



Council Communication

Office of the City Manager

Date

June 8, 2009

Agenda Item No. 48

Roll Call No. 09-

Communication No. 09-359

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 Program (EWP), Operation, and Maintenance Agreement for 1235 Davis Avenue (Trelen J. Wilson and Linda L. Bender, owners) Wall Construction.

SYNOPSIS:

Recommend approval of the agreement between the City of Des Moines and the USDA-NRCS for the Emergency Watershed Protection Program and Operation and Maintenance Agreement for 1235 Davis Avenue Wall Construction. 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 the 25% local share paid per agreement with the property owners.

FISCAL IMPACT:

Amount: \$157,067 total estimated project cost

Funding Source: \$117,800 being 75% of estimated project cost (maximum \$117,800) in Federal USDA-NRCS EWP Funds; additional 25% local match paid per agreement with 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 1235 Davis Avenue. On October 14, 2008, the City submitted an application to the USDA-NRCS EWP for assistance at 1235 Davis 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 of \$117,800. The project cost including design, construction administration, and easement cost is estimated at \$157,067. 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 being negotiated from the adjoining property Parcel No. 010/06502-002-000, which is owned by Frank A. Scaglione and Melba L. Scaglione.

PREVIOUS COUNCIL ACTION(S):

Date: February 23, 2009

Roll Call Number: 09-280

Action: Approving and authorizing the execution of an agreement with Trelen J. Wilson and Linda L. Bender regarding 1235 Davis Avenue and to acquire necessary property interests. (Council Communication No. 09-107) 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 wall construction. The Engineering Department will prepare contract to receive bids to construct the wall construction.

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