

Date January 11, 2010

APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 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

WHEREAS, on September 22, 2008 by Roll Call No. 08-1662, Council authorized and directed the City Manager to make application with the United States Department of Agriculture (USDA) for assistance under its Emergency Watershed Protection (EWP) Program for certain property owners in the City of Des Moines who experienced issues with land sliding on their property resulting from the flooding and rain conditions of 2008; and

WHEREAS, said application was made and funding pursuant to the USDA's EWP Program is available for construction of slope stabilization on the property located at 1706 Pennsylvania Avenue, Des Moines, Iowa and owned by Steven C. Wallace and Alyce A. Wallace; and

WHEREAS, on February 23, 2008, by Roll Call No. 09-281, Council authorized and directed the Mayor to execute the agreement between the City and Steven C. Wallace and Alyce A. Wallace regarding the City's sponsorship to obtain financial assistance through the EWP Program with the USDA Natural Resource Conservation Service (NRCS) for the property; and

WHEREAS, the City's Legal Department and the Real Estate Division of the Engineering Department has acquired the necessary easements for this project; and

WHEREAS, the USDA-NRCS has approved use of the EWP funds for repairs for 1706 Pennsylvania Avenue and the total estimated cost of the project is \$170,000.00, of which the EWP Program will fund 75% of the project cost with 25% local share paid per agreement with the property owners; and

WHEREAS, on May 4, 2009, the City Council authorized the execution of the Cooperative Project Agreement (Locally Led Contracting) and attachments thereto, and the Operation and Maintenance Agreement and Plan, for the 1706 Pennsylvania Avenue project; and

WHEREAS, on June 22, 2009, by Roll Call No. 09-1067, Council authorized and directed the Mayor to execute Amendment No. 1 for an extension of the project completion date along with the Council approved EWP program agreements; and

WHEREAS, due to the winter weather, the City submitted a written request for an extension of said project completion date to the USDA-NRCS; and

WHEREAS, the City has now received Amendment No. 2 extending that completion date from December 31, 2009 to June 30, 2010.

★ Roll Call Number

Agenda Item Number

27

Date January 11, 2010

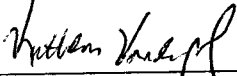
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:

That Amendment No. 2 to the Cooperative Project Agreement (Locally Led Contracting) between the City of Des Moines and the USDA-NRCS for the EWP Program for 1706 Pennsylvania Avenue Slope Stabilization be hereby approved and the Mayor is authorized and directed to sign said Agreement No. 2, and the City Clerk is directed to attest to the Mayor's signature and return the necessary original copies of the Amendment to the Engineering Department for transmittal to the USDA-NRCS.


Moved by _____ to adopt.

(Council Communication No. 10-012)
Activity ID 04-2009-018

APPROVED AS TO FORM:



Kathleen Vanderpool
Deputy City Attorney

 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 the property owners

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

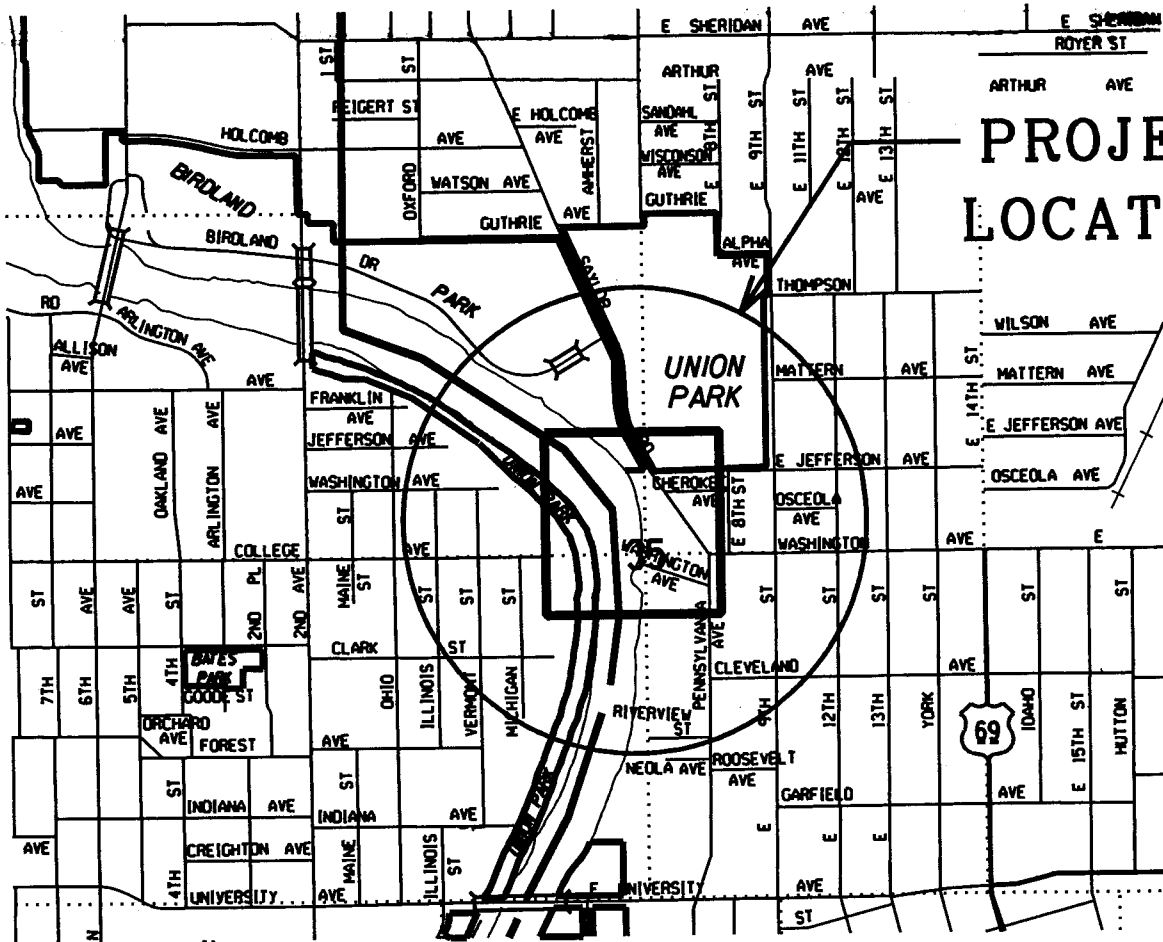
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

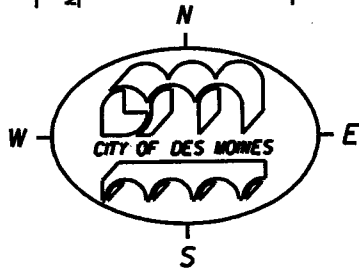
MOTION CARRIED APPROVED

Mayor

City Clerk



PROJECT LOCATION



1706 PENNSYLVANIA AVENUE
 CITY OF DES MOINES SPONSORSHIP
 WITH USDA - NRCS FOR THE
 EWP PROGRAM
 ACTIVITY ID 04-2009-018