



# Council Communication

Office of the City Manager

Date

March 22, 2010

Agenda Item No. 40

Roll Call No. 10-

Communication No. 10-164

Submitted by: William G. Stowe, Assistant  
City Manager-Public Works Director, and  
Jeb E. Brewer, P.E. City Engineer

## AGENDA HEADING:

Approving increase of total project costs in the Project Partnership Agreement (PPA) between the City and the Department of the Army for Construction of the Des Moines and Raccoon Rivers Project for the Birdland Park levee.

## SYNOPSIS:

Recommend approval of increase of the total project costs in the PPA with the Department of the Army to proceed with Corps of Engineers construction of the Des Moines and Raccoon Rivers Project. The agreement includes reconstruction of the levee in the Birdland Park area, associated wetland mitigation at the Chautauqua mitigation site, improvements to closures in the downtown flood protection system and construction of a multipurpose trail from the Neal Smith Trail to Riverview and McHenry Park.

## FISCAL IMPACT:

Amount: Up to \$11.3 million (Federal - \$7.3 million, City - \$4 million)

Funding Source: The Federal share of \$7.3 million is to be provided by a combination of Appropriations and Stimulus funds through the U.S. Army Corps of Engineers. The estimated maximum City share is divided into a flood damage reduction portion of \$3.7 million and a recreational portion of \$300,000, for a total maximum City share of \$4 million.

The non-Federal cost share for the flood damage reduction costs is included in 2010-11 CIP, Flood Protection System Improvements, FLD008, Page Storm Water Improvements – 10. A portion of the City's obligation for flood damage reduction costs is expected to be funded with the I-Jobs award.

The non-Federal cost share for the recreation costs is included in 2010-11 CIP, Recreation Trails, PKS045, Page Park Improvements – 20, G.O. Bonds.

## ADDITIONAL INFORMATION:

The Corps of Engineers accepted bids on the Birdland Park levee reconstruction on March 12, 2010. There were nine bidders. The Corps of Engineers is in the process of awarding the construction contract. The apparent low bid of \$7,476,790 exceeds the engineers estimate by approximately 8%. However, the estimates included in the PPA were dated and lower than the most recent Corps of Engineers estimate.

On October 12, 2009, by Roll Call 09-1833, City Council approved the PPA with a Corps of Engineers

defined project totaling \$8,827,615 for the Birdland Park levee, wetland mitigation and downtown closure improvements. The PPA included a provision for a maximum total project cost of 120% of their estimate, or \$10,593,138. The Corps of Engineers has asked the City to increase the total project cost to allow them to secure additional American Recovery and Reinvestment Act of 2009 (ARRA) funding for the Birdland project. This will help ensure that Federal dollars are available to construct the remaining project components, including the required wetland mitigation, downtown closures and Central Place levee. By increasing the total project cost from \$10,593,138 in the PPA to \$11,300,000, the City is agreeing to a potential increase in local match of approximately \$250,000.

The PPA makes the City responsible for 35% of the flood damage reduction project costs and 50% of the recreation costs. Funding provided to date, as well as eligible City costs, will be credited towards the City's share.

The Central Place levee will be included in a separate PPA. The Corps of Engineers is working through their review process and expect to provide a PPA for City approval for construction of Central Place by this summer. Funding is now in place and Congress increased the authorization amount needed for Central Place to move forward. The plans and specifications for the Central Place levee are being finalized. Construction of the Central Place levee should begin later this summer.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: November 23, 2009

Roll Call Number: 09-2143

Action: Recommendation to construct a trail connection to McHenry Park as part of the rebuild of the Birdland Levee. (Council Communication No. 09-828). Moved by Mahaffey to adopt. Motion Carried 6-1. Pass: Cownie.

Date: October 12, 2009

Roll Call Number: 09-1833 and 09-1834

Action: Items regarding Des Raccoon Rivers Project: (Council Communication No. 09-720) (A) Approving Project Partnership Agreement with Department of the Army for construction. Moved by Mahaffey to adopt. Motion Carried 7-0. (B) Authorization to proceed with acquisition of the necessary right-of-way and easements. Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: July 27, 2009

Roll Call Number: 09-1395

Action: Authorization to submit a grant application to I-Jobs for flood related improvements, repair and mitigation and other public improvements and approval of City of Des Moines matching fund commitment requirements. (Council Communication No. 09-518) Moved by Meyer to approve. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S):**

Date: November 19, 2009

Roll Call No.: 09-110

Action: Park and Recreation Board Unanimously approved staff recommendation with the consideration that the Army Corps of Engineers look to remove the beavers before construction starts, and ask if a complete loop around the lake can be completed as part of the project, can a trail detour during

construction be setup and require that the City tree policy be followed related to tree protection for trees that will be saved during the construction process.

Date: October 27, 2009

Roll Call No.: 09-103

Action: Park and Recreation Board Motion by Feltner to support the overall plan of marrying the bike trail and the flood project, but understanding that the Corp and the Park staff has agreed to work together to mitigate the environmental damages. Our park board subcommittee would like to review the result of those collaborations before it becomes final action, and if necessary, call a special board meeting, before moving forward.

Date: September 22, 2009

Roll Call No.: 09-094

Action: Park and Recreation Board Receive and File Recommendation to move forward with a trail connection between McHenry Park and Kiwanis Nature Island.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Enter into PPA with the Corps of Engineers for the construction of the Central Place levee and setting fair market value for properties and easements to be acquired.

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