

Date June 22, 2020

**APPROVING AMENDMENT NUMBER TWO TO THE AGREEMENT BETWEEN THE FLOOD MITIGATION BOARD AND THE CITY OF DES MOINES, IOWA AND THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY AND FOURTH AMENDMENT TO THE 28E AGREEMENT BY AND BETWEEN THE CITY OF DES MOINES, IOWA AND THE DES MOINES METROPOLITAN WASTEATER RECLAMATION AUTHORITY FOR THE JOINT APPLICATION FOR ADMINISTRATION AND FUNDING OF A PROJECT PLAN PURSUANT TO THE IOWA FLOOD MITIGATION PROGRAM**

WHEREAS, by Roll Call No. 14-0505 of March 24, 2014, the City Council of the City of Des Moines authorized the submission of an Iowa Flood Mitigation Program Joint Application with the Des Moines Metropolitan Wastewater Reclamation Authority ("WRA") to the Iowa Homeland Security and Emergency Management Agency, approved the Des Moines-WRA Flood Mitigation Project Plan and approved a 28E Agreement between the City and WRA for the Joint Application for Administration and Funding of a Project Plan pursuant to the Iowa Flood Mitigation Program ("28E Agreement"); and

WHEREAS, on April 7, 2014 by Roll Call No. 14-0574, the City Council approved, and by Resolution No. 14-42 of April 15, 2014, the WRA approved, a revised Des Moines-WRA Flood Mitigation Project Plan and approved the First Amendment to the 28E Agreement to add an additional project to the Project Plan; and

WHEREAS, on June 8, 2015, by Roll Call No. 15-078, the City of Des Moines approved and on June 16, 2015 by Resolution No. 15-78, the WRA approved the submission of a new Iowa Flood Program Joint Application, approved a revised Des Moines-WRA Flood Mitigation Project Plan and approved the Second Amendment to the 28E Agreement; and

WHEREAS, the on June 18, 2015, the City Manager and the WRA Director executed the Third Amendment to the 28E Agreement by and between the City of Des Moines, Iowa and the Des Moines Metropolitan Wastewater Reclamation Authority for the Joint Application for Administration and Funding of a Project Plan Pursuant to the Iowa Flood Mitigation Program to make non-substantial changes to the funding amounts within the Project Plan for purposes of submitting a joint application to the Board; and

WHEREAS, on June 22, 2015 the Flood Mitigation Board approved the Joint Application of the City and WRA for the use of sales tax revenues for the State of Iowa Flood Mitigation Program for the Des Moines-WRA Flood Mitigation Project; and

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WHEREAS, on June 22, 2015, by Resolution No. 15-1093, the City Council approved the Agreement between the Flood Mitigation Board, the City of Des Moines and the Des Moines Metropolitan Wastewater Reclamation Authority; and

WHEREAS, on June 22, 2015, by Resolution No. 15-1094, the City Council approved and authorized the use of sales tax increment revenue to fund the costs of the Des Moines-WRA Flood Mitigation Project; and

WHEREAS, on June 8, 2020 the Iowa Flood Mitigation Board convened to approve the Amendment Number Two to the Agreement Between the Flood Mitigation Board and the City of Des Moines, Iowa and the Des Moines Metropolitan Wastewater Reclamation Authority; and

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

1. That Amendment Number Two to the Agreement and covenants contained therein between the Flood Mitigation Board, City of Des Moines, Iowa and the Des Moines Metropolitan Wastewater Reclamation Authority is hereby approved and the Mayor is authorized and directed to execute the Agreement and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
2. That Fourth Amendment to the 28E Agreement between the City of Des Moines and the WRA is hereby approved and the Mayor is hereby authorized and directed to execute the Agreement and City Clerk to attest to the Chair's signature.
3. That the continued use of sales tax increment revenue is authorized for the Des Moines-WRA Flood Mitigation Project and the City Manager and Finance Director are hereby authorized to make all necessary requests for remittance of the sales tax revenue from the Department of Revenue and is further authorized to take all other necessary action to carry out the requirements of the Agreement between the WRA, City and Flood Mitigation Board, all statutory and regulatory requirements and the 28E Agreement between the City and the WRA.

★ Roll Call Number

Agenda Item Number

8

Date June 22, 2020

(Council Letter Number 20-276 attached)

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

SLN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk