

★ Roll Call Number

09-1416

Agenda Item Number

8A

DATE August 10, 2009

ORDERING CONSTRUCTION OF
1235 DAVIS AVENUE SOIL STABILIZATION
AND FIXING A DATE FOR RECEIVING OF BIDS ON SEPTEMBER 1, 2009
AND PUBLIC HEARING ON SEPTEMBER 14, 2009
ENGINEER'S ESTIMATE IS \$116,074.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached communication recommending construction of the following improvement and the method of financing; and also including the recommendation of the Des Moines City Engineer, as the Jurisdictional Engineer, submitting plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of cost for the construction of the following improvement:

1235 Davis Avenue Soil Stabilization, 04-2009-017

69-6114-9-49

The improvement includes construction of a mechanically stabilized earth wall and drainage way improvements, together with the necessary appurtenances and restoration; in accordance with the contract documents including Plan File Nos. 507 - 127/134 at 1235 Davis Avenue, Des Moines, Iowa

be and the same are hereby approved and accepted. The estimated construction cost for said improvement is \$116,074.00. The proposed plans, specifications, and form of contract documents are available for public inspection in the City Engineer's Office.

BE IT FURTHER RESOLVED: That this Council hereby determines that it is necessary and advisable to construct said improvement in the manner set forth in the plans, specifications, and form of contract documents submitted by the Jurisdictional Engineer; and that payment for the cost of said improvement shall be paid from the funding source identified below.

BE IT FURTHER RESOLVED: That a public hearing on said plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost for said improvement be held in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on September 14, 2009, at which time this Council will consider any objections offered thereto or to the making of said improvement.

BE IT FURTHER RESOLVED: That proposals will be received by the City of Des Moines, at the office of the City Clerk until 11:00 a.m. on September 1, 2009, for the construction of said improvement, and the taking of bids in the manner required by law. Proposals received will be opened at a public meeting presided over by the Jurisdictional Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 11:00 a.m. on September 1, 2009, after which the bids together with a bid tabulation and recommendation of the Jurisdictional Engineer will be presented to the City Council at its next meeting for action thereon. The Council will not award a contract for this project until after the following have occurred:

1. The revised USDA NRCS agreement, being presented for City Council consideration on this August 10th Agenda, is approved by the City Council and signed by the USDA, and
2. An amended agreement is approved between the City of Des Moines and the property owners at 1235 Davis Avenue, Trelen J. Wilson and Linda L. Bender, increasing the property owners' financial share of the project to cover a portion of the shortfall resulting from the revisions to the USDA NRCS agreement.

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BE IT FURTHER RESOLVED: That an appropriate Notice to Bidders and Notice of Public Hearing for said improvement be published in the Des Moines Register as provided and directed by Chapter 26 and/or 314, Code of Iowa.

(City Council Communication Number 09-570 attached.)

Moved by Hensley to adopt.

FORM APPROVED:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

FUNDS AVAILABLE

Allen McKinley

Allen McKinley
Des Moines Finance Director

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

- \$87,055.50 in Federal funds from the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Emergency Watershed Protection (EWP) Program funds for 75% of construction contract costs not to exceed \$88,350 per Agreement No. 69-6114-9-49 approved by Council on June 8, 2009 under Roll Call 09-1005
- \$25,000 in private contributions from the adjacent property owner being State of Iowa grant funds from the Iowa Finance Authority as administered through the City of Des Moines, Community Development Department Jump Start Program per agreement with Trelen J. Wilson and Linda L. Bender approved by Council on February 23, 2009 under Roll Call 09-280
- \$4,018.50 in Storm Water Utility funds from STE057

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> Mayor				

I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, 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