



Date March 21, 2022

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

WHEREAS, on December 19, 2016, by Roll Call No. 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 (“the 28E Agreement”); and

WHEREAS, an irrigation system is intended to be added to the Fleur Drive medians, with the exception of those medians south of McKinley Avenue, by the City during the phased reconstruction of Fleur Drive beginning in 2019-2020, with such irrigation system expected to be completely installed in the medians in future years as determined by the City’s Fleur Drive construction projects; and

WHEREAS, an irrigation system is also intended to be added to the Fleur Drive medians south of McKinley Avenue by the City as fundraising and grants become available to support completion of such work.

WHEREAS, Des Moines Water Works and the City desire to modify their respective responsibilities in the 28E Agreement relating to the new irrigation system, flood clean-up of Fleur Drive medians, and graffiti removal on City trails and the Fleur Drive medians; and

WHEREAS, Parks and Recreation Department staff have negotiated an amendment to the 28E Agreement with Des Moines Water Works staff, a copy of which is on file in the City Clerk’s Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the above described Amendment to 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, a copy of which is available in the City Clerk’s Office, is hereby approved and the Mayor is authorized and directed to sign said Amendment on behalf of the City and the City Clerk is authorized and directed to attest to his signature and to record such fully executed Amendment with the Iowa Secretary of State.



Roll Call Number

Agenda Item Number

40

Date March 21, 2022

(Council Communication No. 22- 109)

Moved by _____ to adopt.

Second by _____.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, P. Kay Cmelik, 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.

Mayor

City Clerk