

Date November 16, 2009

APPROVING AND AUTHORIZING THE EXECUTION OF CDBG DISASTER RECOVERY INFRASTRUCTURE NOTICE OF AWARD AND GRANT CONTRACTS AND APPROVING NOTICE TO THE PUBLIC FOR APROJECT TO BE LOCATED IN A FLOODPLAIN AND A REQUEST FOR THE RELEASE OF FUNDS WITH THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT.

WHEREAS, on May 18, 2009, under Roll Call Number 09-833, the City Council approved authorization to submit four CDBG Disaster Recovery Infrastructure Applications to the Iowa Department of Economic Development (IDED)for the construction of infrastructure projects for the long-term recovery and restoration of damage done from the June 2008 flood; and

WHEREAS, on November 4, 2009, IDED notified the City of Des Moines that IDED has awarded the City the following Community Development Block Grants:

- Contract Number 08-DRI-032 in the amount not to exceed \$4,000,000 for the Court Avenue - Water Street Sewer Separation Project.
- Contract Number 08-DRI-033 in the amount not to exceed \$5,000,000 for the Lower Union Sewer Separation Project.
- Contract Number 08-DRI-034 in the amount not to exceed \$1,200,000 for the 33rd Street Sewer Separation Project.
- Contract Number 08-DRI-035 in the amount not to exceed \$5,000,000 for the Jackson Basin Pump Station Project.

WHEREAS, before IDED will send these Contracts for execution by the City, IDED is requiring the City to execute and return IDED's Notice of Award letter for each contract, whereby the City accepts the award described, acknowledges that receipt of the Award is contingent upon satisfaction of all conditions of the CDBG program and execution of the Contract, and agrees to be bound by the program and Contract requirements.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the City hereby accepts the Notice of Award of Contract Numbers 08-DRI-032/035 as described, acknowledges that receipt of the award is contingent upon satisfaction of all conditions of the CDBG program and execution of the Contract, and agrees to be bound by the program and Contract requirements. Copies of the Award Notices are now on file in the office of the City Clerk.
2. That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Award Notices for and on behalf of the City of Des Moines, Iowa.
3. That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Contract Numbers 08-DRI-032/035, and any other related documents, for and on behalf of the City of Des Moines, Iowa, upon receipt from IDED, subject to review and approval of the form of the contract or document by the Engineering and Legal Departments.
4. That the Community Development and Engineering Departments and City Clerk are hereby authorized to set any public hearing dates and publish any notices associated with, or required

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by, said Contract Numbers 08-DRI-032/035, including but not limited to the attached “Notice of Proposed Project to be Located in a Floodplain or Wetland” (Exhibit A) in the Des Moines Register on November 19, 2009; the “Notice of Decision Regarding Project to be Located in a Floodplain or Wetland” (Exhibit B) in the Des Moines Register on December 4, 2009, 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 December 11, 2009, in accordance with 24 CFR 58.42, 58.43, and 58.44, which notices apply to contract 08-DRI-032 and are hereby approved.

5. That the Mayor is further authorized and directed to sign and submit a written request for extension of the project completion dates to IDED as needed; and 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”; (Exhibit D) which form applies to contract 08-DRI-032 and is hereby approved, and the City Clerk is directed to attest to his signature.
6. That the Mayor Pro Tem and the Chief Deputy City Clerk are hereby authorized to execute and attest said documents, respectively in the event that the Mayor or City Clerk are not available.

(Council Letter Number 09-801 attached)

Moved by Hensley to adopt.

FORM APPROVED: Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

Funding Source – Various funding for construction being:

- \$15,200,000 - CBDG Infrastructure Grant funds,
- \$2,100,000 - 2009-2010 CIP, City-wide Storm Water Utility Projects, Storm Water Utility Funds,
- \$800,000 - 2009-10 CIP, City-wide Sanitary Sewer, Sanitary Sewer Revenue Funds.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
HENSLEY	✓			
KIERNAN				✓
MAHAFFEY				✓
MEYER	✓			
VLISSIS	✓			
TOTAL	4			3

**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.

T. M. Franklin  
 Mayor

Diane Rauh  
 City Clerk