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**Date** June 27, 2022

**HOLD HEARING FOR CONSIDERATION OF LICENSE AGREEMENT FOR CONSERVATION WITH THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY (WRA) ON CITY-OWNED PROPERTY LOCATED SOUTH OF UNIVERSITY AVENUE AND EAST OF WINEGARDNER ROAD FOR THE WRA FOURMILE CREEK STABILIZATION – SOUTH OF UNIVERSITY PROJECT**

**WHEREAS**, the Des Moines Metropolitan Wastewater Reclamation Authority (hereinafter “WRA”) has requested a license agreement for conservation across a portion of City-owned property located south of University Avenue and east of Winegardner Road, locally known as Geo/Parcels 7823-05-128-005 and 7823-05-128-006, Des Moines, Iowa (hereinafter “Licensed Premises”) for construction of stream corridor improvements for the WRA Fourmile Creek Stabilization – South of University Project (hereinafter “Project”); and

**WHEREAS**, the City’s Real Estate Division has negotiated a License Agreement for Conservation (herein “Agreement) for the use of the Licensed Premises with the WRA as licensee for the purpose of establishing, constructing, maintaining, and conserving a sustainable and natural stream corridor that supports stream stability, water quality, and ecological functions, particularly including a riparian buffer with permanent vegetative cover and other stream corridor improvements, which Agreement will include, among other terms, a license term commencing upon the execution by City of the License Agreement and terminating on June 27, 2042; and

**WHEREAS**, pursuant to Iowa Code §364.7(3), the WRA shall pay no consideration for said Agreement and Easement; and

**WHEREAS**, the City’s Park and Recreation Department has reviewed the proposed Agreement and determined the City will not be inconvenienced by approval of the proposed Agreement with the WRA; and

**WHEREAS**, at its regular meeting on May 24, 2022, the Des Moines Parks and Recreation Board voted 13-0 to recommend approval of the proposed Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed License Agreement for Conservation with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of a License Agreement for Conservation between the City of Des Moines, Iowa, and the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), as on file in the office of the City Clerk, across a portion of City-owned property located south of University Avenue and east of Winegardner Road, locally known as Geo/Parcels 7823-05-128-005 and 7823-

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**Date** June 27, 2022.....

05-128-006, Des Moines, Iowa, legally described as follows, for the purpose of constructing and maintaining stream corridor improvements for the WRA Fourmile Creek Stabilization – South of University Project, for a twenty-year term (through March 7, 2042) and for no consideration pursuant to Iowa Code §364.7(3), and said License Agreement for Conservation is hereby approved:

PARCEL 1A – LICENSE AGREEMENT FOR CONSERVATION

OUTLOT "X". VALLEY HIGH MANOR, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

PARCEL 1B – LICENSE AGREEMENT FOR CONSERVATION

A PART OF OUTLOT "Y", VALLEY HIGH MANOR PLAT 2, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID OUTLOT "Y"; THENCE WESTERLY ALONG THE NORTH LINE OF SAID OUTLOT "Y" TO THE SOUTHEAST CORNER OF LOT 8, VALLEY HIGH MANOR, AN OFFICIAL PLAT; THENCE SOUTHERLY TO THE NORTHEAST CORNER OF LOT 73, OF SAID VALLEY HIGH MANOR PLAT 2; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "Y" TO THE SOUTHERLY CORNER OF SAID OUTLOT "Y"; THENCE NORTHERLY ALONG THE EAST LINE OF SAID OUTLOT "Y" TO THE POINT OF BEGINNING.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

3. The Mayor is authorized and directed to sign the License Agreement for Conservation identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the License Agreement for Conservation, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department.
5. The Real Estate Division Manager is authorized and directed to forward the original of the License Agreement for Conservation, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing the documents to be recorded.
6. There are no proceeds associated with this transaction

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Date June 27, 2022

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

Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno, Assistant City Attorney

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

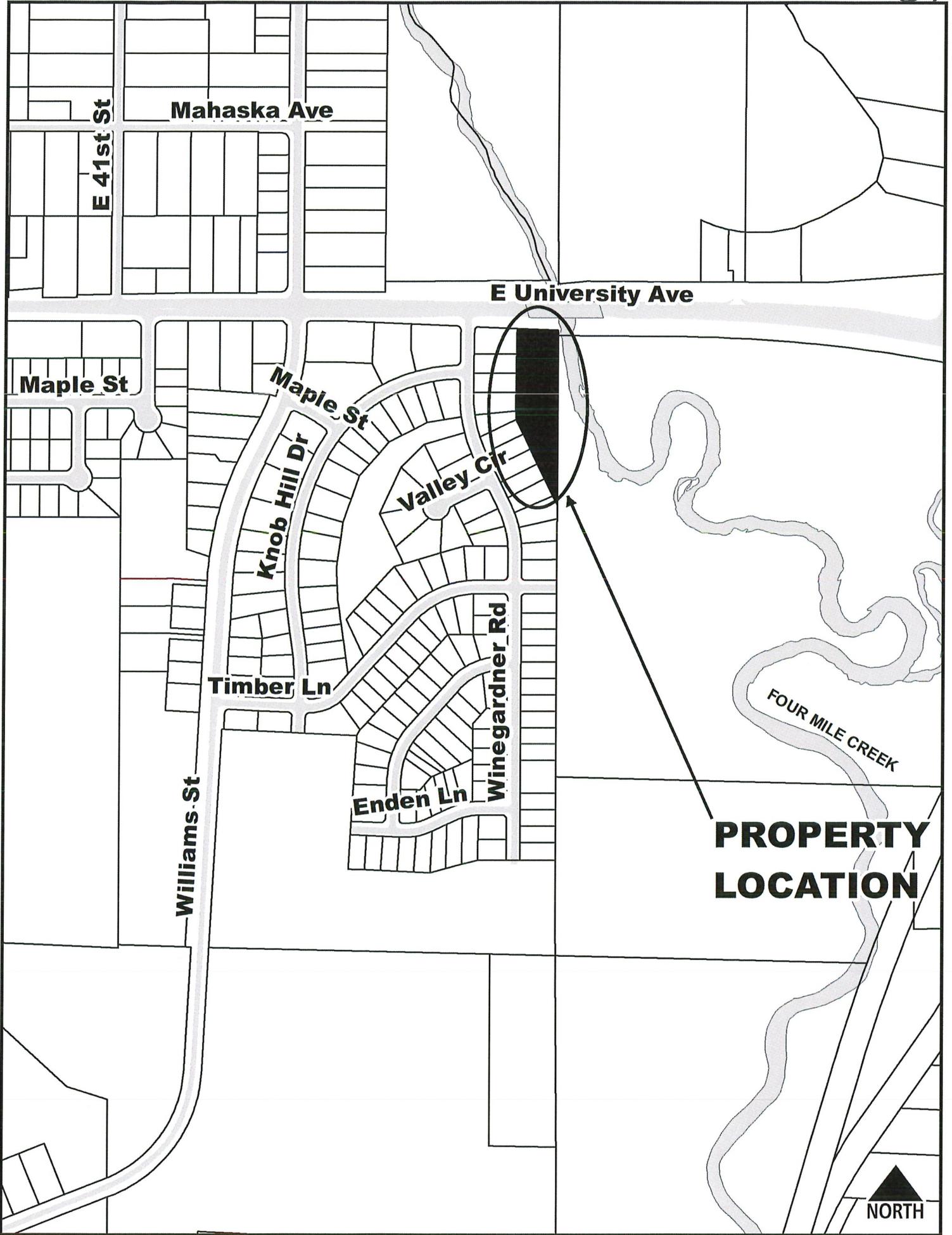
**CERTIFICATE**

I, LAURA BAUMGARTNER, Acting 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

\_\_\_\_\_  
Laura Baumgartner, Acting City Clerk



E 41st St

Mahaska Ave

E University Ave

Maple St

Maple St

Knob Hill Dr

Valley Cir

Timber Ln

Enden Ln

Winegardner Rd

FOUR MILE CREEK

**PROPERTY  
LOCATION**





DATE June 27, 2022

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON COHEN PARK SHELTER AND SPORT COURT IMPROVEMENTS; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS LANSINK CONSTRUCTION, INC., CORREY LANSINK, PRESIDENT, \$640,437.50

WHEREAS, on May 9, 2022, under Roll Call No. 22-0667, plans, specifications, form of contract documents, and Engineer's estimate of construction cost were filed with the City Clerk, for the construction of the following improvement:

Cohen Park Shelter and Sport Court Improvements, 112022005

The improvements include clearing and grubbing, class 10 excavation, Sutu Wall, manufactured climbing boulders, Portland Cement Concrete (PCC) sidewalk, PCC half basketball court, relocation of the existing water fountain and miscellaneous associated work including cleanup and restoration; all in accordance with the contract documents, including Plan File No. 643-024/047, located at Cohen Park, 1000 Scott Avenue, Des Moines, Iowa

WHEREAS, notice of the hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction cost was published as required by law.

WHEREAS, in accordance with said notice, those interested in said proposed plans, specifications, form of contract documents, and Engineer's estimate of construction cost both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the upon due consideration of the facts, and any and all statements of interested persons, any objections to the plans, specifications, form of contract documents, and Engineer's estimate of construction cost for said improvement are overruled and the hearing is closed and that said plans, specifications, form of contract documents, and Engineer's estimate of construction cost are hereby approved.

BE IT FURTHER RESOLVED: That sealed bids for said improvement were submitted by the following bidders:

- Lansink Construction, Inc., Johnston, IA Low Bid
- Minturn, Inc., Brooklyn, IA Bid read under advisement

which were received and opened at a public meeting presided over by the Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on May 31, 2022. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

BE IT FURTHER RESOLVED: That the Des Moines City Engineer, as the Engineer, has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Lansink Construction, Inc., Correy Lansink, President, 5967 Merle Hay Road, Johnston, IA, 50131 in the amount of \$640,437.50, and said bid be and the same is hereby accepted.

BE IT FURTHER RESOLVED: That the bid security of the unsuccessful bidders be and is hereby authorized and directed to be returned in accordance with the Instructions to Bidders.



**Roll Call Number**

**Agenda Item Number**

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DATE June 27, 2022

BE IT FURTHER RESOLVED: That the Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Engineer is directed to thereafter present said contract documents to this Council for approval and authorization to the Mayor to sign; and that no contract shall be deemed to exist between the City of Des Moines and said Bidder until said contract has been executed by the Bidder, and shall have been approved by this Council and executed by the Mayor and attested to by the City Clerk.

BE IT FURTHER RESOLVED: That the City Council hereby authorizes the necessary closure of all public grounds, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, public ways, squares, and commons for the Project.

(City Council Communication Number 22-299 attached)

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

FORM APPROVED:

FUNDS AVAILABLE

s/Kathleen Vanderpool

s/Nickolas J. Schaul

Kathleen Vanderpool  
Deputy City Attorney

Nickolas J. Schaul  
Director of Finance

SLN  
PW

Funding Source: 2022-23 CIP, Page 71, Park Improvements, PK137, Being: \$500,000 CDBG Funds, \$129,097.50 G.O. Bonds to be Issued, and \$11,340 Private Funds

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

MOTION CARRIED APPROVED

I, Laura Baumgartner, Acting City Clerk of said City Council, hereby certify that at a meeting of the City Council, 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

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TABULATED BY: N. Smith APPROVED BY P. Wagner

Bid Date: 05/31/2022

CHECKED BY: Basil Brackman

Lansink Construction Inc

Minturn, Inc.

Johnston, IA

Brooklyn, IA

BID SECURITY  
10% Bid Bond

BID SECURITY  
10% Bid Bond

BID PRICE

BID PRICE

**CONTRACTOR'S BID TABULATION**

PROJECT: COHEN PARK SHELTER AND SPORT COURT IMPROVEMENTS

-----ESTIMATE-----

ITEM	DESCRIPTION	QUANTITY	UNIT		UNIT		UNIT	
			PRICE	AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
1	CLEARING AND GRUBBING	86 UNIT	\$125.00	\$10,750.00	\$125.00	\$10,750.00	\$125.00	\$10,750.00
2	TOPSOIL, ON-SITE	190 CY	\$20.00	\$3,800.00	\$20.00	\$3,800.00	\$40.00	\$7,600.00
3	EXCAVATION, CLASS 10, BORROW	36 CY	\$20.00	\$720.00	\$30.00	\$1,080.00	\$150.00	\$5,400.00
4	SUBGRADE PREPARATION	1624 SY	\$5.00	\$8,120.00	\$5.00	\$8,120.00	\$6.00	\$9,744.00
5	SUBBASE, MODIFIED, 4"	46 SY	\$35.00	\$1,610.00	\$30.00	\$1,380.00	\$25.00	\$1,150.00
6	REMOVAL OF SIDEWALK	106 SY	\$20.00	\$2,120.00	\$15.00	\$1,590.00	\$23.00	\$2,438.00
7	TEMPORARY TRAFFIC CONTROL	1 LS	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00	\$5,000.00	\$5,000.00
8	HYDRAULIC SEEDING, SEEDING, FERTILIZING, AND MULCHING	0.3 ACRE	\$5,000.00	\$1,500.00	\$10,000.00	\$3,000.00	\$10,000.00	\$3,000.00
9	STORM WATER POLLUTION PREVENTION	1 LS	\$5,000.00	\$5,000.00	\$4,500.00	\$4,500.00	\$5,000.00	\$5,000.00
10	FILTER SOCK, 12 IN.	1160 LF	\$5.00	\$5,800.00	\$3.50	\$4,060.00	\$3.50	\$4,060.00
11	FILTER SOCK, REMOVAL	1160 LF	\$2.00	\$2,320.00	\$0.50	\$580.00	\$0.50	\$580.00
12	STABILIZED CONSTRUCTION ENTRANCE	123 SY	\$35.00	\$4,305.00	\$40.00	\$4,920.00	\$40.00	\$4,920.00
13	TEMPORARY FENCE, ORANGE PLASTIC, 48"	500 LF	\$3.00	\$1,500.00	\$3.00	\$1,500.00	\$6.00	\$3,000.00
14	MOBILIZATION	1 LS	\$80,052.00	\$80,052.00	\$126,000.00	\$126,000.00	\$60,000.00	\$60,000.00
15	CONCRETE WASHOUT	1 LS	\$3,000.00	\$3,000.00	\$1,750.00	\$1,750.00	\$100.00	\$100.00
16	TREE PROTECTION FENCE	535 LS	\$5.00	\$2,675.00	\$4.50	\$2,407.50	\$6.00	\$3,210.00
17	SIDEWALK, PCC, 6"	23 SY	\$75.00	\$1,725.00	\$100.00	\$2,300.00	\$130.00	\$2,990.00
18	SIDEWALK, PCC, 5"	822 SY	\$70.00	\$57,540.00	\$60.00	\$49,320.00	\$112.50	\$92,475.00
19	CONSTRUCTION SURVEY	1 LS	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
20	DETECTABLE WARNINGS	30 SF	\$75.00	\$2,250.00	\$60.00	\$1,800.00	\$50.00	\$1,500.00
21	REMOVAL OF CURB	79 LF	\$30.00	\$2,370.00	\$20.00	\$1,580.00	\$50.00	\$3,950.00
22	PAVEMENT, PCC, 7"	26 SY	\$75.00	\$1,950.00	\$100.00	\$2,600.00	\$200.00	\$5,200.00
23	CURB AND GUTTER, 2.5' (WIDTH), 7" (THICKNESS)	39 LF	\$45.00	\$1,755.00	\$50.00	\$1,950.00	\$135.00	\$5,265.00
24	SIGN, HANDICAP PARKING	1 EA	\$350.00	\$350.00	\$350.00	\$350.00	\$350.00	\$350.00
25	POLE AND BACKBOARD	1 EA	\$6,500.00	\$6,500.00	\$11,000.00	\$11,000.00	\$8,500.00	\$8,500.00
26	PAVEMENT, REINFORCED PCC, 5"	233 SY	\$86.00	\$20,038.00	\$80.00	\$18,640.00	\$100.00	\$23,300.00
27	ELECTRIC SERVICE - SUTU WALL	1 LS	\$20,000.00	\$20,000.00	\$14,500.00	\$14,500.00	\$15,000.00	\$15,000.00
28	FOOTINGS FOR POLE AND BACKBOARD 3'X6'X1' WITH ANCHORS	1 EA	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$4,500.00	\$4,500.00
29	PAVEMENT MARKINGS - BASKETBALL COURT	1 LS	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
30	SUTU WALL	1 LS	\$80,000.00	\$80,000.00	\$96,000.00	\$96,000.00	\$100,000.00	\$100,000.00
31	BOULDERS - BASE BID	1 LS	\$60,000.00	\$60,000.00	\$108,000.00	\$108,000.00	\$112,000.00	\$112,000.00
32	BOULDER FOUNDATIONS - BASE BID	55 SY	\$100.00	\$5,500.00	\$120.00	\$6,600.00	\$165.00	\$9,075.00
33	BOULDER INSTALLATION - BASE BID	1 LS	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$40,000.00	\$40,000.00
34	12" ENGINEERED WOOD FIBER MULCH, BLOWN IN	116 CY	\$30.00	\$3,480.00	\$70.00	\$8,120.00	\$80.00	\$9,280.00
35	BEAM CURB	245 LF	\$60.00	\$14,700.00	\$50.00	\$12,250.00	\$85.00	\$20,825.00

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>PRICE</u>	<u>AMOUNT</u>	<u>UNIT</u>	<u>PRICE</u>	<u>AMOUNT</u>	<u>UNIT</u>	<u>PRICE</u>	<u>AMOUNT</u>
36	SUBDRAIN, 8 IN., PERFORATED	162	LF	\$45.00	\$7,290.00	\$45.00	\$7,290.00	\$65.00	\$10,530.00		
37	SUBDRAIN OUTLETS AND CONNECTION, DITCH, 8"	1	EA	\$1,500.00	\$1,500.00	\$750.00	\$750.00	\$1,150.00	\$1,150.00		
38	SPECIAL BACKFILL	2	CY	\$300.00	\$600.00	\$250.00	\$500.00	\$1,000.00	\$2,000.00		
39	CONDUIT, 4"	92	LF	\$40.00	\$3,680.00	\$40.00	\$3,680.00	\$41.50	\$3,818.00		
	TOTAL BASE BID				\$460,000.00		\$560,167.50		\$606,660.00		
	ALTERNATE NO. 1 - GS 4 BOULDER										
A1-1	GS4 BOULDER	1	LS	\$60,000.00	\$60,000.00	\$23,050.00	\$23,050.00	\$24,000.00	\$24,000.00		
A1-2	GS4 BOULDER - FOUNDATIONS	11	SY	\$100.00	\$1,100.00	\$120.00	\$1,320.00	\$165.00	\$1,815.00		
A1-3	GS4 BOULDER - INSTALLATION	1	LS	\$11,500.00	\$11,500.00	\$10,450.00	\$10,450.00	\$15,360.00	\$15,360.00		
	ALTERNATE NO. 2 - WATER FOUNTAIN RELOCATION										
A2-1	RELOCATE WATER FOUNTAIN	1	LS	\$30,000.00	\$30,000.00	\$32,550.00	\$32,550.00	\$44,275.00	\$44,275.00		
A2-2	REMOVAL OF SIDEWALK	48	SY	\$20.00	\$960.00	\$20.00	\$960.00	\$23.00	\$1,104.00		
A2-3	REMOVAL OF CURB	28	LF	\$30.00	\$840.00	\$30.00	\$840.00	\$50.00	\$1,400.00		
A2-4	WATER SERVICE	1	LS	\$8,500.00	\$8,500.00	\$9,000.00	\$9,000.00	\$13,000.00	\$13,000.00		
A2-5	CURB AND GUTTER, 2.5' (WIDTH), 7" (THICKNESS)	28	LF	\$75.00	\$2,100.00	\$75.00	\$2,100.00	\$135.00	\$3,780.00		
	TOTAL CONSTRUCTION COST				\$575,000.00		\$640,437.50		\$711,394.00		
	PERCENT OF ENGINEER'S ESTIMATE						+11.38%		+23.72%		

Low

**Bid Read Under Advisement  
Bidder Did Not Total Base Bid  
and Add Alternatives To Be  
Verified by Project Engineer -  
Contractor verified amount  
was correct via email on  
5/31/22**