

★ Roll Call Number

116-1187

Agenda Item Number

10

Date July 25, 2016

**APPROVAL OF AMENDMENT NUMBER ONE TO THE AGREEMENT
BETWEEN THE FLOOD MITIGATION BOARD AND THE
CITY OF DES MOINES, IOWA AND THE
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

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

WHEREAS, by Roll Call 15-1093 of June 22, 2015, 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.

★ Roll Call Number
16-1187

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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 Amendment Number One of 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 Amendment and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
2. 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.

(Council Communication 16-412 attached)

Moved by Hensley to adopt

FORM APPROVED: Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

asc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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 7 APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk