

Date June 23, 2008

APPROVAL OF EMERGENCY PROCEEDINGS AT VARIOUS LOCATIONS FOR EMERGENCY REPAIRS AND APPROVAL OF EMERGENCY PURCHASE ORDERS WITH THE LOWEST RESPONSIBLE BIDDER

WHEREAS, recent flooding on the Des Moines and Raccoon Rivers and heavy local rains resulting in surcharge of the sanitary and storm sewers have caused damage to the following public improvements :

- Sanitary Sewer collapse in the area of South Union Street and Kirkwood Avenue which caused closure of one lane on South Union and requires 24-hour per day bypass pumping by Public Works.
- Storm Sewer break on SE 6th Street south of the Des Moines River Bridge which caused SE 6th Street to collapse and be closed.
- Birdland Levee failure north of New York Avenue requiring the breach to be filled and pile driven to restore levee protection for the area
- Sanitary Sewer collapse on Boyd Street near E 9th Street resulting in a partial closure of Boyd Street and requires 24-hour per day bypass pumping by Public Works.

WHEREAS, the scope of these emergency repairs required the services of a private contractor because of the urgent nature of the required repairs; and

WHEREAS, the delay of advertising and a public letting might cause serious loss or injury to the city; and

WHEREAS, local private contractors were contacted for their services, said contractors were asked to submit bids for the repair work, and

WHEREAS, Section 384.103(2) of the Iowa Code provides for emergency repairs as follows:

When emergency repair of a public improvement is necessary and the delay of advertising and a public letting might cause serious loss or injury to the City, the governing body shall, by resolution, make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent registered professional engineer or architect, not in the regular employ of the City, certifying that emergency repairs are necessary.

In that event the governing body may contract for emergency repairs without holding a public hearing and advertising for bids, and the provisions of Chapter 26 do not apply.

WHEREAS, H.R. Veenstra, Jr., P.E., of Veenstra & Kimm has inspected the sites and has recommended in the attached letter that emergency repair actions be taken.

Date June 23, 2008

WHEREAS, on Monday, June 9, 2008, the City Manager declared an operating emergency related to the anticipated flooding in the City of Des Moines and departments were authorized under Section 2-709 (b) (Public and Operating Emergencies) Municipal Code of the City of Des Moines to procure in the open market, without filing a requisition, purchase order, or request for proposals or estimate therefore and without advertisement, any goods and/or services that could have not been reasonably foreseen or anticipated, for immediate delivery or furnishing to meet such operating emergency when necessary. Goods and services should be acquired using normal procedures when feasible.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council makes a finding that emergency repair was and is necessary and further makes a finding of necessity to institute emergency repairs under Subsection 384.103(2) of the Code of Iowa for the following work:

- Sanitary Sewer collapse in the area of South Union Street and Kirkwood Avenue which caused closure of one lane on South Union and requires 24-hour per day bypass pumping by Public Works.
- Storm Sewer break on SE 6th Street south of the Des Moines River Bridge which caused SE 6th Street to collapse and be closed.
- Birdland Levee failure north of New York Avenue requiring the breach to be filled and pile driven to restore levee protection for the area
- Sanitary Sewer collapse on Boyd Street near E 9th Street resulting in a partial closure of Boyd Street and requires 24-hour per day bypass pumping by Public Works.

BE IT FURTHER RESOLVED: That the Purchasing Agent is hereby authorized and directed to execute a purchase orders to the following contractors for the referenced work:

- The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047 in the amount of \$29,500 to repair the Sanitary Sewer collapse in the area of South Union Street and Kirkwood Avenue which caused closure of one lane on South Union and requires 24-hour per day bypass pumping by Public Works. Two bids were received with the second bid from Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$49,000.
- Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the estimated amount of \$50,000 to repair the Storm Sewer break on SE 6th Street south of the Des Moines River Bridge which caused SE 6th Street to collapse and be closed. The closure of SE 6th Street south of the Des Moines River Bridge closed a major north/south arterial and Staff determined that it was a traffic emergency to get the street reopened as soon as possible, so bids were not received. Staff directed Van Hauen and Associates to begin the work immediately.
- Cramer and Associates, Inc., Robert Cramer, 5600 Brookside Drive, Grimes, IA 50111 in the estimated amount of \$500,000 to restore the Birdland Levee that failed north of New York Avenue by filling the breach and driving pile to restore levee protection for the

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Date June 23, 2008

area. This levee breach needed to be repaired as soon as possible to prevent flooding and restore the levee protection to the Birdland area. Staff determined that the this work was an emergency and began negotiations with Cramer and Associates, Inc. because the repair would require 40 foot-long steel pile to be driven for 175' to close the breach. Cramer had equipment in the area and is capable of driving the necessary pile. Because of the emergency nature of this repair, Cramer was directed to begin the work immediately.

- The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047 in the amount of \$39,500 to repair the Sanitary Sewer collapse on Boyd Street near E 9th Street resulting in a partial closure of Boyd Street and requires 24-hour per day bypass pumping by Public Works. Two bids were received with the second bid from Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$76,000.

BE IT FURTHER RESOLVED: That the actions of the City Manager, City Engineer and Purchasing Agent as aforementioned are approved, ratified and confirmed.

Moved by _____ to adopt.

FORM APPROVED:

Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

Funding Source: 2007-08 Operating Budget, SP854, ENG982008, OPR 178, 2008 Storms Mitigation/Recovery

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|----------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | APPROVED | | |
| _____ 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.

_____ City Clerk



June 19, 2008

Date JUN 23 2008

Agenda Item 50

Roll Call # _____

Jeb E. Brewer
City Engineer
City of Des Moines
City Hall
400 Robert D. Ray Drive
Des Moines, Iowa 50309-1891

DES MOINES, IOWA
SANITARY SEWER COLLAPSE
EAST NINTH AND BOYD
ACTIVITY ID NO. 14-2008-059
EMERGENCY DETERMINATION

In response to the request by the City of Des Moines, the writer has investigated a sanitary sewer collapse near the vicinity of East Ninth Street and Boyd. Based on investigation it appears a 12-inch sanitary sewer on Boyd has collapsed at a location approximately 82 feet west of East Ninth Street.

The investigation indicates the collapse of the sanitary sewer is adversely impacting conveyance capability of the sanitary sewer. The collapse appears to have a potential for soil loss into the sanitary sewer due to the loss of its structural integrity.

Based on review it appears the collapse is in a relatively limited area. At the present time it appears a spot replacement of the collapsed pipe would be effective.

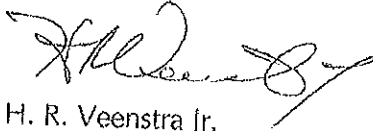
Based on investigation it is the writer's opinion the collapse of the sanitary sewer near East Ninth Street and Boyd constitutes an emergency condition and repairs of the collapsed sewer should be completed as soon as possible. The basis for this recommendation is two-fold. First, the collapse of the sanitary sewer has adversely impacted the performance characteristics of the sanitary sewer system. With the potential for elevated flow

Jeb E. Brewer
June 19, 2008
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conditions the collapsed sanitary sewer creates an increased risk for sanitary sewer surcharging and property damage. Second, the loss of structural integrity of the collapsed sanitary sewer results in the potential for loss of soil. The loss of soil materials in the sanitary sewer creates the potential for increased property damage and creates a potential safety hazard.

If you have any questions or comments concerning the project, please contact us at 225-8000.

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

114273
cc: Roger Joanning



VEENSTRA & KIMM, INC.

3000 Westown Parkway • West Des Moines, Iowa 50266-1320
515-225-8000 • 515-225-7848(FAX) • 800-241-8000(WATS)

June 19, 2008

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Agenda Item 50

Roll Call # _____

Jeb E. Brewer
City Engineer
City of Des Moines
City Hall
400 Robert D. Ray Drive
Des Moines, Iowa 50309-1891

DES MOINES, IOWA
DES MOINES RIVER LEVEE FAILURE
BIRDLAND AREA
ACTIVITY ID NO. 14-2008-056
EMERGENCY DETERMINATION

In response to the request by the City of Des Moines, the writer has investigated a failure on the levee of the Des Moines River. The failure occurred west of Sixth Avenue at approximately New York extended. The investigation indicates that approximately 100 feet of the levee catastrophically failed under the flood conditions that existed on or about June 14, 2008.

The area protected by the levee is now reasonably unprotected from flooding of the Des Moines River. With the current elevated flow conditions, this area of the levee failure creates an increased potential for the Des Moines River to compromise the levee and flood the low lying areas to the east and southeast.

From the extent of the failure it appears the levee repairs should include the installation of vertically driven steel sheet piling and the restoration of the clay levee.

The failure of the levee creates a significantly increased potential for property damage flooding and creates a significant risk of a public safety hazard should the levee fail again under elevated river conditions.

Jeb E. Brewer
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Based on review the levee failure it is the writer's opinion the repair of the Birdland levee failure constitutes an emergency condition and significant repairs and restoration of the levee should be completed as soon as possible. The basis for this recommendation is the potential for significant property damage flooding from the failed levee with the current reservoir level in Lake Saylorville that provides limited storage volume to ameliorate the impact of high flow levels in the Des Moines River upstream of the levee failure.

If you have any questions or comments concerning the project, please contact us at 225-8000.

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

114273

cc: Roger Joanning



June 19, 2008

Date JUN 23 2008

Agenda Item 50

Roll Call # _____

Jeb E. Brewer
City Engineer
City of Des Moines
City Hall
400 Robert D. Ray Drive
Des Moines, Iowa 50309-1891

DES MOINES, IOWA
STORM SEWER FAILURE
SE SIXTH STREET
ACTIVITY ID NO. 14-2008-055
EMERGENCY DETERMINATION

In response to the request from the City of Des Moines, the writer has investigated the storm sewer collapse located on SE Sixth Street immediately south of the Des Moines River bridge. Investigation indicates a 42-inch storm sewer has failed and collapsed. The collapse is located under SE Sixth Street. The collapse has compromised SE Sixth Street and resulted in the loss of soil and pavement.

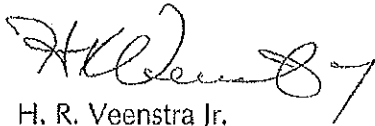
Based on review it appears the collapse of the storm sewer is relatively isolated. It would appear a repair or replacement of approximately 25 feet of the 42-inch storm sewer would effect the necessary repairs.

Based on investigation of the storm sewer collapse, it is the writer's opinion the collapse of the 42-inch storm sewer constitutes an emergency condition and repair of the storm sewer collapse should be completed as soon as possible. The basis for this opinion is two-fold. First, the storm sewer collapse has adversely impacted SE Sixth Street. SE Sixth Street is a major transportation corridor due to its proximity to the SE Sixth Street bridge over the Des Moines River. Second, with elevated river levels continued loss of soil at the storm sewer collapse poses the potential for a more significant sink hole should the area be impacted by groundwater conveyance in the saturated soils along the Des Moines River.

Jeb E. Brewer
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If you have any questions or comments concerning the project, please contact us at 225-8000.

VEENSTRA & KIMM, INC.

A handwritten signature in black ink, appearing to read "H. R. Veenstra Jr.", written in a cursive style.

H. R. Veenstra Jr.

114273
cc: Roger Joanning



VEENSTRA & KIMM, INC.

3000 Westown Parkway • West Des Moines, Iowa 50266-1320
515-225-8000 • 515-225-7840(FAX) • 800-241-8000(WATS)

June 19, 2008

Jeb E. Brewer
City Engineer
City of Des Moines
City Hall
400 Robert D. Ray Drive
Des Moines, Iowa 50309-1891

DES MOINES, IOWA
SANITARY SEWER COLLAPSE
SOUTH UNION AND KIRKWOOD
ACTIVITY ID NO. 14-2008-057
EMERGENCY DETERMINATION

In response with the request of the City of Des Moines, the writer has investigated a sewer collapse located near the intersection of South Union and Kirkwood. Based on investigation it appears a 12-inch sanitary sewer located in the east parking of South Union has collapsed. The collapse is located approximately 75 feet north of Kirkwood.

The collapse of the sanitary sewer is impeding the flow of the sanitary sewer. The collapsed sanitary sewer creates the potential for an unsafe condition due to subsidence of the soil into the collapsed area. With the elevated groundwater currently being experienced, the collapse creates an increased potential for sewer backups and potential property damage.

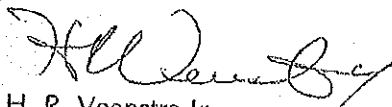
At the present time the extent of the problem appears to be isolated. It would appear a spot repair of the collapsed area would correct the problem.

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Based on a review of the sewer collapse it is the writer's opinion the collapse of the sanitary sewer constitutes an emergency condition and repairs should be completed as soon as possible. The basis for this determination is the negative impact on the performance of the sanitary sewer system from the collapse. The sewer collapse poses the potential for continued loss of soil. The collapse creates the potential for additional property damage in the vicinity of the collapse and a potential public safety risk.

If you have any questions or comments concerning the project, please contact us at 225-8000.

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

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