



# Council Communication

Office of the City Manager

Date

September 8, 2008

Agenda Item No. 42  
Roll Call No. 08-  
Communication No. 08-540  
Submitted by: Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

Hearing on Lincoln Avenue Sanitary Sewer - Victoria Drive to 33<sup>rd</sup> Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as The Underground Company, Ltd., Duane Burkhardt, President, \$138,328.

## SYNOPSIS:

This is a public hearing to allow for public input on the Lincoln Avenue Sanitary Sewer - Victoria Drive to 33<sup>rd</sup> Street and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. In August 2007, 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 June 9, 2008, the City Council held a public hearing, adopted the Resolution of Necessity to authorize partial funding with special assessments, and directed the City Engineer to proceed with design of the proposed sanitary sewer improvements.

## FISCAL IMPACT:

Amount: \$138,328 Construction Contract (\$140,925 City Engineer's Estimate)

Funding Source: 2008-2009 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054, (\$33,169.37 from Special Assessments against benefited property owners and the remainder 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 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 32<sup>nd</sup> and 33<sup>rd</sup> 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 has investigated constructing a sanitary sewer from near 32<sup>nd</sup> 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 32<sup>nd</sup> Street 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.

On May 5, 2008, under Roll Call Number 08-778, the City Council set June 9<sup>th</sup>, 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 Lincoln Avenue Sanitary Sewer - Victoria Drive to 33<sup>rd</sup> Street, Activity ID 07-2008-005, Schedule Number 2008-05.

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 9<sup>th</sup>, a copy of the May 5, 2008 City Council Communication 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.

On June 9, the City Council adopted the Resolution of Necessity for the sanitary sewer construction on Lincoln Avenue Sanitary Sewer - Victoria Drive to 33<sup>rd</sup> Street and directed the Engineering Department to 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.

On August 11, 2008, under Roll Call No. 08-1398, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the Lincoln Avenue Sanitary Sewer - Victoria Drive to 33<sup>rd</sup> Street. Before the City Council can enter into a contract, it must hold a public hearing and approve the proposed plans, specifications, and form of contract documents and engineer's estimate for the construction of the Lincoln Avenue Sanitary Sewer - Victoria Drive to 33<sup>rd</sup> Street, 07-2008-005. The improvement includes construction of a new sanitary sewer lateral main to service four properties in the 3200 and 3300 blocks of Lincoln Avenue, Des Moines, Iowa. This project will allow for the abandonment of deteriorated and obsolete septic systems that are located on these properties. This contract includes construction of the sanitary sewer, manholes, restoration of pavement & landscaping, and other incidental items; in accordance with the contract documents including Plan File Nos. 491-075/084.

Sealed bids for said improvement were submitted by the following bidders:

The Underground Company, Ltd., Carlisle, IA

Synergy Contracting LLC, Ankeny, IA  
Corell Contractor, Inc., West Des Moines, IA

The bids were received and opened at a public meeting presided over by the City Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D Ray Drive, Des Moines, Iowa at 11:00 a.m. on August 26, 2008.

The City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047 in the amount of \$138,328, and said bid should be accepted. The Finance Director has determined that funds are available for said improvement as stated above.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 11, 2008

Roll Call Number: 08-1398

Lincoln Avenue Sanitary Sewer – Victoria Drive to 33<sup>rd</sup> Street – Receiving of bids, (8-26-08), and Setting date of hearing, (9-8-08). (Construction Estimate - \$140,925). (Council Communication No. 08-496) Moved by Hensley to adopt. Motion Carried 7-0.

Date: June 9, 2008

Roll Call Number: 08-1037

Action: On adoption of the proposed Resolution of Necessity for Sanitary Sewer Improvements for Lincoln Avenue Sanitary Sewer – Victoria Drive to 33<sup>rd</sup> Street – Staff recommends Council close the public hearing and adopt the Resolution of Necessity for this sanitary sewer. (Council Communication No. 08-339) Moved by Vlassis to adopt. Motion Carried 7-0.

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:**

Partial payments to the contractor and final acceptance of work.

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