


COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	22-392	Meeting:	September 12, 2022
	Agenda Item:	55	Roll Call:	22-1435
	Submitted by:	Pamela S. Cooksey, P.E., Assistant City Manager		

AGENDA HEADING:

Approving First Amendment to Agreement regarding Better Utilizing Investments to Leverage Development (BUILD) Grant to the Des Moines Area Metropolitan Planning Organization (MPO) between the City of Des Moines, the Des Moines Area MPO, Central Iowa Water Trails, LLC (CIWT), and Polk County Conservation (PCC).

SYNOPSIS:

Recommend approval and authorization to execute the First Amendment to Agreement regarding BUILD Grant to the Des Moines Area MPO between the City, the Des Moines Area MPO, CIWT, and PCC to implement the BUILD Grant as amended with a revised project schedule and scope, timing of City financial contribution and other obligations related to the water trail improvements at Prospect Park, Birdland Marina, Scott Avenue and Harriet Street.

FISCAL IMPACT:

Amount: \$6,000,000 contribution and \$200,000 (estimated) for storm box repair

Funding Source: 2022-2023 CIP, Page 48, Central Iowa Water Trails Contributions, MS025, Being: \$6,000,000 G.O. Bonds to be issued and 2022-2023 CIP, Page 49, Regional Feature Projects, MS026, Local Option Sales and Service Tax

ADDITIONAL INFORMATION:

- The MPO was awarded a \$25 million BUILD Grant for the CIWT: Phase I Dam Mitigation and User Access Project. The Iowa Department of Transportation (IDOT) is the recipient of the BUILD Grant and the MPO is considered a First-Tier Recipient. The MPO is the contracting authority and in responsible charge of the project. The MPO entered into a series of sub agreements that address the design, construction administration and observation, funding, operations and maintenance and other obligations. This agreement is the only sub agreement that includes the City of Des Moines.
- The project did not receive any bids at the IDOT December 21, 2021 letting.
- The project was re-bid on March 29, 2022. One bid of \$72.9 million was received that was 187% over the Engineer's Estimate. Bids were rejected.

- The MPO negotiated an amendment to the BUILD Grant Agreement that revised the project milestones and scope. The changes included:
 - The entire \$25 million grant would be for Scott Avenue Dam (In-Water) with a start date of February 1, 2023, and substantial completion of December 30, 2025.
 - The Scott Avenue Dam (Uplands) would be funded by local funds with a start date of February 1, 2025, and substantial completion of December 1, 2025.
 - The Harriet Street Access would be funded by local funds with a start date of February 1, 2024, and substantial completion of December 20, 2025.
 - Construction of the Prospect Park and Birdland Marina components are to begin before September 30, 2027. ICON has committed to seeking grant funding and continued fundraising for this phase of the project.
- The construction plans and specifications have been modified to be re-bid just the Scott Avenue Dam (In-Water) project at a special IDOT letting on November 1, 2022.
- This amendment modifies the timing of the City's \$6,000,000 contribution to the project construction over four (4) years (FY2024 – FY2027), subject to City Council budget approvals, construction deadlines, and compliance with Iowa Code Chapters 26 and 573 and the BUILD Grant Agreement. The revised City contribution is:
 - \$2,000,000 by July 31, 2023, subject to work being underway for Scott Avenue Dam (In-Water).
 - \$2,000,000 by July 31, 2024, subject to satisfactory progress.
 - \$1,000,000 by July 31, 2025, subject to substantial completion of Scott Avenue Dam (In-Water), Scott Avenue Dam (Uplands) and Harriet Street Access.
 - \$1,000,000 by July 31, 2026, subject to City acceptance of the projects.
- As in the original agreement, the City is responsible for the construction cost of the stormwater box repair at the Scott Avenue Dam that will be including in the water trail project construction. CIWT provided the design of the repair and the work will be bid by IDOT as part of the water trail project. The cost of the stormwater box repair is estimated not to exceed \$200,000, subject to further inspection that could result in increased City cost.

PREVIOUS COUNCIL ACTION(S):

Date: September 13, 2021

Roll Call Number: [21-1446](#)

Action: [Agreement](#) regarding [Build Grant](#) to the Des Moines Area Metropolitan Planning Organization, Central Iowa Water Trails, LLC, and Polk County Conservation, and receiving and

filing project plans and specifications. ([Council Communication No. 21-399](#)) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Westergaard.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Future action will include:

- Approval of funding contributions in Council budget approvals.
- Any proposed amendments to the agreement or material changes to the plans and specifications.
- Fishing regulations at Scott Avenue.
- Acceptance of the completed land-side project improvements.
- Agreement with WRA to address enclosure to be constructed around gatewell at Scott Avenue.

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