



Date July 28, 2008

**APPROVAL OF EMERGENCY PROCEEDINGS AT VARIOUS LOCATIONS FOR EMERGENCY REPAIRS AND APPROVAL OF EMERGENCY PURCHASE ORDERS WITH THE LOWEST RESPONSIBLE BIDDER**

**WHEREAS**, recent flooding on the Des Moines and Raccoon Rivers and heavy local rains resulting in surcharge of the sanitary and storm sewers have caused damage to the public improvements as listed below.

**WHEREAS**, the scope of these emergency repairs required the services of a private contractor because of the urgent nature of the required repairs; and the delay of advertising and a public letting might cause serious loss or injury to the city; and

**WHEREAS**, local private contractors were contacted for their services, said contractors and asked to submit bids for the repair work, and

**WHEREAS**, Section 384.103(2) of the Iowa Code provides for emergency repairs as follows:

When emergency repair of a public improvement is necessary and the delay of advertising and a public letting might cause serious loss or injury to the City, the governing body shall, by resolution, make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent registered professional engineer or architect, not in the regular employ of the City, certifying that emergency repairs are necessary.

In that event the governing body may contract for emergency repairs without holding a public hearing and advertising for bids, and the provisions of Chapter 26 do not apply.

**WHEREAS**, H.R. Veenstra, Jr., P.E., of Veenstra & Kimm has inspected the sites and has recommended in the attached letters that emergency repair actions be taken.

**WHEREAS**, on Monday, June 9, 2008, the City Manager declared an operating emergency related to the anticipated flooding in the City of Des Moines and departments were authorized under Section 2-709 (b) (Public and Operating Emergencies) Municipal Code of the City of Des Moines to procure in the open market, without filing a requisition, purchase order, or request for proposals or estimate therefore and without advertisement, any goods and/or services that could have not been reasonably foreseen or anticipated, for immediate delivery or furnishing to meet such operating emergency when necessary. Goods and services should be acquired using normal procedures when feasible.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:** That the emergency actions of the City Manager and the City Engineer regarding emergency repairs to the following public improvements are hereby approved, ratified, and confirmed; and the City Council hereby makes a finding that emergency repairs were necessary because a public letting might have caused serious loss or injury to the City; and the

★ **Roll Call Number**

**Agenda Item Number**  
56

Date July 28, 2008

City Council hereby makes a finding that the emergency repairs were necessary in accordance with Subsection 384.103(2) of the Code of Iowa for the following work:

- Birdland Levee Opening @ 2<sup>nd</sup> Repair: Activity ID 14-2008-073: This work shall include providing all materials, labor, and equipment necessary to reconstruct the Birdland levee where an opening was created to drain the flood waters. The opening is located approximately 200 feet west of 2<sup>nd</sup> Avenue. The Contractor shall furnish the clay fill material, backfill, and compact the closure. The Contractor shall also remove the existing levee material which was excavated and placed at the south edge of the levee at this location. Also included is seeding the disturbed area of this repair and the disturbed area at the Birdland levee breach location. The Birdland levee breach location is just west of New York Avenue along the Des Moines River.

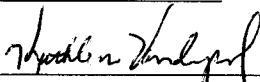
**BE IT FURTHER RESOLVED:** That the City Council approves, ratifies, and confirms the actions of the Procurement Administrator to issue purchase orders to the following contractors for the referenced work:

- Birdland Levee Opening @ 2<sup>nd</sup> Repair: Activity ID 14-2008-073: : Four bids were received on July 8, 2008 for the work being:
  - \$15,599.99 from Elder Corporation.
  - \$18,435 from Reilly Construction Co., Inc.
  - \$30,000 from The Underground Company.
  - \$31,180 from Corell Contractor Inc.

Purchase Order No. 21521 was issued to Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327 in the amount of \$15,599.99.

(Council Communication Number 08-447 is attached)

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:   
Kathleen Vanderpool, Deputy City Attorney

**M** Funding Source: 2008-089 Operating Budget, SP854, ENG982008, OPR 178, 2008 Storms Mitigation/Recovery

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VCLASSIS				
TOTAL				

MOTION CARRIED APPROVED

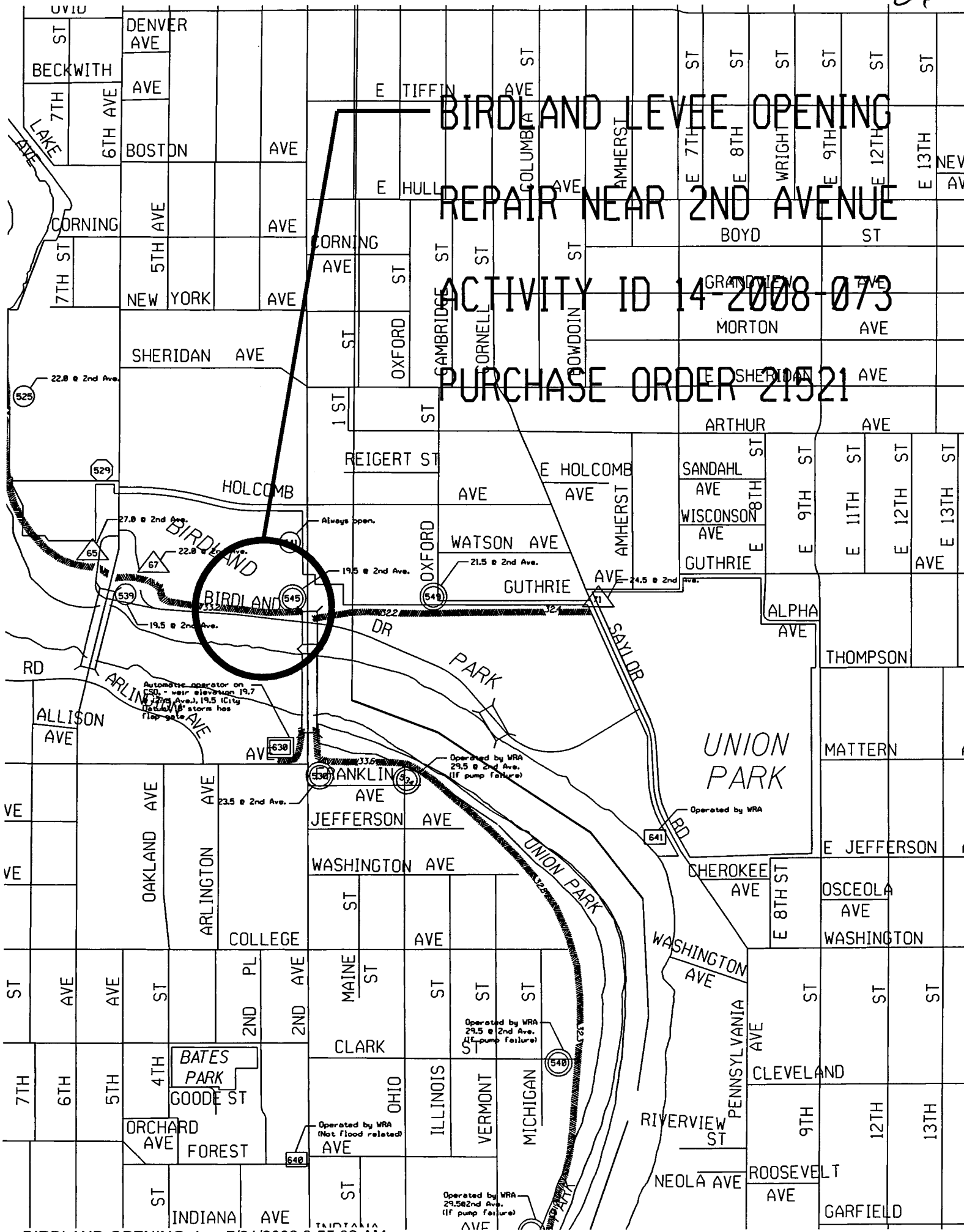
\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
City Clerk



BIRDLAND LEVEE OPENING  
 REPAIR NEAR 2ND AVENUE  
 ACTIVITY ID 14-2008-073  
 PURCHASE ORDER 21521

Automatic operator on CSU weir elevation 19.7 @ 2nd Ave. 19.5 (City) (If pump failure) storm has flip gate close

Always open.

Operated by WRA 29.5 @ 2nd Ave. (If pump failure)

Operated by WRA 29.5 @ 2nd Ave. (If pump failure)

Operated by WRA (Not flood related) AVE

Operated by WRA 29.5 @ 2nd Ave. (If pump failure)

UNION PARK

Operated by WRA



56  
**VEENSTRA & KIMM, INC.**

3000 Westown Parkway • West Des Moines, Iowa 50266-1320

515-225-8000 • 515-225-7848(FAX) • 800-241-8000(WATS)

---

July 18, 2008

Jeb E. Brewer  
City Engineer  
City of Des Moines  
City Hall  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309-1891

DES MOINES, IOWA  
BIRDLAND LEVEE OPENING REPAIR  
ACTIVITY ID NO. 14-2008-073  
EMERGENCY DETERMINATION

In response to the request from the City of Des Moines, the writer has investigated the opening in the Birdland area levee along the Des Moines River. Approximately 200 feet west of Second Avenue an opening was created in the levee. The opening was excavated to allow water trapped in the Birdland area to drain back to the Des Moines River.

Although the opening in the levee was intentionally excavated the repair of the levee is an extremely time sensitive issue. With the opening in the levee there is no protection for the Birdland area in the event of elevated river level. With the on-going pattern of above normal precipitation, the antecedent conditions would place the Des Moines River at continuing risk for flooding.

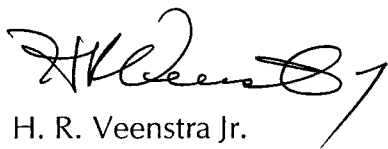
Based on the investigation the writer has determined the repair of the Birdland levee opening west of Second Avenue is an emergency condition and repairs and restoration of the levee should be completed as soon as possible. The basis for this determination is the levee opening completely compromises the integrity of the Des Moines River levee in the Birdland area. Completing the repairs to the levee as soon as possible is the only method to restore the integrity of the levee.

54

Jeb E. Brewer  
July 3, 2008  
Page 2

If you have any questions or comments concerning the project, please contact us at 225-8000.

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

114273  
cc: Roger Joanning