



# Council Communication

Office of the City Manager

Date

December 21, 2009

Agenda Item No. 50

Roll Call No. 09-

Communication No. 09-879

Submitted by: Donald M. Tripp, Director of  
Park and Recreation

## AGENDA HEADING:

Approval of the Grounds and Fleur Drive Medians Maintenance Alliance Agreement between the City of Des Moines and the Board of Water Works Trustees of the City of Des Moines and Acceptance of Fleur Drive Median Planters.

## SYNOPSIS:

Recommend approval of the Grounds and Fleur Drive Medians Maintenance Alliance Agreement between the City of Des Moines (“City”) and the Board of Water Works Trustees of the City of Des Moines (“Water Works”) and acceptance of Fleur Drive Median Planters.

## FISCAL IMPACT:

Upon completion of the Fleur Drive Planters Capital Improvement Program project, there will be a balance of approximately \$25,000 (Park Improvements, CPO34 PKS990000 PKS170, Page 9) available for structural repairs and maintenance. The operating budget provides for \$50,000 (Botanical Center/Greenhouse, GE001 PKS070100, Page 186) worth of bulbs and replacement plant material for the Fleur Drive Planters. Also provided by the City, are approximately 136,000 annuals grown by City staff and volunteers in City greenhouses. In return, Water Works is providing the labor, equipment and materials to maintain the Fleur Drive planters plant material and the landscaped areas around the trails in Water Works Park. Water Works has also agreed to bear the cost of replacement of the Raccoon River trail bridge and the City has agreed to apply for grants to assist in this replacement cost.

## ADDITIONAL INFORMATION:

On July 24, 2000, by Roll Call No. 00-3259, the City and Water Works entered into a 28-E Grounds Maintenance Alliance Agreement that allowed for shared responsibilities in providing grounds maintenance and beautification of a portion of Fleur Drive, proposed planters in the Fleur Drive medians, Water Works Park and City trails within Water Works Park. The purpose of the Agreement was to provide a positive public image of the Fleur Drive corridor from Army Post Road north to the Martin Luther King Parkway Bridge over the Raccoon River and to improve the working relationships between the two entities.

On March 18, 2002, by Roll Call No. 02-763, the City Council authorized the City Manager to work with the Mayor’s Landscape Task Force and the Ruan Center Corporation to prepare plans for Fleur Drive improvements.

On July 14, 2003, by Roll Call No. 03-1618, the City Council approved the Fleur Drive Gateway Scenic Beautification Project Agreement between the City, Iowa Department of Transportation (IDOT) and Water Works, in which IDOT allocated grant funds for development of Fleur Drive, including construction of planters in the medians.

On April 4, 2004, by Roll Call No. 04-722, an amendment to the Grounds Maintenance Alliance Agreement was approved by the City Council in which the City assumed responsibility for services formerly provided by Water Works for Gray's Lake Park.

Near the termination of the 28-E Agreement on June 30, 2007, proposed trail segments within Water Works Park and medians on Fleur Drive remained incomplete. A maintenance plan was also not entirely formulated. Staff from both the City and Water Works began, what was to become, a lengthy discussion and negotiation of a new Grounds and Fleur Drive Medians Maintenance Alliance Agreement that would request the City to accept ownership of the completed fifteen median planters, constructed under the auspices of Water Works, on Fleur Drive from the Martin Luther King Bridge on the north to Army Post Road on the south and establish a sharing of responsibilities for the maintenance of trails, planters and other improvements on Fleur Drive and Water Works property. Conditions of the Agreement establish no acquiring of joint property, and each party holds and manages its own respective properties.

Some changes from the original agreement include:

- that Water Works has the responsibility for planting and maintaining the plants within the planters in the medians on Fleur Drive between Army Post Road and the Martin Luther King Parkway Bridge;
- that Water Works has financial responsibility for the maintenance and replacement of the recreational trail bridge over the Raccoon River;
- that the City accepts the ownership of the planters on Fleur Drive between Army Post Road and Martin Luther King Parkway, and therefore, has responsibility for the physical maintenance and replacement of the planters;
- that the City has responsibility for the maintenance and replacement of the trails constructed in Water Works Park.

Summary of Water Works responsibilities for the Fleur Drive medians and trails within Water Works, are as follows:

#### Medians

- Developing planting plans with significant changes approved by the original donor
- Planting, watering, pruning and weeding of all flowers, trees and other plants
- Mowing all turf areas
- Removing litter and debris
- Planting and maintaining flowers, trees and other plant materials under and adjacent to the Martin Luther King Parkway/Fleur Drive interchange

#### Trails

- Mowing all turf areas
- Removing litter and debris
- Pruning low hanging limbs and removing damaged/dead trees, bushes, etc.
- Sweeping trail dirt and removing snow
- Providing a biannual inspection of the recreational trail bridge over the Raccoon River by a licensed structural engineer

- Maintaining the recreational trail bridge over the Raccoon River, as needed, and reconstructing it when the bridge inspections recommend it to ensure the public's safety. Water Works and the City will jointly agree on the design of the reconstructed bridge. Where grant funding is available towards reconstruction, Water Works will cooperate in grant applications by the City by providing the required grant share funds. In addition, Water Works will be responsible for the funding of such reconstruction to the extent that it is not covered by grant funds.
- Keeping the City trails open at all times every day in conformance with the City's trail hours, except when weather related conditions or emergencies create reasonable safety concerns that require the trails to be temporarily closed.

Summary of the City's responsibilities for the Fleur Drive medians and trails in Water Works, are as follows:

#### Medians

- With the exception of the initial plantings, providing all plants and flowers, subject to the City's Park and Recreation Department Director's approval of the annual planting plan
- Providing annual flowers for the Water Works Park memorial fountain, gazebo and main office displays
- Upon receipt of the as built plans and engineer's or architect's certification, accepting ownership of the median planters
- Maintaining, repairing and replacing the concrete structures portion of the median planters

#### Trails

- Applying for grants and providing the remaining funds needed for future trail projects when approved by the City Council and Water Works Board of Trustees
- Maintaining and replacing trail asphalt, when necessary, to ensure the safety of users
- Sharing design approval of the reconstructed recreational trail bridge over the Raccoon River and applying for grants for its reconstruction
- Removing litter, debris, snow/ice and sweeping the Fleur Drive segment of the Meredith Trail on Water Works property
- Maintaining and replacing light fixtures and poles, emergency telephones and signage on the Meredith Trail section on Water Works property

Each party shall be solely responsible for funding its own operations. No financial billings between the parties are anticipated. All funding shall be provided by the City's and Water Works' regular sources of revenue and financing.

This Agreement shall exist for an initial term from January 1, 2010 to December 31, 2014.

On December 15, 2009, at its regularly scheduled monthly meeting, the Board of Water Works Trustees of the City of Des Moines unanimously approved the Grounds and Fleur Drive Medians Maintenance Alliance Agreement.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: April 5, 2004

Roll Call Number: 04-722

Action: First Amendment to the Chapter 28E Agreement "Grounds Maintenance Alliance" with Board of Water Works Trustees, where City will assume grounds maintenance services provided by Water Works, effective April 1, 2004. (Council Communication No. 04-162)

) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Cownie.

Date: July 14, 2003

Roll Call Number: 03-1618

Action: Allocation of \$400,000 of Iowa (IDOT) transportation funds to the City for the Fleur Drive Gateway Scenic Beautification Project Agreement. (Council Communication No. 03-326). Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest and abstains from voting.

Date: March 18, 2002

Roll Call Number: 02-763

Action: Receipt of Conceptual Landscape Plans for Fleur Drive Median and Downtown Greenway by Douglas Hoerr for Fleur Drive median located between the north and south entrances of Gray's Lake and the continuous Greenway concept downtown starting with the Ruan properties. (Council Communication No. 02-158). Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.

Date: July 24, 2000

Roll Call Number: 00-3259

Action: Chapter 28E Agreement "Grounds Maintenance Alliance" between City and the Board of Water Works Trustees; for Grays Lake, Fleur Drive, Carney Park, Bill Riley Trail, and other asphalt trails through Water Works Park. (Council Communication No. 00-346). Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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