

★ Roll Call Number
17-1636

Agenda Item Number
10

Date September 25, 2017

APPROVING THE AMENDMENT TO THE AGREEMENT WITH IOWA INTERSTATE RAILROAD, LTD. FOR ADDITIONAL TRACK PROTECTION SERVICES AND TRACK WORK NECESSARY FOR INSTALLATION OF FLOOD GATES AT THE ENDS OF IOWA INTERSTATE RAILROAD'S DES MOINES RIVER BRIDGE AS PART OF THE DOWNTOWN CLOSURES IMPROVEMENTS PROJECT

WHEREAS, on December 5, 2016, by Roll Call 16-2047, City Council approved a Flood Protection Construction Agreement with Iowa Interstate Railroad, LTD. for track protection services and track work necessary for installation of flood gates at the ends of Iowa Interstate Railroad's Des Moines River Bridge as part of the Corps of Engineers Downtown Closures Improvements Project; and

WHEREAS, the Flood Protection Construction Agreement provides for track protection services and track work by Iowa Interstate Railroad, LTD. with reimbursement to be paid by the City to Iowa Interstate Railroad, LTD. for the actual cost of the track protections services and track work, as estimated by Iowa Interstate Railroad, LTD. at \$73,000; and

WHEREAS, during construction, additional track protection services and track work, estimated by Iowa Interstate Railroad, LTD to cost an additional \$31,795.25, has been identified as necessary for the installation of the flood gates; and

WHEREAS, the amendment to the Flood Protection Construction Agreement provides for additional track protection services and track work by Iowa Interstate Railroad, LTD. with reimbursement to be paid by the City to Iowa Interstate Railroad, LTD. for the actual cost said additional track protection services and track work, as estimated by Iowa Interstate Railroad, LTD. at \$31,795.25.

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

1. That the Amendment to the Flood Protection Construction Agreement between Iowa Interstate Railroad, LTD. and City of Des Moines, Iowa for additional track protection services and track work, copies which are now on file in the office of the City Clerk, be and are hereby approved as to form and content.
2. That the Mayor is hereby authorized and directed to execute said Amendment to the Flood Protection Construction Agreement for and on behalf of the City of Des Moines, Iowa.
3. That the Engineering Department is hereby authorized to administer the terms of said Flood Protection Construction Agreement, as amended.

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4. That the Finance Director is authorized to make payment to the railroad for the actual costs of track protection services and track construction work upon receipt of an invoice acceptable to the Engineering Department.

(Council Letter Number 17-187 attached)
 Activity ID 08-2016-005

Moved by Hensley to adopt.

FORM APPROVED: [Signature]
 Lisa A. Wieland
 Assistant City Attorney

Funding Source: 2017-2018 CIP, Page Storm Water Improvements – 6, Flood Mitigation Improvements, SM087

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED		APPROVED		

[Signature]
 MAYOR PRO TEM

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.

[Signature] City Clerk