

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	January 25, 2010
	Agenda Item No. 8 Roll Call No. <u>10-</u> Communication No. <u>10-045</u> 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 1235 Davis 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 1235 Davis Avenue Slope Stabilization, extending the completion date from January 28, 2010 to May 31, 2010. The City’s role is to act as the governmental sponsor, as required by the EWP. The EWP will fund up to 75% of the construction cost, with the balance paid per agreement between the property owners and the City Storm Water Utility.

FISCAL IMPACT:

Amount: \$171,943.35 total estimated project cost

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

- \$88,350 in Federal funds from the USDA-NRCS EWP Program Funds for 75% of construction contract costs, not to exceed \$88,350, per Agreement No. 69-6114-9-49.
- \$9,424 in Federal funds for design and inspection costs from the USDA-NRCS EWP Program Funds (maximum 8% of construction contract costs, not to exceed \$9,424) per Agreement No. 69-6114-9-49.
- \$25,000 in Jump Start Funds from the adjacent property owner, as per existing agreement with property owners Trelen J. Wilson and Linda L. Bender.
- \$32,939.35 in private contributions from the adjacent property owner, as per agreement with the property owners.
- \$16,230 in Storm Water Utility funds from STE057, plus any change orders or overages.

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 August 10, 2009 by Roll Call No. 09-1415, the City entered into an agreement with 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 with the EWP funding up to 75% of the construction cost with the balance paid per agreement between the property owners and the City Storm Water Utility.

On September 14, 2009, under Roll Call No. 09-1711, the City Council awarded the construction contract for the 1235 Davis Avenue Slope Stabilization to Hardscape Solutions of Iowa, Inc., Curtis Richey, President, 3125 Munier Road, Suite D, Marion, Iowa, 52302, in the amount of \$137,519.35. The construction of this project is substantially complete except for restoration, which will be completed in 2010. The City submitted a written request for an extension of project completion date to the NRCS. 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: September 14, 2009

Roll Call Number: 09-1710

Action: On 1235 Davis Avenue Soil Stabilization: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Hardscape Solutions of Iowa, Inc., (Curtis Richey, President), \$137,519.35. (Council Communication No. 09-661). Moved by Hensley to adopt. Motion Carried 7-0.

Date: August 24, 2009

Roll Call Number: 09-1534

Action: Approving amendment to agreement with Trelen J. Wilson and Linda L. Bender regarding property at 1235 Davis Avenue. (Council Communication No. 09-601) Moved by Kiernan to adopt. Motion Carried 7-0.

Date: August 10, 2009

Roll Call Number: 09-1416

Action: Ordering construction of 1235 Davis Avenue Soil Stabilization: Receiving of bids, (9-1-09), and Setting date of hearing, (9-14-09), Engineer's Estimate, (\$116,074). (Council Communication No. 09-570). Moved by Hensley to adopt. Motion Carried 7-0.

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.

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:

Normal Council actions on construction contracts.

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