



**CITY COUNCIL  
COMMUNICATION:**

**ITEM \_\_\_\_\_**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**00-529**

**SYNOPSIS -**

**AGENDA:**

NOVEMBER 20, 2000

**SUBJECT:**

MARTIN LUTHER  
KING JR.,  
PARKWAY  
AGREEMENT #3-  
ARCHEOLOGICAL  
DATA RECOVERY  
EXCAVATION OF  
UTILITY DUCT  
BANK PORTION OF  
MLK JR. PARKWAY  
FROM SW 2ND  
STREET TO SW 7TH  
STREET

On May 18, 1998, by Roll Call No. 98-1633, Council approved a Professional Services Agreement with Louis Berger & Associates, Inc., (Thomas Leck, President, 120 Halsted Street, East Orange, New Jersey 07018) to provide for Archeological Investigation and Data Recovery services on SW 5th Street Paving and Storm Sewer from Tuttle Street to Elm Street in conjunction with the Martin Luther King, Jr., Parkway project.

On May 24, 1999, by Roll Call No. 99-1635, Council approved Supplemental Agreement No. 1 to provide for Archeological Investigation and Data Recovery services on 6th Avenue and SW 7th Street from Mulberry Street to Murphy Street in conjunction with the Martin Luther King, Jr., Parkway.

On July 24, 2000, by Roll Call No. 00-3245, City Council approved Supplemental Agreement No. 2 to provide for Archeological Investigation in conjunction with the Martin Luther King, Jr., Parkway project from SW 2nd Street to SW 7th Street.

**TYPE:**

**RESOLUTION  
ORDINANCE  
RECEIVE/FILE**

Supplemental Agreement No. 3 will provide for the Archeological Data Recovery Excavation of the utility duct bank portion of the Martin Luther King, Jr., Parkway from SW 2nd Street to SW 7th Street. The excavation plan shall consist of test unit excavation of all known archaeological features, a systematic machine excavation of all areas not being examined as one of the test units, and the excavation of any additional archeological features discovered during the machine excavation. This excavation plan is for the joint utility duct bank portion of the Martin Luther King, Jr., Parkway project from SW 2nd Street to SW 7th Street.

**SUBMITTED BY:**

FLOYD BENTZ, P.E.  
CITY ENGINEER

**FISCAL IMPACT -**

Compensation to the consultant shall be for actual time on the project at the rates stipulated in the agreement not to exceed \$39,622.32.

Funding for this supplemental agreement is provided for in the approved 2000-2001 Capital Improvements Budget, Martin Luther King, Jr., Parkway - East/West Segment, Index Code 38343, Account 543060, Fund CP038, Organization ENG990000, Project/Grant STR039. State Revitalize Iowa's Sound Economy (RISE) Grant Funds and Local Tax Increment Financing (TIF) Funds will be utilized for this supplemental agreement.

### **RECOMMENDATION -**

**Approval.**

### **BACKGROUND -**

Bids were taken by the Iowa Department of Transportation for the construction of the Martin Luther King, Jr., Parkway project from SW Second Street to SW Seventh Street. The low bidder was M. Peterson Construction (Merlin Peterson, President, 4000 Delaware Avenue, Des Moines, Iowa).

The Archeological Investigations have identified potentially significant historic and prehistoric archeological deposits within the proposed construction area of the Martin Luther King, Jr., Parkway paving from SW 2nd Street to SW 5th Street. Because of these discovered artifacts, the Federal Highway Administration (FHWA) on September 1, 2000, shut down all construction on this project from SW 2nd Street to SW 5th Street until all affected Native American Indian Tribes could be contacted and determine their potential involvement in the data recovery process. After contacting nine Native American Tribes, only the Iowa Tribe of Oklahoma requested direct involvement in the data recovery process. Two representatives of the Iowa Tribe of Oklahoma are scheduled to be in Des Moines from November 28, 2000 - November 29, 2000.

In an attempt to keep this project moving forward, the City of Des Moines Engineering Department working with the Iowa State Historic Preservation Office (SHPO), and the FHWA have outlined a data recovery plan in the vicinity of the joint of the utility duct bank. This would allow construction to proceed on the duct bank yet this Fall, and utility relocation this Winter. The \$39,622.32 requested in this agenda only includes the Archaeological Data Recovery Plan for joint utility duct bank. A more extensive data recovery plan for the remainder of the SW 2nd to SW 5th Street will be developed after meeting with the Iowa Tribes.

This Agenda includes the Archeological Data Recovery services of Louis Berger & Associates, Inc., to meet the requirements of Section 106 of the National Historical Preservation Act. The total amount budgeted for the Archeological Investigation and Data Recovery services in conjunction with the Martin Luther King, Jr., Parkway project is \$1,000,000. The total amount authorized to date is \$492,922.32.

This is the last Martin Luther King, Jr., Parkway project within the area designated as being an Archeological Sensitive Area.

Louis Berger & Associates Inc., is the consultant that provided Archeological Investigation and Data Recovery Services for the past three Martin Luther King, Jr., Parkway projects. Therefore, they are the best qualified to provide for the Data Recovery services on the utility duct work associated with the paving of Martin Luther King, Jr., Parkway project from SW Second Street to SW Seventh Street.