

★ Roll Call Number

16-1733

Agenda Item Number

40

Date October 10, 2016

**TERMINATION OF THE DES MOINES LEVEES SYSTEM FEASIBILITY STUDY
AND AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY
AND THE CITY OF DES MOINES FOR
THE DES MOINES LEVEE SYSTEM**

WHEREAS, the United States Congress authorized a feasibility study of the Des Moines and Raccoon Rivers to evaluate the impacts of the increased flood risk identified in the 2010 Des Moines River Regulated Flow Frequency Study which indicated the current levee system provides lower than 1% annual chance exceedance level of protection; and

WHEREAS, Corps of Engineers provided a Federal Cost Share Agreement that provides for a study to identify and evaluate alternatives and the preparation of a decision document that, as appropriate, recommends a coordinated and implementable solution for enhancement of Des Moines levee system flood protection; and

WHEREAS, on August 10, 2015, by Roll Call 15-1337, City Council approved the Federal Cost Share Agreement provided by the Corps of Engineers; and

WHEREAS, as part of the prepared study, the Corps of Engineers has not been able to economically justify the Des Moines Levee System project and have found the benefit/cost to be less than 0.5, significantly less than the 1.0 minimum required to support a Federal project; and

WHEREAS, the Corps of Engineers have offered options at additional cost to the City, including further analyzing the benefit/cost; and

WHEREAS, due to the low probability of success and the increased cost of proceeding, the City Council supports terminating the study and agreement, as provided in Article IV of the Federal Cost Share Agreement.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That it hereby authorizes the termination of the Agreement between the Department of the Army and the City of Des Moines for the Des Moines Levees System, Des Moines and Raccoon Rivers, IA and the Des Moines Levees System Feasibility Study.
2. The Mayor is hereby authorized and directed to execute on behalf of the City of Des Moines, Iowa, the thirty day written notice terminating the Agreement between the Department of the Army and the City of Des Moines for the Des Moines Levees System, Des Moines and Raccoon Rivers, IA and terminating the Des Moines Levees System Feasibility Study, a copy of which is on file in the office of the City Clerk.

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3. That the City Engineer is authorized and directed to send the notice of termination to the Department of the Army as directed in the Agreement.
4. That the Mayor and City Manager are hereby authorized to take any additional actions necessary to effectuate termination of the Agreement between the Department of the Army and the City of Des Moines for the Des Moines Levees System, Des Moines and Raccoon Rivers, IA and the Des Moines Levees System Feasibility Study.

(Council Letter Number 16-589 attached)
Activity ID 14-2015-022

Moved by Wensley to adopt.

AC FORM APPROVED: Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Cowie Mayor

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.

Diane Rauh City Clerk