Objection” with stated qualifications on behalf of the City of Des Moines to the United States Army Corps of Engineers for the above-described ICON Water Trails project.

(Council Communication Number 24-478)

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

SLN pw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Mayor

City Clerk