



Date May 24, 2021

APPROVING LETTER OF NO OBJECTION REGARDING PROPOSED 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; and

WHEREAS, CIWT has entered into a professional services agreement with ISG, Inc. to provide design, engineering and engagement services for Prospect Park, Birdland Marina, and the Harriet Street Corridor as part of the BUILD Grant implementation; 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 Scott Avenue CIWT project, as proposed, would not achieve the required no-rise certification and would result in an increased water surface elevation of the Des Moines River for the 100-year event between Scott Avenue and SE 6th 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 6th Street would not conform to the performance standards included in Chapter 50 Floodplain Development of the City of Des Moines Municipal Code; and

WHEREAS, following City Council approval of the agreement with CIWT by Roll Call 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 United States Army Corps of Engineers (“USACE”) and Federal Emergency Management Agency requirements; and



Roll Call Number

Agenda Item Number

42B

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WHEREAS, the USACE requires a “Letter of No Objection” from the City as part of the Section 408 review for the water trails projects at Scott Avenue and Harriet Street; and

WHEREAS, City staff have reviewed the preliminary plans and provided hydraulic analysis for water trail projects at the Scott Avenue and Harriet Street; and

WHEREAS, design changes and resolution of City comments will be required by CIWT and their design consultants in order to comply with the hydraulic analysis and impacts being submitted in the Section 408; and

WHEREAS, the requested “Letter of No Objection” is being authorized, subject to accomplishing the required design changes, satisfactory resolution of City comments and compliance with the USACE Section 408 approval as determined by the City Engineer in his professional judgment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, 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 21-224)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Assistant City Attorney

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