



# Council Communication

Office of the City Manager

Date

April 21, 2008

Agenda Item No. 16A  
Roll Call No. 08-  
Communication No. 08-235  
Submitted by: Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

Communication from the City Manager recommending proposed sidewalk construction using special assessments.

## SYNOPSIS:

Proceed with proposed sidewalk improvements and set May 19, 2008 as the date for the hearing on the proposed Resolution of Necessity, as required by Iowa Code, before the City Council can utilize special assessments against benefited property owners as part of the method of financing referenced below. The City Council has received requests for sidewalk to be constructed on parts of SE 14<sup>th</sup> Street and State Avenue as identified below. Recommend the City Council authorize the City Engineer to proceed with the actions necessary under the Iowa Code special assessment process and to notify appropriate property owners.

## FISCAL IMPACT:

Amount: \$149,471.41 Total City Engineer's Preliminary Estimate for assessment purposes with individual estimates for the two streets as follows:

- SE 14<sup>th</sup> Street Sidewalk (west side except where sidewalk exists) from E McKinley Avenue to Cummins Road (Total Estimate \$114,700.04 with \$21,657.74 Assessed and \$93,042.30 City Cost - G.O. Bonds)
- State Avenue Sidewalk (except where sidewalk exists) from E 32<sup>nd</sup> Street to E 33<sup>rd</sup> Street (Total Estimate \$34,771.37 with \$11,878.81 Assessed and \$22,892.56 City Cost - G.O. Bonds)

Funding Source: 2008-2009 CIP, Page Sidewalk-7, School Routes and Priority Sidewalks, STR081, being \$33,536.55 from Special Assessments against benefited property owners and \$115,934.86 in G. O. Bonds

## ADDITIONAL INFORMATION:

On August 21, 2006, under Roll Call 06-1711, the City Council adopted the following revised assessment policy for new sidewalk construction.

### Assessment Policy for New Sidewalk Construction

Construction of new sidewalk, on one side or both sides of the street, shall be assessed to the abutting property owners on a front foot basis. The abutting property is assessed only for the actual sidewalk (4" and 6" at driveways) fronting the property. Sidewalks at intersections that do not abut private property are constructed at City cost. The property owner will be assessed for only 50% of the actual sidewalk

construction costs plus a maximum of 10% engineering costs. The City of Des Moines will pay for the cost of grading, wall construction, tree removal, reconstruction of driveway approaches where necessary, right-of-way and easement costs, and engineering costs over 10% of the construction costs. A subsidy program will be available for residential property owners meeting income guidelines, which will pay 100% of the sidewalk assessment for qualifying property owners. The following exceptions will apply to the assessment program for the construction of new sidewalk:

- Multipurpose recreational trails are not assessed.
- If a sidewalk is constructed on a project utilizing federal funds or other non-City sources, the remaining cost of the sidewalk is not assessed to the abutting property owners.
- If a sidewalk is constructed as part of a streetscape project such as the Locust Streetscape project, the abutting property owners are not assessed.
- If there are special circumstances such as a major construction project where the sidewalk is an incidental item, or at the direction of the City Council, the special assessments may be reduced or eliminated.

### **Background and Recommendation**

Requests from residents requesting construction of new sidewalks were submitted to the Council late in 2006 on the following two streets:

- SE 14<sup>th</sup> Street Sidewalk (west side) from E McKinley Avenue to Cummins
- State Avenue Sidewalk from E 32<sup>nd</sup> Street to E 33<sup>rd</sup> Street.

However, the sidewalk construction funds for the 2007 construction season were committed to construct new sidewalk on the north side of Hickman Road from 9<sup>th</sup> Street to ML King Jr. Parkway, and therefore further action on the proposed sidewalk for these two streets was delayed.

On September 24, 2007, the City Council held an informal hearing regarding construction of new sidewalk on these streets and under Roll Call Number 07-1875 the Council authorized the City Manager to proceed with the preparation of plans and specifications for construction of these new sidewalks.

Since no additional sidewalk petitions have been submitted, staff recommends proceeding with the following improvements and taking the necessary actions under the Iowa Code special assessment process for City Council consideration as required in order to assess a portion of the cost on the following improvements:

Construction of Class "B" Portland cement concrete sidewalks, four (4) inches thick, [six (6) inches thick at driveways], together with all necessary appurtenances on:

- SE 14<sup>th</sup> Street Sidewalk (west side except where sidewalk exists) from E McKinley Avenue to Cummins Road, Activity ID 09-2006-004, Schedule No. 2007-02.
- State Avenue Sidewalk (except where sidewalk exists) from E 32<sup>nd</sup> Street to E 33<sup>rd</sup> Street, Activity ID 09-2007-003, Schedule No. 2007-01.

Upon Council approval of the Resolution of Necessity, the Engineering Department will proceed with preparation of plans and specifications for Council consideration to establish a bid date so that the proposed new sidewalk can be completed this construction season.

### **PREVIOUS COUNCIL ACTION(S):**

Date: September 24, 2007

Roll Call Number: [07-1875](#)

Action: [On](#) sidewalk construction for the following: Moved by Mahaffey to adopt. Motion Carried 7-0.  
(A) SE 14<sup>th</sup> Street (west side) from McKinley Avenue to Cummins Road.  
(B) State Avenue (both sides) from E. 32<sup>nd</sup> Street to E. 33<sup>rd</sup> Street.

Date: December 18, 2006

Roll Call Number: [06-2437](#)

Action: [Authorization](#) to proceed on the State Avenue sidewalk from E. 32<sup>nd</sup> Street to E. 33<sup>rd</sup> Street as part of the 2006-07 Capital Improvements Program. ([Council Communication No. 06-780](#)) Moved by Vlassis to adopt. Motion Carried 6-0.

Date: September 11, 2006

Roll Call Number: [06-1744](#)

Action: [Authorization](#) to proceed on the SE 14<sup>th</sup> Street Sidewalk from E. McKinley Avenue to Cummins Road. ([Council Communication No. 06-565](#)) Moved by Kiernan to adopt and refer to the City Manager to contact the State regarding their participation in this project. Motion Carried 6-0.

Date: August 21, 2006

Roll Call Number: [06-1711](#)

Action: [Revised](#) Assessment Policy for new sidewalk construction. ([Council Communication No. 06-530](#)) Moved by Mahaffey to adopt. Motion Carried 5-1.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Council Hearing on the Resolution of Necessity on May 19, 2008 and if adopted the normal Council actions to authorize bids, receive and file bids, designate lowest bidder, and approve contract and bond; also partial payments to the contractor and final acceptance of work.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).