


COUNCIL COMMUNICATION

	Number:	21-224	Meeting:	May 24, 2021
	Agenda Item:	42B	Roll Call:	21-0801
	Submitted by:	Pamela S. Cooksey, P.E., Assistant City Manager and Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Approving “Letter of No Objection” regarding proposed Central Iowa Water Trails: Phase I Dam Mitigation and User Access Project.

SYNOPSIS:

Recommend approval of the “Letter of No Objection” for the Central Iowa Water Trails: Phase I Dam Mitigation and User Access Project subject to accomplishing the required design changes, satisfactory resolution of City comments and compliance with the United States Army Corps of Engineers (USACE) Section 408 approval.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Central Iowa Water Trails, LLC (CIWT) operates as a regional public-private partnership for the purpose of implementing a recreational dam safety plan for 150 miles of water trails throughout Central Iowa.
- The Des Moines Area Metropolitan Planning Organization (MPO) was awarded a Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant for the Central Iowa Water Trails: Phase I Dam Mitigation and User Access Project.
- The project is proceeding as a joint effort by the Des Moines Area MPO and CIWT and includes mitigating the low-head dam at Scott Avenue to help facilitate a water recreational trail and enhance three (3) additional sites along the Des Moines River, including Prospect Park, Birdland Marina, and the Harriet Street Corridor.
- The proposed design at Scott Avenue by CIWT’s consultant, Merrick and Company, will not achieve the required no-rise certification, as the project would result in an increased water surface elevation of the Des Moines River for the 100-year event between Scott Avenue and S.E. 6th Street.
- The water trails project submittal to the Corps of Engineers for Section 408 review requires a “Letter of No Objection” from the City, as the property owner impacted. This action will authorize the City Engineer to issue the required letter subject to accomplishing the required

design changes, satisfactory resolution of City comments and compliance with the USACE Section 408 approval. Final design of the Harriet Street site will not result in an increase to the 100-year flood elevation.

- The City's current design of the levee is at a 95% level of completion.
- Following City Council approval of the agreement with CIWT, by Roll Call No. 20-1829 on November 9, 2020, the CIWT design consultants determined that changes to the City levee design would not be required to mitigate the impact of the increased water surface elevation and preserve the City's design requirements in accordance with the USACE and Federal Emergency Management Agency requirements
- The water trail design at Scott Avenue is subject to the granting of a variance by the City Council pursuant to Chapter 50 Floodplain Development, for failure to meet the performance standards provided in Section 50-34. Consideration of the appeal and granting of a variance will be based on the ability to fully mitigate the impact by increasing the levee height.
- Responsibility for funding, performing construction, maintenance, repair and operation of improvements will be addressed in separate agreements.

PREVIOUS COUNCIL ACTION(S):

Date: November 9, 2020

Roll Call Number: [20-1829](#)

Action: [Agreement](#) with Central Iowa Water Trails, LLC regarding proposed impact to City levee as part of the Central Iowa Water Trails Project. ([Council Communication No. 20-475](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Agreements between the City, CIWT, and Des Moines Area MPO for proposed improvements associated with the BUILD Grant and funding, and 28E Agreement with CIWT regarding operations and maintenance.

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