



Council Communication

Office of the City Manager

Date	March 3, 2009
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Agenda Item No.	43
Roll Call No.	09-
Communication No.	09-147
Submitted by:	Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Hearing on adoption of the proposed Resolution of Necessity for street improvements

SYNOPSIS:

This is a public hearing on the proposed Resolution of Necessity for street 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. Property owners on the one street recommended for paving being, Bell Avenue from Druid Hill Drive east to dead end, have previously submitted petitions to the City Council requesting that the street be paved. Engineering staff held an informational meeting on February 16, 2009, for property owners to ask questions and provide input. Staff also informed the property owners about submitting petitions for or against the paving to provide Council with information on the wishes of the neighborhood.

The City Engineer will continue to tabulate any petitions received prior to the public hearing and will report to the City Council. At this time, the City Engineer recommends adoption of the Resolution of Necessity on Bell Avenue from Druid Hill Drive east to dead end.

FISCAL IMPACT:

Amount: \$304,000 Total City Engineer's Preliminary Estimate for assessment purposes with \$52,135.01 Assessed and \$251,864.99 City Cost - G.O. Bonds

Funding Source: 2009-2010 CIP, Page Street-6, City-wide Paving Program, STR013, being \$52,135.01 from Special Assessments against benefited property owners and \$251,864.99 in G. O. Bonds

ADDITIONAL INFORMATION:

On June 26, 2000, by Roll Call 00-1876, the City Council adopted a policy for paving residential streets in an effort to pave the remaining unpaved streets. This policy specifies that the majority of remaining unpaved streets will be paved by private contractors with permanent paving over an improved subbase. Under said Council policy, the permanent paving is assessed based upon 50% of the actual pavement costs, 50% of the driveway approach costs, and design and inspection costs limited to 10% of the total construction cost. This procedure, along with the existing assessment subsidy program, results in residents typically paying approximately 25% of total project costs.

Petitions for paving Bell Avenue Paving from Druid Hill Drive east to dead end were received by the City Council on November 10, 2008 under Roll Call 08-1989.

On January 29, 2009 property owners on Bell Avenue Paving from Druid Hill Drive east to dead end, subject to special assessments, were sent a mailing which contained general information about the street paving procedure and each owner's estimated assessment, and invited the property owner to an informational meeting with Engineering staff. The informational meeting was held on February 16, 2009 in the City Council Chambers during which the property owners had the opportunity to ask questions and provide input to staff on the design. Staff also informed the property owners about the City's Special Assessment Subsidy Program and the process to submit petitions for or against the paving to provide Council with information on the wishes of the neighborhood.

On February 9, 2009, under Roll Call Number 09-173, the City Council set March 9, 2009, 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:

- Street paving twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt eight (8) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities on Bell Avenue from Druid Hill Drive to the Dead End East, Activity I.D. 06-2009-010, Schedule No. 2009-01.

Pursuant to Iowa Code, Section 384.51, the City Council shall meet 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 resolution of necessity. A resolution of necessity requires for passage the vote of three-fourths of all the members of the council (6 votes for the City of Des Moines); except where a remonstrance has been signed by property owners subject to seventy-five percent or more of the amount of the proposed assessment, which would require a unanimous vote of the council.

On January 17, 1983, under Roll Call Number 83-333, the City Council adopted a formal policy regarding adoption of the Resolution of Necessity which stated:

1. The City Council shall require 60% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.
2. Where it is determined by the City Engineering Department that a street has drainage problems that can only be corrected by street paving, the City Council shall require 65% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.

Since the informal meeting, the Engineering Department has received several petitions from property owners subject to assessment. The City Engineer will continue to tabulate any petitions received prior to the public hearing and will report to the City Council. At this time, the City Engineer recommends adoption of the Resolution of Necessity on the following streets:

- Bell Avenue from Druid Hill Drive to the Dead End East, Activity I.D. 06-2009-010, Schedule No. 2009-01.

PREVIOUS COUNCIL ACTION(S):

Date: February 9, 2009

Roll Call Number: 09-169

Action: Approving residential paving on a portion of Bell Avenue from Druid Hill Drive to the Dead End: (A) Communication from City Manager recommending proposed street paving using special assessments. (Council Communication No. 09-065)

) Moved by Vlassis to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 7-0.

Date: February 9, 2009

Roll Call Number: 09-173

Action: Approving residential paving on a portion of Bell Avenue from Druid Hill Drive to the Dead End: (E) Proposed Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (3-09-09). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: January 26, 2009

Roll Call Number: 09-069

Action: Authorization to proceed on Bell Avenue paving from Druid Hill Drive east to Dead End. (Council Communication No. 09-032) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: June 26, 2000

Roll Call Number: 00-1876

Action: Approving Assessment Policy for Residential Street Paving. (Council Communication No. 00-288) Moved by McPherson to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

If the Resolution of Necessity is approved, 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.