



Roll Call Number

12-0017

Agenda Item Number

8

Date January 9, 2012

RESOLUTION APPROVING A CHAPTER 28E AGREEMENT BY AND BETWEEN THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY AND THE CITY OF DES MOINES, IOWA FOR THE DESIGN, PROPERTY ACQUISITION AND CONSTRUCTION OF THE HAWTHORNE PUMP STATION, FORCE MAIN AND LATERAL SEWERS AS PART OF THE WRA NEW MAIN OUTFALL, PHASE 17, SEGMENT 5 AND 6 PROJECT

WHEREAS, the WRA and Des Moines agree that it is of mutual benefit to each entity to provide for the joint design of the WRA New Main Outfall and the City of Des Moines Hawthorne Pump Station (a/k/a Hawthorn Pump Station or Hawthorne Park Pump Station) and force main, and relocation of City of Des Moines lateral sewers as caused and required by the WRA New Main Outfall project, which design is being undertaken by Veenstra & Kimm, Inc. pursuant to an Agreement for Professional Services for the WRA Main Outfall Replacement, and to provide for the payment of the costs for said projects; and

WHEREAS, Des Moines planned to undertake the construction of the replacement Hawthorne Park Pump Station (1398 E. Railroad Avenue, Des Moines) and to redirect the City's force main to the E. 20th Street Trunk Connector Sewer due to the WRA project, and has proposed that the WRA jointly construct the Hawthorne Pump Station and force main concurrent with construction of the lateral sewer relocations as part of the New Main Outfall Project along Railroad Avenue and between SE 14th Street and the Des Moines River at approximately SE 2nd Street; and

WHEREAS, the WRA and Des Moines have negotiated the terms of a Chapter 28E Agreement, providing for the joint design and construction of the WRA's New Main Outfall Project and of Des Moines' Hawthorne Pump Station, force main, and lateral sewer relocation and construction within the location stated above, and providing for the acquisition of private property to accommodate the construction and future operation and maintenance of the lateral sewer improvements; and

WHEREAS, the negotiated agreement further provides that the City of Des Moines shall reimburse the WRA for costs for design, construction, construction administration, and change orders associated with the Hawthorne Pump Station and force main, and the WRA shall incur the design, property acquisition and construction costs for the WRA New Main Outfall and the lateral sewer relocation caused by the WRA project, and that each party shall assume ownership of its respective project improvements upon final acceptance of the New Main Outfall project by the WRA Board.

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

That the Chapter 28E Agreement by and between the Des Moines Metropolitan Wastewater Reclamation Authority and the City of Des Moines, Iowa, for the Design and Property

Acquisition for and Construction of the Hawthorne Pump Station, Force Main and Lateral Sewers as Part of the WRA New Main Outfall – Phase 17, Segment 5 and 6 Project, is approved; the Mayor is authorized to execute the Agreement; the City Clerk is directed to attest to the Mayor’s signature and to record the Agreement with the Secretary of State; the Public Works Director and City Engineer and/or their respective designees are directed and authorized to administer the terms of the Agreement; and the Finance Department is authorized to make any and all payments as required by the Agreement.

(Council Communication Number 12-001 attached)

Moved by Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool
Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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 Council Mayor

Diane Rauh City Clerk