

★ Roll Call Number

18-0251

Agenda Item Number

8

Date February 19, 2018

**APPROVING THE PROGRAMMATIC AGREEMENT FOR LEVEE SYSTEM
ALTERATIONS IMPLEMENTED UNDER THE DES MOINES LEVEE SYSTEM,
DES MOINES AND RACCOON RIVERS, IOWA, SECTION 408 PERMISSION
APPLICATION**

WHEREAS, on August 24, 2015, by Roll Call 15-1411, the City Council approved Supplemental Agreement No. 1 to the professional services agreement with Stantec Consulting Services, Inc. for Phase 2 of the levee accreditation program, which includes coordination with the United States Army Corps of Engineers Rock Island District (hereinafter District) for the City's permission request to alter a District civil works project in accordance with 33 USC § 408 Section 14 of the Rivers and Harbors Act of 1899 (hereinafter Section 408 permission request), Section 408 Concept Plan submittal, and preparation of a Programmatic Environmental Assessment, which will include a Programmatic Agreement; and

WHEREAS, decision on a Section 408 permission request is a federal action which requires the District to ensure compliance with Sections 106 and 110(f) of the National Historic Preservation Act (54 U.S.C. § 306108 and 306107); and

WHEREAS, the District, Iowa State Historic Preservation Officer (hereafter SHPO), and the City have prepared this Programmatic Agreement which provides stipulations that satisfy Section 106 responsibilities for implementing the levee system alterations under the Section 408 permission.

WHEREAS, the District, in consultation with SHPO, proposes a phased approach under this Programmatic Agreement to identify and evaluate historic properties to assess the magnitude of effects on historic properties from levee system alterations proposed in the Section 408 permission request.

WHEREAS, the District will consult with the SHPO and Tribal Historic Preservation Officers in a timely manner prior to implementation of levee system alterations in accordance with the Section 408 permission request subject to the terms of the Programmatic Agreement.

★ Roll Call Number
18-0251

Agenda Item Number
8

Date February 19, 2018

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

1. That the Programmatic Agreement among the United States Army Corps of Engineers Rock Island District, Iowa State Historical Preservation Officer, and the City of Des Moines for levee system alterations implemented under the Des Moines Levee System, Des Moines and Raccoon Rivers, Iowa, Section 408 Permission Application, a copy of which is on file in the office of the City Clerk, is hereby approved as to form and content.
2. That the Mayor and City Clerk are hereby authorized and directed to execute said Agreement for and behalf of the City of Des Moines, Iowa.
3. That the Engineering Department is hereby authorized to administer the terms of said Agreement.

(Council Letter Number 18-084 attached)

Moved by Gatto to adopt.

FORM APPROVED: Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

AE

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Cownie 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