



# Council Communication

Office of the City Manager

Date

February 7, 2007

Agenda Item No. 3  
Roll Call No. 07-  
Communication No. 07-075  
Submitted by: Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

Authorizing Request to IDOT to Terminate IDOT Agreement for Fleur Underpass Project and Reallocation of Funding and Authorizing Negotiation and Execution of Termination Agreement of 28E Agreement with Water Works for Same Project.

## SYNOPSIS:

This action authorizes a request to Iowa Department of Transportation (IDOT) to terminate the project agreement for the Fleur Trail Connector and reallocation of \$227,500 of the Surface Transportation Project Transportation Enhancement funding to the Fleur Drive Beautification project. A Termination Agreement of the Chapter 28E Agreement between the City of Des Moines and the Board of Water Works Trustees for Construction and Funding of the Fleur Trail Underpass Project will be negotiated and executed.

## FISCAL IMPACT:

Amount: None

Funding Source: City costs are limited to project support. The Iowa DOT previously approved \$573,090 of Transportation Enhancement Funding for this improvement. The required local contribution was to be provided by donations administered through the Greater Des Moines Community Foundation and Des Moines Water Works.

## ADDITIONAL INFORMATION:

The Des Moines Water Works has requested termination of the Chapter 28E Agreement for Construction and Funding of the Fleur Trail Underpass Project and reallocation of up to \$227,500 of the funding to the Fleur Drive Beautification Project. Sufficient donations were not received to fully fund the local share for the Fleur Trail Underpass project. The City of Des Moines has a project agreement with the IDOT for the funding of the Fleur Trail Connector (05-STPES-147). To honor the request by Des Moines Water Works, the IDOT agreement must be terminated and IDOT Commission will need to consider and approve the reallocation of project funding.

Once the IDOT agreement is terminated, the City of Des Moines will be able to terminate the Chapter 28E Agreement for the Construction and Funding of the Fleur Trail Underpass Project. Pending IDOT approval and reallocation of project funding, the City of Des Moines and Des Moines Water Works will be given a project agreement to execute for the Fleur Drive Beautification Project. The Des Moines Water Works is responsible for managing and funding the Fleur Drive Beautification project. The City

of Des Moines will be party to the IDOT agreement only as the owner of the right of way.

**PREVIOUS COUNCIL ACTION(S):**

Date: December 5, 2005

Roll Call Number: 05-2927

Action: Resolution to REJECT all bids on Fleur Trail Connector (deferred from November 21 meeting). Moved by Kiernan to adopt. Motion Carried 5-1-1. Pass: Coleman. Absent: Hensley.

Date: October 10, 2005

Roll Call Number: 05-2421

Action: Resolution Ordering Construction of the Fleur Trail Connector – Receiving of Bids, (10-18-05), and Setting Date of Hearing, (11-07-05). (Construction Estimate - \$867,758.40). Moved by Hensley to adopt. Motion Carried 7-0.

Date: June 20, 2005

Roll Call Number: 05-1577

Action: Iowa Department of Transportation Agreement for Fleur Trail Connector/Underpass and Intergovernmental 28E Agreement with Des Moines Water Works. ([Council Communication No. 05-349](#)) Moved by Hensley to adopt. Motion Carried 6-1.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Agreement with Iowa Department of Transportation and Des Moines Water Works for funding of Fleur Drive Beautification Project.