



**Roll Call Number**

20-1829

**Agenda Item Number**

55

**Date** November 9, 2020

**APPROVING AGREEMENT WITH CENTRAL IOWA WATER TRAILS, LLC  
REGARDING PROPOSED IMPACT TO CITY LEVEE AS PART OF THE CENTRAL  
IOWA WATER TRAILS PROJECT**

**WHEREAS**, the Des Moines Area Metropolitan Planning Organization (DMAMPO) applied for and has been awarded a Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant for the Central Iowa Water Trail: Phase I Dam Mitigation and User Access Project; and

**WHEREAS**, the project is proceeding as a joint effort by the DMAMPO and Central Iowa Water Trails, LLC (CIWT) and includes mitigating the low-head dam at Scott Avenue to help facilitate a water recreational trail, and enhance three additional access points along the Des Moines River, including Prospect Park, Birdland Marina, and the Harriet Street Corridor; and

**WHEREAS**, CIWT has entered into a professional services agreement with Merrick & Company to design improvements at the low-head dam at Scott Avenue as part of BUILD Grant implementation (“CIWT Project”); and

**WHEREAS**, the City has entered into a professional services agreement with Barr Engineering Company to design improvements to the levee on the Des Moines River in the downtown corridor, which design is 95% complete (“City Levee Design”); and

**WHEREAS**, the CIWT Project, as proposed, would not achieve the required no-rise certification since the CIWT Project improvements would result in an increased water surface elevation of the Des Moines River for the 100-year event between Scott Avenue and SE 6<sup>th</sup> Street; and

**WHEREAS**, in addition, an increased water surface elevation of the Des Moines River for the 100-year event between Scott Avenue and SE 6<sup>th</sup> Street would not conform to the performance standards included in Chapter 50 Floodplain Development of the City of Des Moines Municipal Code; and

**WHEREAS**, the City Levee Design could be modified to raise the levee to mitigate the impact of the increased water surface elevation and preserve the City’s design requirements in accordance with the United States Army Corps of Engineers (“USACE”) and Federal Emergency Management Agency requirements; and

**WHEREAS**, the USACE requires a “Letter of No Objection” from the City as part of the Section 408 review for the CIWT Project; and

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WHEREAS, City staff have negotiated an agreement with CIWT in which CIWT agrees to be solely responsible for the City's increased costs associated with changing the City Levee Design, including costs for the professional services required to perform hydraulic modeling and re-design the levee, and increases to the real estate and construction costs, a copy of which is on file in the City Clerk's Office; and

WHEREAS, the City Council and CIWT agree that it is of mutual benefit to the citizens of Des Moines that the CIWT Project be pursued.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Agreement Between the City of Des Moines and Central Iowa Trails, LLC For Proposed Impact to Levee is hereby approved and the Mayor is authorized and directed to sign on behalf of the City and the City Clerk is directed to attest to his signature.

BE IT FURTHER RESOLVED that the City Engineer, if deemed appropriate in his professional judgment, is authorized to submit a "Letter of No Objection" on behalf of the City of Des Moines to the United States Army Corps of Engineers for the above described Central Iowa Water Trails, LLC project.

(Council Communication Number 20-495)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

CERTIFICATE
I, P. Kay Cmelik, 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.

Signature of P. Kay Cmelik, City Clerk

Signature of P. Kay Cmelik, City Clerk