

★ Roll Call Number

11-0661

Agenda Item Number

15

Date April 25, 2011

APPROVING CHAPTER 28E AGREEMENT BETWEEN THE CITY OF DES MOINES,  
CITY OF WEST DES MOINES, AND BOARD OF WATER WORKS TRUSTEES,  
CITY OF DES MOINES, IOWA, FOR PAYMENT FOR OPERATION OF  
FLOOD-WARNING AND RIVER-HEIGHT GAGING STATIONS  
ON  
WALNUT CREEK AT 63<sup>RD</sup> STREET IN DES MOINES  
(KNOWN AS 1<sup>ST</sup> STREET IN WEST DES MOINES)  
AND ON THE RACCOON RIVER AT 63<sup>RD</sup> STREET, AT THE CITY OF VAN METER, AND  
AT FLEUR DRIVE

WHEREAS, the City of Des Moines annually enters into a Joint Funding Agreement with the U.S. Department of Interior U.S. Geological Survey for operation and maintenance for flood warning and river height gauging stations in the Des Moines and Raccoon River basins; and

WHEREAS, a proposed 28E Agreement for the cost sharing of gaging station operation and maintenance on the Raccoon River between the City of Des Moines, the City of West Des Moines, and Board of Water Works Trustees has been drafted and submitted for approval to West Des Moines and Water Works; and

WHEREAS, it is in the best interest of the City of Des Moines to approve 28E Agreement between the City of Des Moines, the City of West Des Moines, and Board of Water Works Trustees, City of Des Moines, Iowa, for payment for operation of a flood-warning and river-height gaging stations on Walnut Creek at 63rd Street in Des Moines (known as 1st Street in West Des Moines) and on the Raccoon River at 63rd Street, at the City of Van Meter, and at Fleur Drive;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the Chapter 28E Agreement between the City of Des Moines, the City of West Des Moines, and Board of Water Works Trustees, City of Des Moines, Iowa, for payment for operation of flood-warning and river-height gaging stations on Walnut Creek at 63rd Street in Des Moines (known as 1st Street in West Des Moines) and on the Raccoon River at 63rd Street, at the City of Van Meter, and at Fleur Drive, a Copy of which is attached hereto and made a part hereof, is hereby approved as to form and content.
2. That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said chapter 28E Agreement for and on behalf of the City of Des Moines, Iowa.

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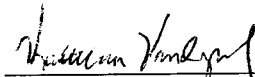
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- 3. Upon execution of the 28E Agreement, the City Clerk shall forward two originals of the agreement to the Legal Department. The Legal Department shall coordinate with the City of West Des Moines and Board of Water Works Trustees to complete the execution and recording of the 28E Agreement.

(Council Letter Number 11-237 attached)

Moved by Hensley to adopt.

FORM APPROVED:

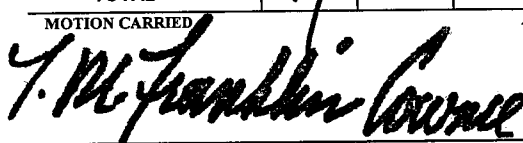
  
 Kathleen Vanderpool  
 Deputy City Attorney

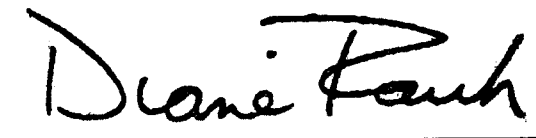
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

  
 T. M. Franklin  
 Mayor

  
 Diane Rauh  
 City Clerk