



Council Communication

Office of the City Manager

Date May 4, 2009

Agenda Item No. 38
Roll Call No. 09-
Communication No. 09-294
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Approving and authorizing the execution of the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Project Agreement for the Emergency Watershed Protection (EWP) Program and Operation and Maintenance Agreement for 1706 Pennsylvania Avenue (Steven C. Wallace and Alyce A. Wallace, owners) Slope Stabilization.

SYNOPSIS:

Recommend approval of the agreement between the City of Des Moines and the USDA-NRCS for the EWP Program and Operation and Maintenance Agreement for 1706 Pennsylvania Avenue Slope Stabilization. The City's role is to act as the governmental sponsor as required by the EWP. The EWP Program will fund 75% of the project cost with 25% local share paid per agreement by the property owners.

FISCAL IMPACT:

Amount: \$170,000 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 by 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 USDA-NRCS 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 by the property owners.

City staff has met with 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 cost is estimated at \$170,000. 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 has been acquired from the adjoining property located at 1624 Pennsylvania Avenue, which is owned by James M. Cummings and Dana L. Danley.

Council approval of these agreements is subject to final approval by the USDA. In addition, due to USDA-NRCS funding requirements, the EWP Project Agreement includes a project completion date of June 22, 2009; however, NRCS has advised the City to submit a written extension request for the project completion date, along with the Council-approved agreements in order to extend the project completion date to a reasonable time as to be determined by the City's Engineering Department, such as November 30, 2009 or December 31, 2009.

PREVIOUS COUNCIL ACTION(S):

Date: February 23, 2009

Roll Call Number: 09-281

Action: Approving and authorizing the execution of an agreement with Steven C. Wallace and Alyce A. Wallace regarding 1706 Pennsylvania Avenue and to acquire necessary property interests. (Council Communication No. 09-108) Moved by Hensley to adopt. Motion carried 7-0.

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:

Selection of an engineering consultant to prepare plans and specifications for the slope stabilization. The Engineering Department will prepare a contract to receive bids to construct the slope stabilization.

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