

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	August 10, 2009
	Agenda Item No. 8A Roll Call No. <u>09-</u> Communication No. <u>09-570</u> Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Ordering construction of the following: 1235 Davis Avenue Soil Stabilization - Receiving bids, (9-1-09), and Setting date of hearing, (9-14-09). (Construction Estimate - \$116,074).

SYNOPSIS:

Recommend the City Council proceed with construction of this improvement and set dates to receive bids and hold a public hearing, as required by Iowa Code, utilizing the method of financing referenced below. This project provides for construction of a mechanically-stabilized earth wall and drainage way improvements adjacent to 1235 Davis Avenue in accordance with an agreement between the City of Des Moines and the owners of the property at 1235 Davis Avenue, Trelen J. Wilson and Linda L. Bender. This was approved by the City Council on February 23, 2009 regarding construction of improvements to mitigate severe soil erosion and landslides that occurred near 1235 Davis Avenue during and subsequent to the heavy rains and flooding in June 2008. The property is adjacent to a natural creek 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 local match design and construction costs.

Staff recommends that the Council proceed with setting the dates for the receiving of bids and public hearing on this project; however, the Council should not award a contract for this project until after the following have occurred:

1. The revised USDA NRCS agreement, being presented for City Council consideration on this August 10th Agenda, is approved by the City Council and signed by the USDA, and
2. An amended agreement is approved by the City Council between the City of Des Moines and the owners of the property at 1235 Davis Avenue, Trelen J. Wilson and Linda L. Bender, increasing the property owners’ financial share of the project to cover a portion of the shortfall resulting from the revisions to the USDA NRCS agreement.

FISCAL IMPACT:

Amount: \$116,074 City Engineer's Estimate of construction costs only. Does not include costs related to design, soil testing, etc. that bring total estimated project costs to \$157,067.

Funding Source: 2009-2010 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, being various funding:

- \$87,055.50 in Federal funds from the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Emergency Watershed Protection (EWP) Program funds for 75% of construction contract costs not to exceed \$88,350
- \$25,000 in private contributions from the adjacent property owner as per agreement with property owners Trelen Wilson and Linda Bender
- \$4,018.50 in Storm Water Utility funds from STE057

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, which threatened the house and the City’s storm sewer outlet located near the residence. 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 1235 Davis Avenue, including repairs to the property slope and also to the City’s storm sewer outlet. 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 construction cost with the local share to be 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 a retaining wall and storm water drainage way improvements on the property. 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 also agree to provide a temporary easement for construction and construction related activities, an easement for operation and maintenance of retaining wall, and if required, a storm sewer and/or storm water flowage easement to the City at no cost.

The Engineering Department has prepared plans, specifications, form of contract documents, and City Engineer’s estimate for the construction of the 1235 Davis Avenue Soil Stabilization, 04-2009-017. The improvement includes construction of a mechanically stabilized earth wall and drainage way improvements, together with the necessary appurtenances and restoration; in accordance with the contract documents including Plan File Nos. 507 - 127/134 at 1235 Davis Avenue, Des Moines, Iowa.

The estimated construction cost is \$116,074. The proposed plans, specifications, and form of contract documents are available for public inspection in the City Engineer’s Office.

PREVIOUS COUNCIL ACTION(S):

Date: June 8, 2009

Roll Call Number: 09-1005

Action: Authorizing the execution of the United States Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS) Project Agreement for the Emergency Watershed Protection Program and Operation and Maintenance Agreement for 1235 Davis Avenue (Trelen J. Wilson and Linda L. Bender, owners) Wall Construction. (Council Communication No. 09-359) Moved by Vlassis to adopt. Motion Carried 7-0.

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.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Anticipated actions include public hearing, receive and file bids, designate lowest bidder, and approve contract and bond; also partial payments to the contractor and final acceptance of work.

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