


| | | |
|---|---|-------------------|
|  <p style="text-align: center;">Council Communication Office of the City Manager</p> | Date | February 23, 2009 |
| | Agenda Item No. 22 Roll Call No. <u>09-</u> Communication No. <u>09-108</u> Submitted by: William G. Stowe, Assistant City Manager-Public Works Director, and Jeb E. Brewer, P.E., City Engineer | |

AGENDA HEADING:

Approving and authorizing the execution of an agreement between the City of Des Moines and Steven C. Wallace and Alyce A. Wallace regarding the property at 1706 Pennsylvania Avenue in Des Moines, and authorization to acquire necessary property interests by gift or voluntary negotiation.

SYNOPSIS:

Recommend approval of the agreement between the City of Des Moines and the owners of the property at 1706 Pennsylvania Avenue, Steven C. Wallace and Alyce A. Wallace, and authorization to acquire necessary property interests by gift or voluntary negotiation, regarding construction of improvements to mitigate severe soil erosion and landslides that occurred near 1706 Pennsylvania Avenue during and subsequent to the heavy rains and flooding in June 2008. The property is adjacent to the Des Moines River, and was determined by the United States Department of Agriculture (USDA) to qualify for financial assistance from the USDA Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program (EWP), which provides for soil erosion prevention and repair projects. The City’s role is to act as the governmental sponsor, as required by the EWP, and coordinate the 25% local match for design and construction costs.

FISCAL IMPACT:

Amount: \$178,500 Total Estimated Project Cost

Funding Source: \$127,500 being 75% of estimated project cost (Maximum \$127,500) in Federal USDA-NRCS EWP funds; additional 25% local match paid per agreement with the property owners.

ADDITIONAL INFORMATION:

The USDA-NRCS operates the EWP program with the stated purpose of undertaking “emergency measures for soil erosion prevention to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment of the watershed.”

During and subsequent to the heavy rains and flooding in June 2008, severe soil erosion and landslides occurred near 1706 Pennsylvania Avenue. On October 14, 2008, the City submitted an application to the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program (EWP) for assistance at 1706 Pennsylvania Avenue. The City’s role in the EWP program is to act as the governmental sponsor for prevention and repair projects.

The EWP program will fund 75% of the project cost with a 25% local share paid per agreement with the property owners.

City staff has met with the NRCS representatives at the property site to assess the damage and estimate the repair costs. A Damage Survey Report (DSR) prepared by the NRCS includes the construction of slope stabilization on the property with an estimate for construction only at \$127,500. The project cost including design, construction administration, and easement costs is estimated at \$178,500. Actual project costs of construction will be determined after the project is completed, and payment arrangements for reimbursement of the City's cost-share associated with the project have been negotiated by City staff and the property owners. The property owners have provided a temporary easement for construction and construction related activities, and an easement for operation and maintenance of the slope stabilization at no cost to the City. In addition, a temporary construction easement is needed from the adjoining property located at 1624 Pennsylvania Avenue, which is owned by James M. Cummings and Dana L. Danley. This temporary easement is needed for construction access and will be negotiated by the City on a voluntary basis only. Relocation assistance will not be required for this project.

PREVIOUS COUNCIL ACTION(S):

Date: September 22, 2008

Roll Call Number: 08-1662

Action: Authorization to submit grant application to U.S. Department of Agriculture Emergency Watershed Protection Program for soil erosion prevention and repair projects related to 2008 heavy rains and flooding. (Council Communication No. 08-577) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

The EWP grant agreement and an operation and maintenance agreement and plan with the USDA to construct the improvements, operate, and maintain the improvements will be presented to Council for consideration.

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.