

Date September 14, 2020

**APPROVING AND AUTHORIZING THE EXECUTION OF THE REVISIONS TO THE PROGRAMMATIC AGREEMENT AMONG THE IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR), IOWA STATE HISTORICAL PRESERVATION OFFICE (SHPO), 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 (IDNR), 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 IDNR, 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 IDNR, SHPO, and the Iowa Office of the State Archaeologist regarding the Des Moines Sewer Separation Project which included revisions made by the IDNR, SHPO, 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 IDNR, SHPO, Iowa Office of the State Archaeologist and the City of Des Moines; and

WHEREAS, on February 19, 2018, by Roll Call No. 18-0252, the City Council approved the execution of the Amendment to the PA among the IDNR, SHPO, Iowa Office of the State Archaeologist, and the City of Des Moines regarding the Des Moines Sewer Separation Project, Des Moines, Polk County, Iowa, which added the River Bend and King Irving Sewer Separation Project; and

WHEREAS, on July 9, 2018, by Roll Call No. 18-1143, City Council approved and authorized the execution of this revision to the Programmatic Agreement includes modifying Appendix B to

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**Date** September 14, 2020

reflect changes to storm sewer alignments on the River Bend and King Irving Sewer Separation project; and

WHEREAS, on February 25, 2019, by Roll Call No. 19-0267, the IDNR, SHPO, Iowa Office of the State Archaeologist and the City of Des Moines have amended the PA to modify sections of Appendix A, B, and E as follows:

- Revising phasing and topographic maps depicting project areas for the Near West Side Sewer Separation Project and the River Bend and King Irving Sewer Separation Project.
- Revising aerial maps for new storm sewer piping and alignment changes to proposed storm sewer piping for the Near West Side Sewer Separation Project and the River Bend and King Irving Sewer Separation Project.
- Revising aerial map for new storm water basin and moving construction of storm sewer into the boundary off the Woodland Cemetery for the Near West Side Sewer Separation Project.

WHEREAS, an assessment of potential impacts on natural and cultural resources is required for 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 Western Ingersoll Sewer Separation Project.

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

1. That the revisions 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, 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 revisions for and on behalf of the City of Des Moines, Iowa.

Date September 14, 2020

3. That the Engineering Department is hereby authorized to administer the terms of said revisions.

(City Council Communication Number 20-405 attached)  
Activity ID 07-2019-006

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

FORM APPROVED: s/Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

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