



Roll Call Number

15-1093

Agenda Item Number

E-1A

Date June 22, 2015

APPROVAL OF THE AGREEMENT BETWEEN THE FLOOD MITIGATION BOARD
AND THE CITY OF DES MOINES, IOWA AND THE
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY

WHEREAS, the Iowa Homeland Security & Emergency Management Agency is accepting applications for the Iowa Flood Mitigation Program, pursuant to Iowa Code Chapter 418, for the use of Sales Tax Revenues to provide funding to governmental entities to implement long-term flood mitigation projects; and

WHEREAS, the City and the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) are planning long-term flood mitigation projects which are beneficial to both parties, including but not limited to the reduction of flood potentials for the downtown and southeast Des Moines area, the WRA system and the Wastewater Reclamation Facility (WRF) and the ability to better operate the WRF and maintain capacity in the WRA System during wet weather events; and

WHEREAS, by Roll Call No. 14-0505 of March 24, 2014, the City Council of the City of Des Moines authorized the submission of an Iowa Flood Mitigation Program Joint Application with the Des Moines Metropolitan Wastewater Reclamation Authority ("WRA") to the Iowa Homeland Security and Emergency Management Agency, approved the Des Moines-WRA Flood Mitigation Project Plan and approved a 28E Agreement between the City and WRA for the Joint Application for Administration and Funding of a Project Plan pursuant to the Iowa Flood Mitigation Program ("28E Agreement"); and

WHEREAS, by Roll Call No. 14-0574 of April 7, 2014, the City Council approved a revised Des Moines-WRA Flood Mitigation Project Plan and approved the First Amendment to the 28E Agreement to add an additional project to the Project Plan; and

WHEREAS, by Roll Call No. 15-0978 of June 8, 2015, the City Council approved the submission of a new Iowa Flood Mitigation Program Joint Application with the WRA to the Iowa Homeland Security and Emergency Management Agency, approved a revised Des Moines-WRA Flood Mitigation Project Plan and approved the Second Amendment to the 28E Agreement; and

WHEREAS, the on June 18, 2015, the City Manager and the WRA Director executed the Third Amendment to the 28E Agreement by and between the City of Des Moines, Iowa and the Des Moines Metropolitan Wastewater Reclamation Authority for the Joint Application for Administration and Funding of a Project Plan Pursuant to the Iowa Flood Mitigation Program to make non-substantial changes to the funding amounts within the Project Plan for purposes of submitting a joint application to the Board; and

WHEREAS, on June 22, 2015 the Flood Mitigation Board approved the Joint Application of the City and WRA for the use of sales tax revenues for the State of Iowa Flood Mitigation Program for the Des Moines-WRA Flood Mitigation Project; and



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WHEREAS, by separate resolution of this date, the City Council approved the Agreement between the Flood Mitigation Board, the City and WRA Approving the Application of the City and WRA for the Use of Sales Tax Revenues for the State of Iowa Flood Mitigation Program for the Des Moines-WRA Flood Mitigation Project.

WHEREAS, on June 22, 2015 the Flood Mitigation Board approved the Joint Application of the City and WRA for the use of sales tax revenues for the State of Iowa Flood Mitigation Program for the Des Moines-WRA Flood Mitigation Project; and

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF DES MOINES, IOWA:

- 1. That the Agreement, and covenants contained therein, between the Flood Mitigation Board and the City of Des Moines, Iowa and the Des Moines Metropolitan Wastewater Reclamation Authority is hereby approved and the Mayor is authorized and directed to execute the Agreement and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
2. That the approval and execution by the City Manager of the Third Amendment to the 28E Agreement between the City of Des Moines and the WRA is ratified and confirmed.
3. That the Project Plan submitted with the Joint Application to the Flood Mitigation Board is approved and the actions of the City Manager in submitting the revised Project Plan are ratified and confirmed. That the City Manager and Finance Director are hereby authorized to make all necessary requests for remittance of the sales tax revenue from the Department of Revenue and is further authorized to take all other necessary action to carry out the requirements of the Agreement between the WRA, City and Flood Mitigation Board, all statutory and regulatory requirements and the 28E Agreement between the City and the WRA.

APPROVED AS TO FORM:

Moved by Moore to adopt.

Kathleen Vanderpool
Deputy City Attorney

(Council Communication No. 15-357)

sponsor: Mayor Cownie

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL (7 yeas).

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.

Y. M. Franklin Cownie Mayor

Diane Rauh City Clerk