

Date January 25, 2010

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

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 1235 Davis Avenue, Des Moines, Iowa and owned by Trelen J. Wilson and Linda L. Bender; and

WHEREAS, on February 23, 2008, by Roll Call No. 09-280, Council authorized and directed the Mayor to execute the agreement between the City and Trelen J. Wilson and Linda L. Bender 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 1235 Davis Avenue and the total estimated cost of the project is \$171,945.35, of which the EWP Program 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; and

WHEREAS, on August 10, 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 1235 Davis Avenue project; 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. 1 extending that completion date from January 28, 2010 to May 31, 2010.

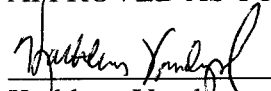
Date January 25, 2010

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

That Amendment No. 1 to the Cooperative Project Agreement (Locally Led Contracting) between the City of Des Moines and the USDA-NRCS for the EWP Program for 1235 Davis Avenue Slope Stabilization be hereby approved and the Mayor is authorized and directed to sign said Agreement No. 1, 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.

(Council Communication No. 10-045)
Activity ID 04-2009-017

APPROVED AS TO FORM:



Kathleen Vanderpool
Deputy City Attorney

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.

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

CERTIFICATE

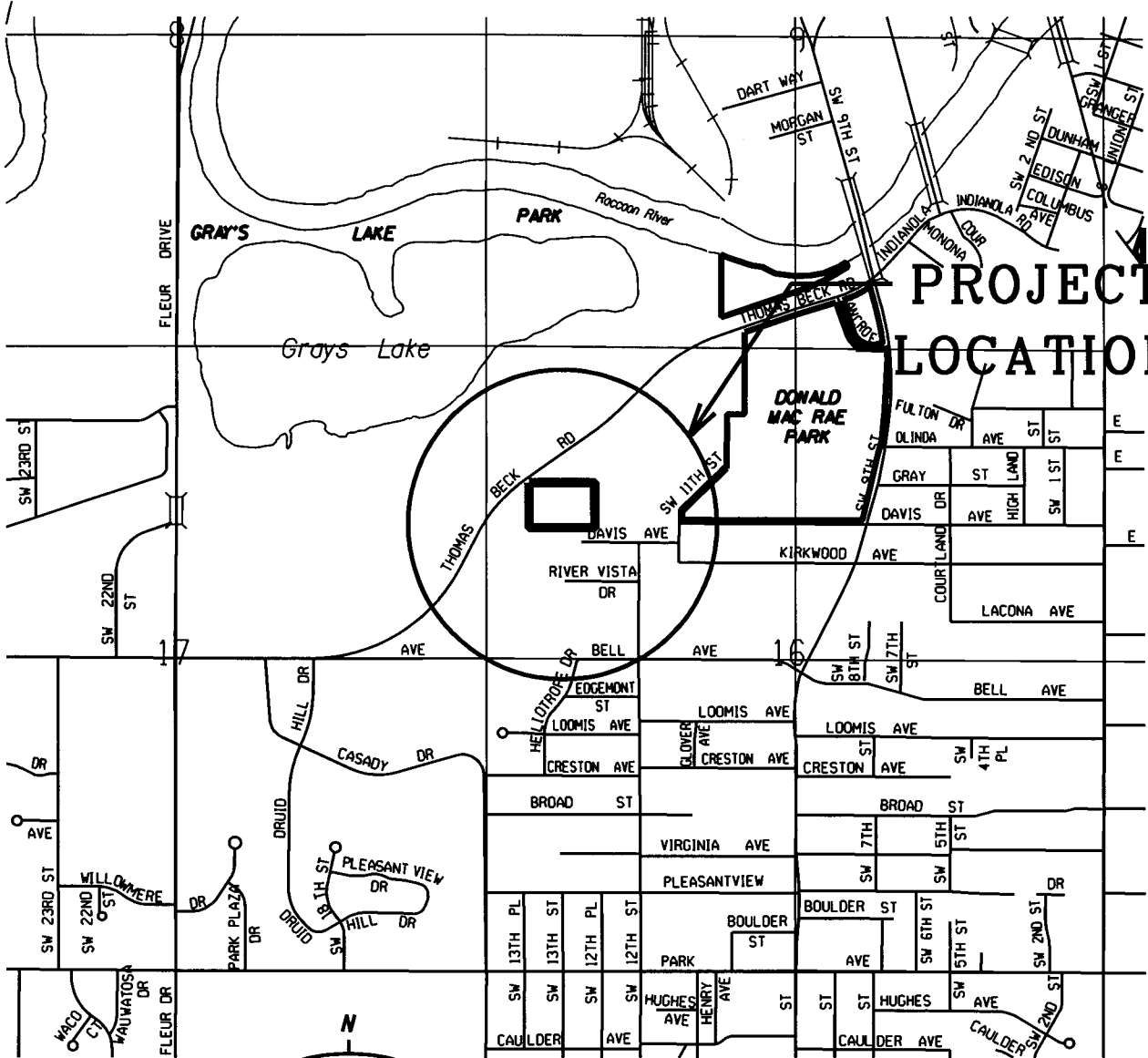
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED APPROVED

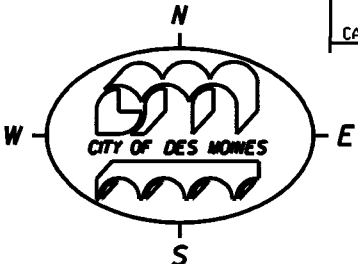
Mayor

City Clerk



**PROJECT
LOCATION**

**1235 DAVIS AVENUE
SOIL STABILIZATION
ACTIVITY ID 04-2009-017**



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