

★ Roll Call Number

08-1236

Agenda Item Number

60B

July 14, 2008

Date

RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF CONSTRUCTION FOR THE SALT STORAGE FACILITY IN THE AMOUNT OF \$1,161,986.84 AND AUTHORIZING EXECUTION OF A 28E AGREEMENT FOR THE LEASE PURCHASE OF A METROPOLITAN SALT STORAGE FACILITY ON METRO WASTE AUTHORITY PROPERTY FOR A PERIOD OF FIVE YEARS, WITH DES MOINES' OBLIGATION FOR THE COST OF CONSTRUCTION NOT TO EXCEED \$581,818.11 WITHOUT AMENDMENT OF THE AGREEMENT

WHEREAS, the Public Works Department is in need of additional storage for salt used in the winter for de-icing; and

WHEREAS, a 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on Metro Waste Authority Property described as:

- Storm sewer - 120 lineal feet of 12 inch RCP
- Subdrain - 2358 lineal feet of 4 inch perforated
- PCC Paving, 8 inch - 434 sq. yds.
- 9" HMA Pavement - 9554 sq. yds.
- 84' wide x 260' long x 30' high (inside height) fabric covered salt storage building (10,000 ton).
  - Cover building designed to withstand a minimum of 25 pounds/sq. ft. snow load, minimum 90 mph wind load, minimum 21 pounds/sq. ft. of non-reducible live load.
  - Fabric covering to be minimum 14 oz/sq. yd. with high density polyethylene tapes coated on two sides with low density polyethylene.
  - The building framework shall be hot dipped galvanized to minimum ASTM A123 or 3.9 mils of zinc on all manufactured building components. All manufactured steel component surfaces both exterior and interior are to have a minimum 2.2 oz/sq.ft. continuous zinc coating to be applied after steel framework fabrication. Steel framework shall be minimum - clear span structural steel square tubing - ASTM A500/ASTM A513. Minimum tubing thickness - 14 gauge or .083 inches. Minimum 50 KSI yield - 55 KSI tensile ASTM A500.
- 84' wide x 300' long x 30' high (inside height) fabric covered salt storage building (12,000 ton)
  - Cover building designed to withstand a minimum of 25 pounds/sq. ft. snow load, minimum 90 mph wind load, minimum 21 pounds/sq. ft. of non-reducible live load.
  - Fabric covering to be minimum 14 oz/sq. yd. with high density polyethylene tapes coated on two sides with low density polyethylene.
  - The building framework shall be hot dipped galvanized to minimum ASTM A123 or 3.9 mils of zinc on all manufactured building components. All manufactured steel component surfaces both exterior and interior are to have a minimum 2.2 oz/sq.ft. continuous zinc coating to be applied after steel framework fabrication. Steel framework shall be minimum - clear span structural steel square tubing - ASTM A500/ASTM A513. Minimum tubing thickness - 14 gauge or .083 inches. Minimum 50 KSI yield - 55 KSI tensile ASTM A500.
- Landscaping

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-2-

between the Cities of Des Moines, West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes and Pleasant Hill and the Metro Waste Authority (MWA) with Des Moines' obligation to be not more than \$581,818.11 for the cost of construction of the Salt Storage Improvements over the five years of the Original Term of the Agreement has been negotiated as authorized under Sections 364.4, 364.6 and 384.25 of the Iowa Code; and

WHEREAS, pursuant to the Agreement, MWA would finance and construct a Metropolitan Salt Storage Facility approved by MWA and the Cities; and

WHEREAS, the Agreement provides for the Cities to lease purchase the Improvements under Section 364.4 of the Iowa Code and lease the Leased Premises under the Agreement; and

WHEREAS, the Agreement provides that the Cities purchase the Buildings from MWA over the course of the Original Term, which is five years, and the Buildings are personal property that may be moved by the Cities; and

WHEREAS, Des Moines represents that the obligation of Des Moines under the Agreement, together with other lease purchase agreements of that City, will not cause the total annual lease or lease-purchase payments of the City due from the general fund of the City to exceed ten percent of the last certified fund budget amount of Des Moines; and

WHEREAS, the City of Des Moines' amount to be paid for the cost of construction for the five years of the Original Term of the Lease is not to exceed \$581,818.11 without written amendment of the Agreement;

WHEREAS, pursuant to notice published as required by Sections 364.4, 364.6, 384.25 and 26.12 of the Iowa Code, this Council has held a public meeting and hearing upon the plans, specifications, form of contract and estimate of construction and upon the proposal to institute proceedings for the authorization of the 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on Metro Waste Authority Property and the Council may now proceed with authorization of said Agreement; and

WHEREAS, this Council has determined that the term of the Lease does not exceed the economic life of the property being acquired pursuant thereto; and

WHEREAS, all payments due under the Lease shall be paid solely out of the general fund; and

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WHEREAS, there has been presented to this meeting the form of the 28E Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on Metro Waste Authority Property which the City proposes to enter into; and

WHEREAS, it appears that such instrument is in appropriate form and is an appropriate instrument for the purposes intended.

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

1. That the plans, specifications, form of contract documents, and estimate of construction cost for Salt Storage Facility Improvements are hereby approved.
2. The Agreement authorized by this resolution shall be issued pursuant to Sections 364.4, 364.6 and 384.25 of the Code of Iowa, and in compliance with all applicable provisions and laws of the State of Iowa. This Agreement is hereby authorized to be issued with the City of Des Moines' obligation for the cost of construction to exceed \$581,818.11 for the purpose of paying for the construction of the Salt Storage Facility Improvements.
3. Payments due under the Agreement shall be payable solely and only out of the general fund.
4. The Mayor and City Clerk are hereby authorized and directed to sign the Agreement and the on behalf of the City and to take all action necessary to permit the completion of the Agreement.

APPROVED AS TO FORM: Moved by Coleman to adopt.

Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
Y. M. Franklin Course  
 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.

Diane Fauh City Clerk