

★ **Roll Call Number**
18-0252

Agenda Item Number
9

Date February 19, 2018

APPROVING AND AUTHORIZING THE EXECUTION OF THE AMENDMENT TO THE PROGRAMMATIC AGREEMENT AMONG THE IOWA DEPARTMENT OF NATURAL RESOURCES, IOWA STATE HISTORICAL PRESERVATION OFFICE, IOWA OFFICE OF THE STATE ARCHAEOLOGIST, AND THE CITY OF DES MOINES REGARDING THE DES MOINES SEWER SEPARATION PROJECT, DES MOINES, POLK COUNTY, IOWA

WHEREAS, an assessment of the potential impact on natural and cultural resources is required for all wastewater and sewer projects financed by the Clean Water State Revolving Fund; and

WHEREAS, on April 17, 2017, by Roll Call No. 17-0655, the City Council approved the Programmatic Agreement among the Iowa Department of Natural Resources (DNR), Iowa State Historical Preservation Office (SHPO), Iowa Office of the State Archaeologist and the City of Des Moines for the Lower Oak Park and Highland Park Sewer Separation project, Near West Side Sewer Separation project, and future sewer separation projects financed by the Clean Water State Revolving Fund (hereinafter PA), subject to final approval by the City Legal Department and City Engineering Department and authorized and directed the Mayor and City Clerk to execute the PA for and on behalf of the City of Des Moines, Iowa; and

WHEREAS, on May 8, 2017, the PA was fully executed by the DNR, SHPO, Iowa Office of the State Archaeologist and the City of Des Moines; and

WHEREAS, on December 4, 2017, by Roll Call No. 17-2043, the City Council approved and authorized the execution of the Revisions to PA with the DNR, SHPO, and the Iowa Office of the State Archaeologist regarding the Des Moines Sewer Separation Project which included revisions made by the Iowa Department of Natural Resources, Iowa State Historical Preservation Office, Iowa Office of the State Archaeologist and the City of Des Moines to Appendices A and B of the PA; and

WHEREAS, on January 3, 2018, the Revisions to PA were fully executed by the DNR, SHPO, Iowa Office of the State Archaeologist and the City of Des Moines; and

WHEREAS, the City will be submitting an application for a Clean Water State Revolving Fund (SRF) Loan for the River Bend and King Irving Sewer Separation Project; and

WHEREAS, an assessment of potential impacts on natural and cultural resources is required for app wastewater and sewer projects financed by Clean Water SRF; and

WHEREAS, a Programmatic Agreement is required for SRF environmental review and construction cannot begin until the environmental review is complete; and

WHEREAS, the DNR, SHPO, Iowa Office of the State Archaeologist and the City of Des Moines have amended the PA to add the River Bend and King Irving Sewer Separation Project.

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NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the Amendment to the Programmatic Agreement between Iowa Department of Natural Resources, Iowa State Historical Preservation Office, Iowa Office of the State Archaeologist and the City of Des Moines for the Lower Oak Park and Highland Park Sewer Separation project, Near West Side Sewer Separation project, River Bend and King Irving Sewer Separation project, and future sewer separation projects financed by the Clean Water State Revolving Fund, 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 Amendment for and on behalf of the City of Des Moines, Iowa.
3. That the Engineering Department is hereby authorized to administer the terms of said Amendment.

(Council Letter Number 18-080 attached)

Moved by Gatto to adopt.

FORM APPROVED: Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

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