



Council Communication

Office of the City Manager

Date

June 9, 2008

Agenda Item No. 68
Roll Call No. 08-
Communication No. 08-339
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Hearing on adoption of the proposed Resolution of Necessity for sanitary sewer improvements to serve the south side of the 3200 Block of Lincoln Avenue.

SYNOPSIS:

This is a public hearing on the proposed Resolution of Necessity for sanitary sewer improvements, as required by Iowa Code, before the City Council can proceed to utilize special assessments against benefited property owners as part of the method of financing as referenced below. The City Council received a petition requesting that sanitary sewer be constructed to serve the south side of the 3200 Block of Lincoln Avenue. On May 5, 2008 the City Council set June 9th, at 5:00 p.m. for the public hearing to receive and consider both written and oral objections and endorsements to the adoption of the proposed Resolution of Necessity. The City Engineer has tabulated below petitions received from property owners both for and against the project, will continue to tabulate any petitions received prior to the public hearing, and will report to the City Council at the June 9, 2008 hearing.

FISCAL IMPACT:

Amount: \$167,500 City Engineer's Preliminary Estimate for assessment purposes.

Funding Source: 2008-2009 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054, being \$33,169.37 from Special Assessments against benefited property owners and \$134,330.63 in Sanitary Sewer funds

ADDITIONAL INFORMATION:

On August 20, 2007, under Roll Call 07-1646, the City Council received, filed, and referred to the City Manager for review and recommendation a petition from two property owners requesting that sanitary sewer be constructed to serve their properties on the south side of Lincoln Avenue from the 3200 block to the 3300 block.

Engineering and Public Works Department staff have reviewed the petition and investigated the request for sanitary sewer. There are three properties on the south side of Lincoln Avenue in the 3200 Block that have septic tanks that are not connected to a sanitary sewer, and one vacant lot. Topography and the elevation of the existing sanitary sewers in 32nd and 33rd Streets make it impossible to serve these four properties with a typical sanitary sewer located in the Lincoln Avenue right-of-way. Engineering Department staff have also investigated constructing a sanitary sewer from near 32nd Street and Victoria Drive west through the back yards of these properties to provide sanitary sewer service. In November

2007, the property owners were notified that the Engineering Department would be conducting a preliminary survey to determine if it was feasible to construct a sanitary sewer in their back yards to connect to their sanitary sewer services between their houses and septic tanks. The survey results confirmed that construction of the proposed sanitary sewer in their back yards was feasible.

On April 17, 2008, the Engineering Department held an informational meeting at Monroe Elementary School to discuss the proposed construction of the assessed sanitary sewer project. Notice of this informational meeting was sent to the three property owners (3210, 3222, and 3300 Lincoln Avenue) that would be served by the proposed sewer (the fourth lot is vacant and owned by Polk County), as well as to Morningstar Mission Baptist Church, 3200 Lincoln Avenue, because the sewer will cross church property to get to the properties to be served. Engineering staff explained that the property owners would be assessed for the cost of two manholes and the sanitary sewer proposed to be constructed in their back yards, while the City of Des Moines would pay the remainder of the project cost to construct the sewer from 32nd and Victoria Drive across the church property to their back yards. This cost would be similar to the cost to be assessed if the sanitary sewer could have been constructed in the street as typically done. Two of the four property owners to be assessed attended the meeting; and after staff explained the project and assessment process, both property owners were in favor of proceeding with the project and the next step, which is the public hearing on the Resolution of Necessity.

On May 5, 2008, under Roll Call Number 08-778, the City Council set June 9th, at 5:00 p.m. for the public hearing to receive and consider both written and oral objections and endorsements to the adoption of the proposed Resolution of Necessity for construction of the following improvements:

Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33rd St., Activity ID 07-2008-005, Schedule Number 2008-05, described as: Construction of a new sanitary sewer to service four properties in the 3200 and 3300 block of Lincoln Avenue including construction of the sanitary sewer, manholes, restoration of pavement & landscaping, and other incidental items which will allow for the abandonment of deteriorated and obsolete septic systems that are located on the properties.

Pursuant to Iowa Code, Section 384.51, the City Council then meets as specified in the published notice to property owners, and after hearing all objections and endorsements and after considering all written objections may consider adoption of the Resolution of Necessity. A Resolution of Necessity requires the vote of three-fourths of all the members of the council (6 votes for the City of Des Moines); except where a protest has been signed by property owners subject to seventy-five percent or more of the amount of the proposed assessment, passage would then require a unanimous vote of the council.

On May 21, 2008, property owners subject to special assessments were sent a mailing which contained general information, the official Notice to Property Owners of the hearing on June 9th, a copy of May 5, 2008 City Council Communication Number 08-269 that explained the sanitary sewer assessment policy and provided further background information, a blank petition form that could be used to petition for or against the project, and each owner's preliminary assessment amount.

The Engineering Department has verified petitions from property owners received as of May 30, 2008, concerning the proposed Lincoln Avenue Sanitary Sewer construction with 2 of the 4 property owners (50% by number representing 67.2% of the amount proposed to be assessed) having submitted petitions in favor of the proposed sanitary sewer. There have not been any petitions received against the sanitary sewer. The Engineering Department will continue to tabulate any petitions received prior to the public hearing and will report to the City Council on June 9th. At this time, staff recommends adoption of the

Resolution of Necessity for the sanitary sewer construction on the above referenced portions of the south side of Lincoln Avenue in the 3200 Block. 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 sanitary sewer can be completed this construction season.

PREVIOUS COUNCIL ACTION(S):

Date: May 5, 2008

Roll Call Number: 08-778

Action: Proposed Resolution of Necessity, Notice to Property Owners of hearing and setting date of hearing. (6-9-08). Moved by Vlassis to adopt. Motion Carried 6-1.

Date: August 20, 2007

Roll Call Number: 07-1646

Action: Petition in favor of proposed sanitary sewer on the south side of Lincoln Avenue from the 3200 block to the 3300 block. Moved by Vlassis to receive and file and refer to the City Manager for review and recommendation. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Council hearing on the Resolution of Necessity on June 9, 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.

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