

Date December 21, 2009.....

APPROVAL OF THE GROUNDS AND FLEUR DRIVE MEDIANS MAINTENANCE ALLIANCE AGREEMENT BETWEEN THE CITY OF DES MOINES AND THE BOARD OF WATER WORKS TRUSTEES OF THE CITY OF DES MOINES AND ACCEPTANCE OF FLEUR DRIVE MEDIAN PLANTERS

WHEREAS, the Board of Water Works Trustees of the City of Des Moines, Iowa (“Water Works”) makes a portion of its grounds available to the public as a park known as Water Works Park, which is adjacent to Fleur Drive; and

WHEREAS, the City of Des Moines has responsibility for repair and maintenance of streets within the City including Fleur Drive and also owns, operates and maintains the Meredith Multi-Use Recreational Trail, the Bill Riley Multi-Use Recreational Trail and its extension to the southeast corner of Gray’s Lake Park, the Walnut Creek Trail, and the extension of the Great Western Trail that terminates in the southern terminus at George Flagg Parkway, a portion of which are located within Water Works property; and

WHEREAS, the Water Works and the City each have maintenance capabilities and facilities which can be shared to support their respective needs on a mutually beneficial basis in the public interest; and

WHEREAS, on July 24, 2000, by Roll Call No. 00-3259, the City Council entered into a 28E Agreement with Water Works providing that the Des Moines Park and Recreation Department staff and Water Works staff share grounds maintenance and beautification responsibilities for a portion of Fleur Drive, Gray’s Lake Park, Carney Park, the Bill Riley Trail and Water Works Park (“the Grounds Maintenance Alliance Agreement”); and

WHEREAS, on April 5, 2004, by Roll Call No. 04-722, the City Council approved a First Amendment to the Grounds Maintenance Alliance Agreement in which the City assumed responsibility for services formerly provided by Water Works under said Agreement for Gray’s Lake Park; and

WHEREAS, on July 14, 2003, by Roll Call No. 03-1618, the City Council approved the Fleur Drive Gateway Scenic Beautification Project Agreement between the City, IDOT and Water Works in which IDOT allocated grant funds for development of Fleur Drive, including construction of planters in the median; and

WHEREAS, on March 18, 2002, by Roll Call No. 02-763, the City Council authorized the City Manager to work with the Mayor’s Landscape Taskforce and the Ruan Center Corporation to prepare plans for Fleur Drive improvements; and

WHEREAS, Water Works has utilized IDOT grant funds and private donations to construct, or aid in the construction of, fifteen median planters in Fleur Drive right-of-way from the Martin Luther King bridge on the north to Army Post Road on the south, as shown on the attached Exhibit 1, (“the Planters”); and

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WHEREAS, Water Works desires that the completed planters be accepted by the City; and

WHEREAS, the original 28-E Grounds Maintenance Alliance Agreement expired on June 30, 2007, and the Water Works and the City now desire to enter into a new agreement to continue to provide for cooperative services and materials for a portion of Fleur Drive, the planters in the medians of Fleur Drive, the City trails within Water Works property and Water Works Park; and

WHEREAS, a new Grounds and Fleur Drive Medians Maintenance Alliance Agreement has been created between the City and the Water Works, a copy of which is on file in the City Clerk's Office, which includes mutual services for the City Trails and Fleur Drive median planters for an initial term from January 1, 2010 to December 31, 2014, with one year renewals unless written notice is otherwise given by either party; and

WHEREAS, it is in the best interests of the City to enter into this new Grounds and Fleur Drive Medians Maintenance Alliance Agreement and to accept the planters to further enhance the beautification of the City in a manner which makes efficient use of public resources.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Grounds and Fleur Drive Medians Maintenance Alliance Agreement Between the City of Des Moines and the Board of Water Works Trustees of the City of Des Moines, a copy of which is on file with the City Clerk's Office, is hereby approved and the Mayor is hereby authorized and directed to sign said Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to his signature.

BE IT FURTHER RESOLVED THAT the City hereby accepts ownership of the Fleur Drive median planter improvements shown in the attached Exhibit 1.

(Council Communication No. 09-879)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:
Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

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

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.

T. M. Franklin
 Mayor

Diane Rauh
 City Clerk