

 **Roll Call Number**

**Agenda Item Number**

50

**Date** May 24, 2010

Communication from Paul and Frances Ekanem, 2605 Lincoln Avenue, to speak regarding erosion problems behind their garage.

Moved by \_\_\_\_\_, to receive, file and

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

REGISTRATION FORM TO SPEAK AT CITY COUNCIL MEETING

50

FILED

To: The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines, Iowa  
c/o City Clerk

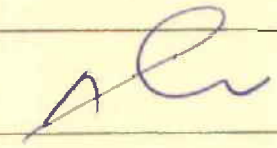
2010 MAY -6 AM 11: 58

CITY CLERK  
DES MOINES, IOWA

I/We Paul Ekanem & Frances Ekanem,  
(Please Print)

hereby request permission to speak at the Des Moines City Council  
meeting of May 24, 2010, regarding

the property on 2605 Lincoln av. (Erosion  
problems caused by city excavation  
behind my garage.

Name: Paul Ekanem   
(Signature)  
Address: 2605 Lincoln av  
Daytime Phone: 201 8324

PROCEDURAL RULES OF DES MOINES CITY COUNCIL:

Part III. Agenda

Rule 16. Citizen Agenda Requests. Any citizen may request  
the right to have an item placed on the Agenda (including a  
request to speak) by filing such request in writing with the City  
Clerk prior to noon on the Wednesday preceding the Council  
meeting.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council. Persons other  
than Council Members shall be permitted to address the Council  
only upon specific Agenda Items.

★ Roll Call Number  
09-1878

Agenda Item Number  
39

Date October 12, 2009

Communication from Paul Ekanem, 2605 Lincoln Avenue, to speak regarding Erosion on his property.

Moved by Vlassis to receive and file comments.; refer to the City Manager for review and recommendation.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED				

J. M. Franklin Mayor

**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.

Diane Rauh City Clerk

50

October 30, 2009

E-MAILED ON

OCT 30 2009



The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines

Re: 2605 Lincoln Avenue

Dear Mayor and City Council Members:

At the Council meeting of October 12, 2009, by Roll Call No. 09-1878, Council requested that staff review a request by Paul Ekanem, 2605 Lincoln Avenue, regarding erosion on his property and submit a report to Council.

The Public Works Director, City Engineer, and other City staff members further reviewed the status of the property located at 2605 Lincoln Avenue and owned by Mr. Paul Ekanem. This property is at the top of a hill located directly above a City storm water detention basin. The garage on the property is in severe disrepair, including loss of fill behind the garage, such that a nuisance action would be appropriate.

The City's Engineering Department commissioned a geotechnical survey by Terracon Consultants, Inc. of the property in 2007, which determined that the nature of the slope and soils on the property, poor and inappropriate fill placed on the slope and disturbance at the toe of the slope all contributed to the observed slope failure. The Public Works Department also requested that Snyder & Associates, design consultant for the detention basin, review the Terracon report. This review determined that the slope failure would have occurred regardless of City work on the detention basin at the toe of the slope.

Attached please find a letter sent to Mr. Ekanem by Bill Stowe, Public Works Director, explaining the aforementioned information and City staff's repeated conclusion that Mr. Ekanem is responsible for the condition of his property, including the garage and the slope failure.

Sincerely,

  
Richard A. Clark  
City Manager

Attachment

cc: Public Works Director  
City Engineer  
Community Development Director  
City Attorney



October 22, 2009

Mr. Paul Ekanem  
2605 Lincoln Avenue  
Des Moines, IA 50310

Dear Mr. Ekanem:

I have a been asked to review the concerns you raised at the Des Moines City Council meeting of October 12, 2009 involving your view that the City's detention facility has created movement that undercuts your adjacent property.

The City has, on two previous occasions (July 2008 and September 2009), provided written correspondence to you regarding the City's position of the slope failures that have occurred on your property. In short, we view the sloughing that you have experienced as largely attributable to your fill – not construction of the basin. This letter is to more clearly convey the City's perspective regarding the geotechnical aspects of the situation.

At its cost, the City hired a consulting firm, Terracon Consultants, Inc., to perform a geotechnical engineering evaluation of the observed slope failure. The evaluation consisted of borings, an analysis of possible causes of the slope failure, and possible remedial actions.

The Terracon report noted that the existing slope contained variable fill material consisting of mixed clays with brick, concrete rubble, glass, twisted metal scraps, pipes, and other construction debris. It was also noted that slope failure occurred after heavy rains in late April and early May of 2007.

Terracon identified four factors contributing to the slope failure:

- Steep slope: the natural topography of this area is 2 feet horizontal to 1 foot vertical and as steep as 1.5 feet horizontal to 1 foot vertical in some areas.
- Sloping shale surface: the underlying shale bedrock slopes to the north at approximately 4 feet horizontal to 1 foot vertical. Under saturated conditions, shale bedrock can result in a low strength failure surface.
- Loose dumped fill: the fill was not compacted or sealed from surface runoff and rainfall. When saturated, this condition can result in low strength to resist down slope movement.

Mr. Paul Ekanem  
October 22, 2009  
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- Disturbance at the toe of the slope: site grading removed material at the toe of the slope that would contribute to the forces that resist slope movement resulting in a reduced overall factor of safety.

The report recommended two possible remedial actions:

- Complete removal of the variable rubble fill.
- Grading the slope to 3 feet horizontal to 1 foot vertical.

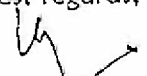
While the report refers to a reduced factor of safety due to soil removal, it appears that the more immediate cause of the failure is the placement of uncompacted variable fill on a naturally steep slope subjected to heavy rains. It should also be noted that there was a discussion in early 2005 with City personnel regarding erosion of the slope on your property.

In an effort to provide further review of your concerns, the City also hired the design engineering consultant for the detention basin to review the Terracon report. Their review concludes that wet soils in '07 and '08 in combination with the loose dumped fill material "would have seen similar movement without the construction of the 26<sup>th</sup> Street Detention Basin".

As stated in previous communications, remedial actions to address the slope failure on your property are your responsibility.

If you have questions or comments, please call me at 237-1382.

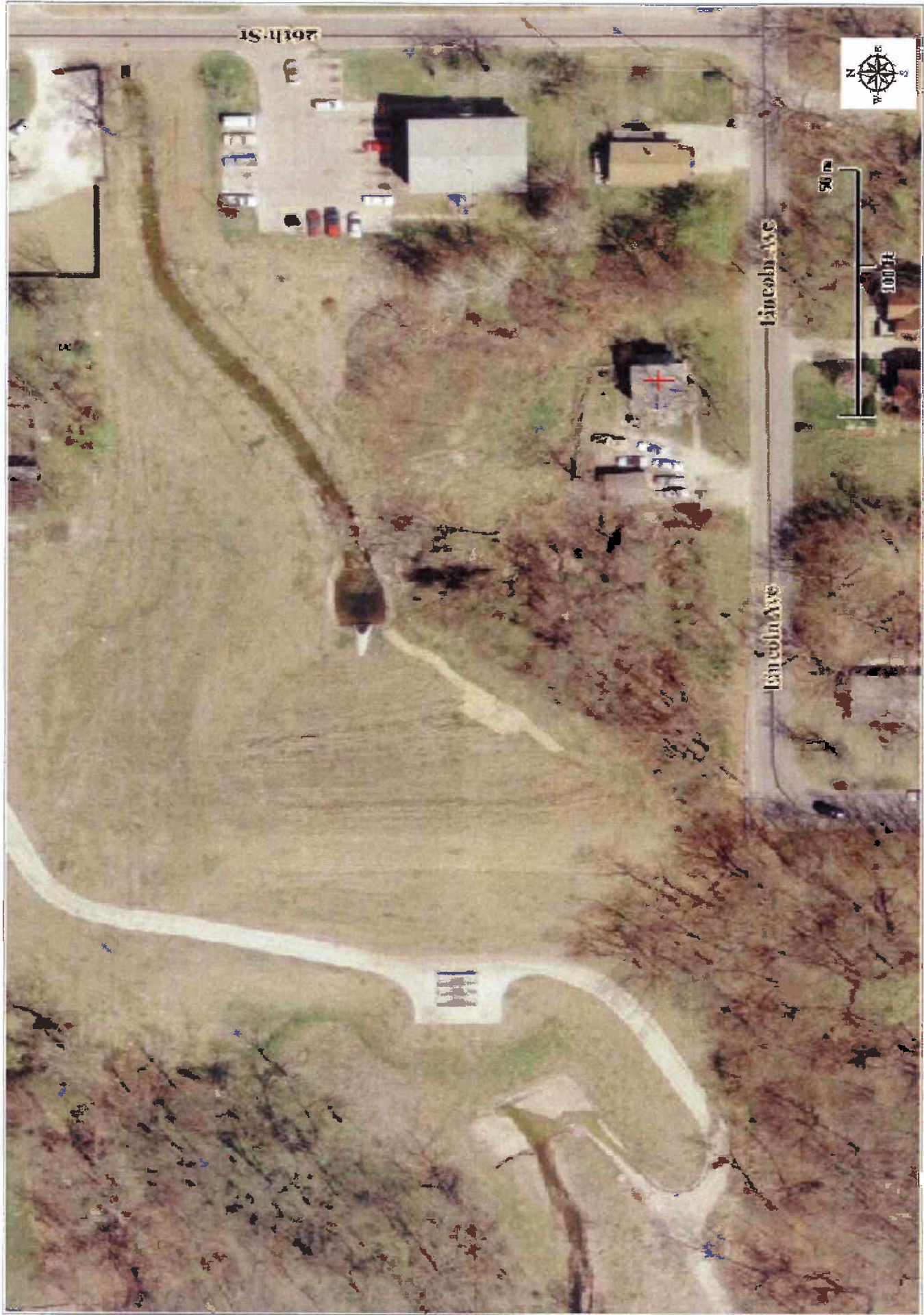
Best regards,

  
 William G. Stowe  
 Assistant City Manager—Public Works Director

WGS/f

- cc: Tom Vlassis, Council Member, Ward 1  
 Richard A. Clark, City Manager  
 Jeb Brewer, City Engineer  
 Kathy Vanderpool, Deputy City Attorney  
 Glenna Frank, Assistant City Attorney  
 David N. McGuffin, Civil Engineer II  
 Carl W. Elishire, Sewer Enterprise Administrator

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**2605 Lincoln Avenue**  
Des Moines, Iowa

