

**Date** October 3, 2022

**RESCISSION OF ROLL CALL NO. 22-0676 AND APPROVAL OF AN AGREEMENT  
BETWEEN THE CITY OF DES MOINES  
AND THE DES MOINES METROPOLITAN WASTEWATER  
RECLAMATION AUTHORITY FOR THE  
INGERSOLL RUN OUTLET, PHASE 28, SEGMENT 1 PROJECT**

WHEREAS, the WRA is undertaking a project to construct the WRA Ingersoll Run Outlet, Phase 28, Segment 1 Project within Des Moines; and

WHEREAS, the Project runs along the rights-of-way of Martin Luther King Parkway (MLK) from 2<sup>nd</sup> Avenue to approximately S.W. 16<sup>th</sup> Street in Des Moines; and

WHEREAS, the Project requires the WRA to demolish and replace the northerly two westbound lanes of the Martin Luther King Parkway roadway and turn lanes; and

WHEREAS, the City desires to replace the southerly lanes of westbound MLK plus turn lanes of the roadway at the same time the WRA is replacing the northerly two westbound lanes (City cost limits) as part of the Project; and

WHEREAS, the City approved an agreement with the WRA at its May 9, 2022, meeting by Roll Call No. 22-0676 and the agreement had not been approved by the WRA; and

WHEREAS, bids for the Project were received, and the bids were significantly over the estimate and the WRA rejected all bids; and

WHEREAS, staff for the City and WRA met and recommend rebidding the project with some modifications, including Alternates for a roadway with 10-inch PCC Pavement and one for replacement of the roadway with 10-inch HMA Pavement; and

WHEREAS, since the agreement had not yet been approved by the WRA, the agreement has been revised to recognize the Alternates and with the revised estimates, and rescission of Roll Call No. 22-0676 is recommend; and

WHEREAS, the City is agreeing in the agreement to pay for 42% of the cost of the roadway improvements estimated at \$2,386,108 for the Alternate of 10-inch PCC Pavement and \$1,798,108 for the Alternate of 10-inch HMA Pavement, with the City responsible to pay the actual costs; and

WHEREAS, the City is also agreeing to pay for design costs for its portion of the design in the amount of \$30,000 and costs of construction administration in the amount of \$43,000 and

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WHEREAS, the new revised agreement sets out the responsibilities for the design, construction and funding of the Project.

NOW THEREFORE BE IT RESOLVED BY THE DES MOINES CITY COUNCIL OF DES MOINES, IOWA:

1. That it hereby rescinds Resolution No. 22-0676 dated May 9, 2022, and it hereby approves the Agreement by and between the City of Des Moines and the Des Moines Metropolitan Wastewater Reclamation Authority for the Ingersoll Run Outlet, Phase 28, Segment 1 Project and authorizes and directs the Mayor to execute the agreement and the City Clerk to attest to the Mayor's signature.
2. That the City Manager or his designee is hereby authorized to give approval for change orders less than \$50,000 to WRA pursuant to the Agreement.
3. That the City Engineer and Finance Director are authorized to pay the City's costs set forth in and in accordance with the Agreement.

(City Council Communication Number 22-463 attached)  
Activity ID 07-2022-001

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

FORM APPROVED: s/Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

Funding Source: 2022-2023 CIP, Page 161, MLK Pavement Replacement, ST310, Tax Increment Funding Bonds

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

**CERTIFICATE**

I, Laura Baumgartner, 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