

 <h1 style="text-align: center;">Council Communication</h1> <p style="text-align: center;">Office of the City Manager</p>	Date	September 14, 2009
	Agenda Item No. 6D Roll Call No. <u>09-</u> Communication No. <u>09-656</u> Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Ordering construction of the following: 1706 Pennsylvania Avenue Soil Stabilization - Receiving bids, (9-29-09), and Setting date of hearing, (10-12-09). (Construction Estimate - \$127,345).

SYNOPSIS:

Recommend the City Council proceed with construction of the 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 soil nailing improvements adjacent to 1706 Pennsylvania Avenue in accordance with an agreement between the City of Des Moines and the owners of the property at 1706 Pennsylvania Avenue, Steven C. and Alyce A. Wallace. This was approved by the City Council on February 23, 2009 for construction of improvements to mitigate severe soil erosion and landslides that occurred near 1706 Pennsylvania Avenue during and subsequent to the heavy rains and flooding in June 2008. The property is adjacent to the Des Moines River, 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 25% local match for design and construction costs.

FISCAL IMPACT:

Amount: \$127,345 (City Engineer's Estimate)

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

- \$95,508.75 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 total project costs estimated at \$170,000 not to exceed \$127,500 per Agreement No. 69-6114-9-46 approved by Council on June 23, 2009 under Roll Call 09-1067.
- \$31,836.25 in private contributions from the adjacent property owners, Steven C. and Alyce A. Wallace per agreement approved by the City Council on February 23, 2009. Under the agreement, the property owners are responsible for the remainder of the project cost not paid by the USDA NCRS EWP grant.

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 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 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.

The Engineering Department has prepared plans, specifications, form of contract documents, and City Engineer’s estimate for the construction of the 1706 Pennsylvania Avenue Soil Stabilization, 04-2009-018. The improvement includes construction of soil nailing with the necessary appurtenances and restoration; in accordance with the contract documents including Plan File Nos. 476-144/147 at 1706 Pennsylvania Avenue, Des Moines, Iowa.

The estimated construction cost is \$127,345. 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 23, 2009

Roll Call Number: [09-1067](#)

Action: [Approving](#) and authorizing 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. ([Council Communication No. 09-428](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

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.

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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