

RESOLUTION NO. -15

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH THE STATE OF IOWA FLOOD MITIGATION BOARD WHICH AUTHORIZES THE CITY'S USE OF SALES TAX INCREMENT FUNDING FOR THE BEE BRANCH WATERSHED FLOOD MITIGATION PROJECT

Whereas, Six Presidential Disaster Declarations have been issued for flooding, severe storms and tornados between 1999 and 2011 due to flash flooding; and

Whereas, the Bee Branch Watershed, which includes the City of Dubuque's most developed areas where over 50% of city residents either live or work, has experienced flooding impacting thousands of properties and over seventy businesses; and

Whereas, the City Council of the City of Dubuque has adopted a drainage basin master plan authored by HDR Engineering that outlines improvements to mitigate flooding collectively referred to as the Bee Branch Watershed Flood Mitigation Project (the Project); and

Whereas, the Flood Mitigation Program was established by the Iowa Legislature and the Governor of Iowa to support community projects for the construction and reconstruction of levees, embankments, impounding reservoirs, or conduits that are necessary for the protection of property from the effects of floodwaters and may include the deepening, widening, alteration, change, diversion, or other improvement of watercourses if necessary for the protection of such property from the effects of floodwaters; and

Whereas, the City of Dubuque submitted an application to the Iowa Flood Mitigation Board (the Board) requesting the use of \$98,494,178 in sales tax increment funds for the Project; and

Whereas, the Board, on December 4, 2013, voted to approve the City's application for construction of the Project, subject to the requirements set forth in Iowa Code chapter 418 and the administrative rules promulgated under it and subject to the terms and conditions set forth in an agreement; and

Whereas, the City Council, on February 3, 2014, adopted Resolution 31-14 authorizing the execution of an agreement (the Agreement) with the Iowa Flood Mitigation Board binding the City to the terms of the agreement as required for the City's receipt of up to \$98,494,178.00 in state sales tax increment funds for the Bee Branch Watershed Flood Mitigation Project through the State Flood Mitigation Program;

and

Whereas, the City of Dubuque submitted a request to amend the Agreement to the Board to provide an additional \$5 million in sales tax increment in Fiscal Years 2014 through 2018 and remove \$5 million in sales tax increment from Fiscal Years 2031 through 2033; and

Whereas, the Board, on April 13, 2015, voted to approve the amendment for the change in funding of the Project; and

Whereas, it is in the best interest of the City to enter into the Amended Agreement as required for the City's receipt of the sales tax increment funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA AS FOLLOWS:

Section 1. That the Amended Agreement be approved.

Section 2. Mayor is hereby authorized to execute and deliver the Amended Agreement and execute such other documents as the Iowa Flood Mitigation Board may reasonably require that are necessary to bind the City to the terms of the Amended Agreement as required for the City's receipt of \$98,494,178 in sales tax increment funds for the Bee Branch Watershed Flood Mitigation Project through the State Flood Mitigation Program.

Passed, approved and adopted this 20th day of April, 2015.

Roy D. Buol
Mayor

Attest:

Kevin S. Firnstahl
City Clerk