


COUNCIL COMMUNICATION

	Number:	22-109	Meeting:	March 21, 2022
	Agenda Item:	40	Roll Call:	22-429
	Submitted by:	Benjamin R. Page, Park and Recreation Director		

AGENDA HEADING:

Approval of amendment to Chapter 28E Agreement between the City of Des Moines and the Board of Water Works Trustees of the City of Des Moines for the care and maintenance of the Fleur Drive medians.

SYNOPSIS:

Recommend approval of Amendment to 28E Agreement between the City of Des Moines and the Board of Water Works Trustees of the City of Des Moines.

FISCAL IMPACT:

Amount: Estimate of \$18,000 annually.

Funding Source: \$12,000 Fiscal Year 2022 Operating Budget, City Manager, Facilities Maintenance, CM030000, Page 27 and \$6,000 Fiscal Year 2022 Operating Budget, Park and Recreation Department, Horticulture Maintenance, PK200226, Page 153.

ADDITIONAL INFORMATION:

- On December 19, 2016, by Roll Call Number 06-2191, the City Council approved a 28E Agreement Between the City of Des Moines and the Board of Water Works Trustees of the City of Des Moines for the Payment of Pilot Charges and Maintenance of Fleur Drive Medians and Availability of City Group Benefit Plans in order to establish the division of responsibilities between the City and Water Works as related to the Fleur Drive medians.
- The phased reconstruction of Fleur Drive presented the opportunity to install irrigation in the medians to increase efficiency and safety for the care and maintenance of the plants.
- This amendment addresses the resulting updated division of responsibilities between the City and Water Works as related to the Fleur Drive medians. Additionally, it formalizes responsibilities for graffiti removal and flood clean up that were not included in the original agreement.

- The City's responsibilities include:
 - Provide all plants and flowers (including bulbs), subject to mutual approval of a planting plan or a Water Works' replacement/emergency needs planting plan all subject to the City's Park and Recreation Department budgeted amounts for Fleur Drive plantings.
 - Provide fertilizer and other chemicals.
 - Provide annual flowers for memorial fountain, gazebo, and main office flower displays in Water Works Park.
 - Maintain, repair and replace concrete structures portion of median planters.
 - Determine if plantings interfere or impair sight for traffic purposes and remove or trim as necessary.
 - Graffiti removal on the Meredith Trail and City Trails on City property.
 - Replace or repair Major Irrigation System Components as needed due to obsolescence, traffic damage, flooding, work in right-of-way, and other similar conditions.
 - Graffiti removal on the Fleur Drive medians.

- Des Moines Water Works responsibilities include:
 - Plant, water, and maintain flower and plant displays.
 - Mow all turf areas including the City right-of-way along Fleur Drive north of Bell Avenue, except for Gray's Lake Park.
 - Litter and debris removal.
 - Apply fertilizer to turf and flower beds.
 - Weed control for both turf and concrete surface.
 - Prune plant materials.
 - Pest control for all trees and plants.
 - Plant and maintain flower and plant displays under and adjacent to the Martin Luther King Jr. Parkway/Fleur Drive interchange.
 - Install mutually agreed upon signage on each median acknowledging that Fleur Drive medians maintenance has been provided by Water Works.
 - Irrigation yearly start-up, back-flow inspection, shutdown, on-going maintenance, adjustment and replacement of drip irrigation parts, and maintaining clock and weather station.
 - Repair and maintenance of all irrigation system components, which are not major irrigation system components.
 - Flood clean-up of Fleur Drive medians, City right-of-way along Fleur drive north of Bell Avenue, displays under and adjacent to the Martin Luther King Jr. Parkway/Fleur Drive interchange.
 - Graffiti removal within Water Works Park on the City Trails.

- If approved, the amendment will be effective on April 1, 2022. All other terms of the existing 28E Agreement shall remain in effect.

- The Board of Water Works Trustees approved this amendment at the February 22, 2022 meeting.

PREVIOUS COUNCIL ACTION(S):

Date: December 19, 2016

Roll Call Number: [16-2191](#)

Action: [Agreement](#) with Des Moines Water Works (DMWW) for billing and administrative functions. Moved by Hensley to adopt with the striking of one sentence in Part IV 9. This Agreement excludes future improvements, including without limitation, a pedestrian/bike tunnel under Fleur Drive or other pedestrian/bike passage way across Fleur Drive. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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