

★ Roll Call Number

09-1233

Agenda Item Number

42

Date July 13, 2009

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 IDED for the amount of \$5,700,000 with the primary purpose of providing funding for infrastructure repair and construction to areas that meet defined eligibility criteria to benefit low and moderate income persons and families in the City of Des Moines for the following contracts: 08-DRI-005 Emergency Power Generators at Five Storm Water Pump Stations in Birdland and Central Place Areas, 08-DRI-006 Livingston Av. Storm Sewer System Lining; 08-DRI-007 Highland Hills Sanitary Sewer Lining; 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, and

WHEREAS, the 08-DRI-007 Contract for the Highland Hills Sanitary Sewer Lining Project has been determined to not be within a floodplain and, according to the Iowa Department of Economic Development, has met the Public Notice requirements under the Public Notice published in the Des Moines Register on May 18, 2009, as authorized by Roll Call No. 09-858, and IDED now requires that certain forms, as on file in the office of the City Clerk, be approved and certified by the City in relation to said contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the City Clerk is authorized and directed to publish, the attached "Notices of Proposed Project to be Located in a Floodplain or Wetlands" (Exhibits A1 & A2) in the Des Moines Register on July 14, 2009; the "Notices of Decision Regarding Project to be Located in a Floodplain or Wetlands" (Exhibits B1 & B2) in the Des Moines Register on July 29, 2009, and

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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 August 5, 2009, in accordance with 24 CFR 58.42, 58.43, and 58.44, which notices apply to Contracts 08-DRI-005 and 08-DRI-006 and are hereby approved.

BE IT FURTHER RESOLVED that the Mayor is designated as certifying officer for purposes of 24 CFR 58.71 and is authorized to execute the "Request for Release of Funds and Certification" (Exhibits D1 & D2); the "Exempt from SHPO Review, Project Determination Form" (Exhibits E1 & E2), and the "Authorization for Alternate Signatories for SHPO Comment Form" (Exhibit F), which forms apply to Contracts 08-DRI-005 and 08-DRI-006 and are hereby approved, and the City Clerk is directed to attest to his signature.

BE IT FURTHER RESOLVED that the Mayor is designated as certifying officer for purposes of 24 CFR 58.71 and is authorized to execute the "Request for Release of Funds and Certification"; the "Exempt from SHPO Review, Project Determination Form"; and the "Authorization for Alternate Signatories for SHPO Comment Form", which forms, as on file in the office of the City Clerk, apply to Contract 08-DRI-007 and are hereby approved, and the City Clerk is directed to attest to his signature.

(Council Communication No. 09-479)

Moved by Kiernan to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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
T. M. Franklin Mayor

Diane Rauh
City Clerk

NUMBER NOT USED