

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b>	December 3, 2012
	<b>Agenda Item No.</b>	<b>45</b>
	<b>Roll Call No.</b>	<b><u>12-1882</u></b>
	<b>Communication No.</b>	<b><u>12-596</u></b>
	<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hearing on adoption of the proposed Resolution of Necessity for sanitary sewer improvements to serve the 4500 block of Wakonda Parkway.

**SYNOPSIS:**

This is a public hearing on the proposed Resolution of Necessity for sanitary sewer improvements, as required by Iowa Code, before the City Council can proceed to utilize special assessments against benefited property owners as part of the method of financing as referenced below. The City Council has received a petition requesting that sanitary sewer be constructed to serve the east and west sides of the 4500 block of Wakonda Parkway as identified below. On November 5, 2012, the City Council set December 3, 2012, at 5:00 p.m. for the public hearing to receive and consider both written and oral objections and endorsements to the adoption of the proposed Resolution of Necessity. Two (2) property owners have signed the petition in favor of proceeding with the project and the remaining third property owner representative has also verbally indicated they are in favor of the project.

**FISCAL IMPACT:**

Amount: \$70,800 (City Engineer's Preliminary Estimate for assessment purposes)

Funding Source: 2012-2013 CIP, Page Sanitary-6, City-wide Sanitary Sewers, SAE054, being \$29,125 from Special Assessments against benefited property owners and \$41,675 in Sanitary Sewer funds.

**ADDITIONAL INFORMATION:**

On June 25, 2012, under Roll Call No. 12-1021, the City Council received, filed, and referred to the City Manager for review and recommendation a petition from two (2) property owners requesting that sanitary sewer be constructed to serve their properties on Wakonda Parkway between Elder Lane and SW 16th Street.

Engineering and Public Works Department staff have reviewed the petition and investigated the request for sanitary sewer. There are three (3) lots on the east and west sides of the 4500 block of Wakonda Parkway that have septic tanks and are not connected to a sanitary sewer. Engineering Department conducted a preliminary survey to determine the approximate elevations of the sanitary services; this information was given to the property owners. This project is to install the sanitary sewer in Wakonda Parkway and extend the individual sanitary sewer services 10' inside the property line. It will be the responsibility of each property owner to connect his or her home to the sanitary service.

On October 12, 2012, the Engineering Department held an informational meeting at the Central Library to discuss the proposed construction of the assessed sanitary sewer project. Notice of this informational meeting was given to the three (3) property owners (4503, 4505, and 4506 Wakonda Parkway) that would be served by the proposed sewer. Engineering staff explained that the property owners would be assessed for the cost of sanitary sewer main, one manhole and the sanitary sewer services (from the main to 10' beyond the property line), while the City of Des Moines would pay the remainder of the project cost to construct the sewer. All three (3) property owners were represented at the meeting. After staff explained the project and assessment process, the two (2) property owners who originally signed the petition were still in favor of proceeding with the project and the next step, which is the public hearing on the Resolution of Necessity. The remaining third property owner representative has also verbally indicated they are in favor of the project.

Pursuant to Iowa Code, Section 384.51, the City Council shall meet as specified in the published notice to property owners, and after hearing all objections and endorsements and after considering all written objections may consider adoption of resolution of necessity. A resolution of necessity requires for passage the vote of three-fourths of all the members of the Council (6 votes for the City of Des Moines); except where a remonstrance has been signed by property owners subject to seventy-five percent or more of the amount of the proposed assessment, which would require unanimous vote of the Council.

On November 8, 2012, property owners subject to special assessments were sent a mailing which contained general information, the Notice to Property Owners of the hearing on December 3rd, a copy of the November 5, 2012 City Council Communication No. 12-562 that explained the sanitary sewer assessment policy and provided further background information, a blank petition form that could be used to petition for or against the project, and each owner's preliminary assessment amount.

The Engineering Department has verified petitions from property owners received as of June 25, 2012, concerning the proposed Wakonda Parkway Sanitary Sewer construction with two of the three property owners (66% by number representing 67.1% of the amount proposed to be assessed) having submitted petitions in favor of the proposed sanitary sewer. The third party has verbally indicated they are in favor of the project. There have not been any petitions received against the sanitary sewer. The Engineering Department will continue to tabulate any petitions received prior to the public hearing and will report to the City Council on December 3, 2012. At this time, the staff recommends adoption of the Resolution of Necessity for the sanitary sewer construction on the above referenced portions of Wakonda Parkway. Upon Council approval of the Resolution of Necessity, the Engineering Department will proceed with preparation of plans and specifications for Council consideration to establish a bid date so that the proposed new sanitary sewer can be completed during the 2013 construction season.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: November 5, 2012

Roll Call Number: [12-1696](#)

Action: [Proposed](#) Resolution of Necessity, Notice to property owners of hearing and setting date of hearing, (12/03/2012). Moved by Hensley to adopt. Motion Carried 7-0.

Date: June 25, 2012

Roll Call Number: [12-1021](#)

Action: [Petition](#) in favor of proposed sanitary sewer on Wakonda Parkway between Elder Lane and SW 16<sup>th</sup> Street. Moved by Hensley to receive and file and refer to the City Manager for review and recommendation. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Council hearing on the Resolution of Necessity on December 3, 2012 and if adopted the normal Council actions to authorize bids, receive and file bids, designate lowest bidder, and approve contract and bond; also partial payments to the contractor and final acceptance of work.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).