



# Council Communication

Office of the City Manager

Date June 22, 2009

Agenda Item No. 8  
Roll Call No. 09-  
Communication No. 09-428  
Submitted by: Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

Approving and authorizing the execution of Amendment No. 1 to the United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program for 1706 Pennsylvania Avenue Slope Stabilization.

## SYNOPSIS:

Recommend approval of Amendment No. 1 to the agreement between the City of Des Moines and the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) for the Emergency Watershed Protection (EWP) Program 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 the 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 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 1706 Pennsylvania Avenue. On May 4, 2009 by Roll Call No. 09-748, the City entered into an agreement with 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 with the EWP program funding 75% of the project cost and the 25% local share being paid by the property owners.

As part of the original agreement submission, the City Council authorized a request for an extension of time for the project completion to be submitted to the NRCS. The contract documents provided by the NRCS contained an inaccurate grant project completion date that was based upon estimates done in the summer of 2008. Since the grant documents were not finalized until May, the original completion date needed to be changed. The NRCS required the City to submit the original documents along with a

request for extension. The NRCS has now provided a contract amendment to reflect these changes. This action is to approve and incorporate the amendment into the contract documents.

**PREVIOUS COUNCIL ACTION(S):**

Date: May 4, 2009

Roll Call Number: 09-748

Action: Execution of United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program and the Operation and Maintenance Agreement for 1706 Pennsylvania Avenue Slope Stabilization. (Council Communication No. 09-294)

) Moved by Hensley to adopt. Motion Carried 7-0.

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 contract to receive bids to construct the slope stabilization.

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