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**COMMUNITY DEVELOPMENT**

**Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement**

**MEMORANDUM**

**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
**From:** Steven Boka, Director of Community Development  
**Date:** July 15, 2014  
**Re:** MOA – Mississippi Drive Corridor Project

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**INTRODUCTION:** The city was previously awarded funding to complete preliminary design and obtain all required environmental clearances associated with the Mississippi Drive Corridor Improvement Project. A contract was approved with Stanley Consultants to provide consulting services and the necessary engineering to move the Project forward.

**BACKGROUND:** The city has been involved with a number of state and federal regulatory agencies as a part of the review and approval process. As a part of the reviews and approvals, a Memorandum Of Agreement (MOA) has been developed that requires the approval of the City, the State of Iowa Historic Preservation Office, and the Iowa Department of Transportation to insure that identified properties of local historic significance be protected and/or documented prior to construction of any project using federal funds.

**RECOMMENDATION/RATIONALE:** It is recommended that the City Council authorize the City Administrator to execute the attached MOA on behalf of the City of Muscatine providing for specific conditions that would apply if federal funding is provided for this Project.

**BACKUP INFORMATION:**

1. MOA

# MEMORANDUM OF AGREEMENT

Among  
City of Muscatine,  
The Iowa State Historic Preservation Office  
and  
Iowa Department of Transportation  
Regarding

## Mississippi Drive Corridor Reconstruction Project

Muscatine, Muscatine County  
STP-U-5330(614)--70-70  
R&C# 080170073

**WHEREAS**, federal funds will be required for the City of Muscatine (the City) to reconfigure the intersection of Green Street and Hershey Avenue in order to improve the safety and traffic flow, raise the road grade from Sycamore Street to Mulberry Avenue, and improve Hershey Avenue and Mississippi Drive and associated utilities thru the downtown area from south of Main Street to the Norbert F. Beckey Bridge.

**WHEREAS**, the consulting parties agree that forty historic architectural properties and four archaeological sites/areas are within the area of potential affect;

**WHEREAS**, the City has carried out Phase I and Phase II Archaeological Surveys and determined in consultation with the SHPO that four areas within the area of potential effect have potential to contain significant archaeological deposits associated with Sites 13MC297, 13MC323, 13MC324, and the 1833 Russell Farnham Cabin; and

**WHEREAS**, the City, Iowa DOT, and the SHPO have agreed that construction activities in the vicinity of the Papoose Creek Sewer shall be monitored by an architectural historian/historian who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History/History, and the City shall provide a report documenting the results of monitoring to the Iowa DOT and SHPO; and

**WHEREAS**, the consulting parties agreed that it is in the public interest to expend funds to implement this project through documentation of the Puritan Ice Company Building as well as protective measures to minimize harm to archaeological sites and the Papoose Creek sewer and adjacent historic properties as mitigating the adverse effects of the project;

**WHEREAS**, no other resources, historical, architectural or archaeologically eligible for the National Register will be impacted by the proposed project;

**WHEREAS**, the Iowa Department of Transportation (DOT) will let and construct the proposed undertaking, and has participated in the consultation with SHPO in this Memorandum of Agreement;

**WHEREAS**, the Iowa DOT has notified the ACHP regarding its intent to prepare a Memorandum of Agreement (MOA) to satisfy its Section 106 responsibilities pursuant to 36 CFR Part §800.6 (a)(I), and the ACHP has declined to participate, pursuant to 36CFR §800.6(a)(I)(iii); and

**WHEREAS**, Native American tribes have been notified and no objection has been raised to work proposed; and

**WHEREAS**, Iowa DOT has invited the City as a party sharing responsibilities in the implementation of a mitigation measure stipulated in this MOA to become signatories to this MOA; and

**WHEREAS**, Iowa DOT in consultation with the SHPO has invited the Muscatine Historic Preservation Commission to concur in this MOA, as provided by 36 CFR §800.6(c)(3); and

**NOW, THEREFORE**, the Iowa DOT and City shall ensure that the following terms and conditions will be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (USC 470).

*This MOA will apply only to the section of the project that will be receiving Federal funding (including highway, flood prevention or other Federal program). It will not be applicable to portions of the project using local funding.*

## **STIPULATIONS**

The Iowa DOT and City will ensure that the following measures are carried out:

### **A. Puritan Ice Company Building Documentation**

1. The DOT shall document the Puritan Ice Company Building in accordance with the recordation plan *Iowa Historic Property Study and Historic Brochure: Puritan Ice Company Building* attached to the MOA as Appendix A.
2. The DOT shall carry out this documentation plan, as approved by the SHPO, in a manner consistent with applicable criteria for meeting the Secretary of Interior's four standards for architectural and engineering documentation (48FR4431) and by a person or firm whose education and professional experience meets the Secretary of the Interior's Professional Qualification Standards (48FR44738-9) for historians.
3. The DOT may proceed with demolition of the building after the SHPO has approved the photos of the building and other field information gathered at the building.

4. The DOT shall submit the draft version of the documentation, as in attached Appendix A, to the Iowa SHPO for review within 12 months of SHPO's approval of the photos and gathered information. If SHPO does not provide comments within 45 days of receipt, the author may proceed to finalize the document.
5. The DOT shall provide copies of the final documentation in paper form and as a CD to signatories of this MOA and the city of Muscatine, the Muscatine Historic Preservation Commission, and the Muscatine Public Library.

## **B. Construction Monitoring**

1. The City shall contract the services of a qualified archaeologist that meets the Secretary of the Interior's Standards for archeology to monitor all ground disturbing activities related to the corridor reconstruction project in the areas of Sites 13MC297, 13MC323, 13MC324, and the 1833 Russell Farnham Cabin. The archaeological monitor will help identify any site components that may not have been uncovered previously and will help expedite any consultation and assessments related to such inadvertent discoveries, as stipulated in Section C of this MOA.

## **C. Unexpected Discovery**

### ***Archaeology***

If construction work should uncover previously undetected archaeological materials, the Iowa DOT will cease construction activities involving subsurface disturbances in the area of the resource and notify the Iowa SHPO of the discovery and proceed with the following procedure.

1. The Iowa SHPO, or an archaeologist retained by the Iowa DOT that meets the Secretary of the Interior's Standards for archeology, will immediately inspect the work site and determine the extent of the affected archaeological resource. Construction work may continue in the area outside the archaeological resource as defined by the Iowa SHPO or by Iowa SHPO in consultation with the Iowa DOT's retained archaeologist.
2. Within 14 days of the original notification of discovery, the Iowa DOT, in consultation with the Iowa SHPO, will determine the National Register eligibility of the resource. The Iowa DOT may extend this 14-day calendar period one time by an additional 7 days by providing written notice to the Iowa SHPO prior to the expiration date of said 14-day calendar period.
3. If the resource is determined eligible for the National Register, the Iowa DOT shall submit a plan for its avoidance, protection, recovery of information, or destruction without data recovery to Iowa SHPO for review and comment. The Iowa DOT will notify all consulting parties including interested tribes of the unanticipated discovery and provide the proposed treatment plan for their consideration. The Iowa SHPO and consulting parties will have 7 days to provide comments on the proposed treatment plan to the Iowa DOT and FHWA upon receipt of the information.
4. Work in the affected area shall resume upon either:
  - a. the development and implementation of an appropriate data recovery plan or other recommended mitigation procedures, or
  - b. the determination by Iowa SHPO that the newly located archaeological materials are not eligible for inclusion on the National Register.

### ***Human Graves***

In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, the Iowa DOT shall proceed with the following process:

1. Cease work in the area and take appropriate steps to secure the site.
2. Notify the Office of Locations and Environment, the Office of the State Archaeologist and the SHPO.
3. If the remains appear to be ancient (i.e., older than 150 years), the state agency responsible for ancient burials shall have jurisdiction to ensure NAGPRA and the implementing regulations (43CFR10) are observed. The deposition of the remains will be determined in consultation with the culturally affiliated tribe(s) if known.
4. If the remains appear to be less than 150 years old, the remains may be legally protected under Iowa Code, Chapter 566 and the Iowa Department of Health would be notified.

### **D. Administrative Conditions**

1. Modifications, amendments or termination of this agreement as necessary shall be accomplished through consultation and written agreement of all the signatories.
2. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Council to assist in resolving the dispute according to 36CFR 800.7.
3. The terms of the agreement shall be reviewed to determine if revisions are needed if its terms are not carried out within five (5) years from the date of its execution.

Execution of this Memorandum of Agreement by Iowa DOT, the City and the Iowa SHPO is evidence that the DOT has taken into account the effects of the undertaking on historic properties. This agreement is binding upon the signatories hereto not as individuals, but solely in their capacity as officials of their respective organizations, and acknowledges proper action of each organization to enter into the same.

### ***Signatories:***

By: \_\_\_\_\_  
City of Muscatine Date

By: \_\_\_\_\_  
Iowa State Historic Preservation Officer Date

By: \_\_\_\_\_  
Iowa Department of Transportation  
Office of Location and Environment Date

***Concurring Parties:***

By: \_\_\_\_\_  
*Muscatine Historic Preservation Commission*

\_\_\_\_\_  
*Date*

Appendix A  
Iowa Historic Property Study:  
**Puritan Ice Company Building**  
**Muscatine, Iowa**

The documentation identified below is for the Puritan Ice Company Building that is of state and local significance. It is to be written for a broad public audience--kept simple, direct, and free of technical and academic jargon. The information is to be presented (i.e., edited, cataloged and packaged) in accordance with Historic Preservation Bureau guidelines. In its content, quality, materials, and presentation, the study will meet the Secretary of Interior's four standards for architectural and engineering documentation (48 FR 44731).

The purpose of the report will be to place the building and its historical use in architectural and historical context, explaining how the story of this building and its historical use played out against its related local, state or national trends.

The research emphasis will be placed on recovering information about local or state context surrounding the building of the structure based on primary sources to the greatest extent possible. Thus, the weight of total effort is to be given not to elaborate architectural description or structure photography, but to amplifying what is known about the story of the ice company building as grasped through research in local newspapers, courthouse records, etc. The test of responsiveness to documentation projects under this historic property study series will be more on the depth of local historical sources consulted than on the numbers of site photographs produced.

The documentation prepared for the purpose of inclusion in the State Historical Society of Iowa's collections must meet the requirements below. The Society's historic preservation office retains the right to refuse to accept documentation for inclusion in its collections when that documentation (edited, cataloged, and packaged) does not meet requirements as specified below.

**Kinds of Documentation to be Gathered:**

1. *Iowa Site Inventory Number, Historical Architectural Data Base Number, and CD-R (digital photograph) Numbers:* Three kinds of project reference numbers are to be obtained from the statewide inventory coordinator at the State Historical Society's historic preservation office. The first is the Iowa Site Inventory Number, which can be assigned upon providing a specific street address in a town or city or, for rural areas, its quarter section, township and range. This number would be cited in the report, appear on reference maps and site plans, and be identified on photographic prints, slides, etc. The second number refers to the number assigned for entering this report into the state's Historic Architectural Data Base (HADB) through completing the HADB form for inclusion in the appendix. The third class of numbers are CD-R numbers to be obtained from the State Historical Society's Inventory Coordinator so that images can be cataloged into the agency's file system and cross-referenced to Iowa Site Inventory Forms.

## 2. *Photographs:*

1. Photographic coverage may be in digital format. The views shall be printed using archival inks and papers, using a black-only ink setting, in accordance with the National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion online at [www.cr.nps.gov/nr/policyexpansion.htm](http://www.cr.nps.gov/nr/policyexpansion.htm). These digital views will also be labeled and submitted on a CD-R according to the Iowa State Historical Society Digital Photograph Guidelines available online at [http://www.iowahistory.org/historic-preservation/assets/Digital\\_process\\_2005-12-29.doc](http://www.iowahistory.org/historic-preservation/assets/Digital_process_2005-12-29.doc). If you have any questions about digital usage, please contact Ralph Christian in the SHPO office at 515-281-8697.
2. The documentation is to meet requirements for ready inclusion in the records of the State Historical Society of Iowa. Eight or more views showing the building, its setting, as well as shots that will adequately illustrate the building from all sides and various building details or elements.
3. Drawings: Unless stipulated elsewhere, the standard coverage will comprise straightforward, one-line drawings no larger than 8 1/2 by 11 inches in size showing elements in correct relation and proportion to one another, with label, north arrow, overall dimensions, and the date sketched. The drawings include:
  - a. A site map, which can be adapted from a city plat or Sanborn insurance map, that shows the location and footprint of the building on the parcel in relation to driveways and the public road (including north arrow).
  - b. Building floorplan showing the organization and arrangement of spaces, including exterior dimensions.
4. *Available historic photographs or illustrations* that reveal the building under construction or in later use will be selected and appropriately reproduced.
5. *Narrative Report*, printed on archival bond paper, of approximately ten pages. Statements within the narrative are to be footnoted as to their sources, where appropriate. The format for presentation is stated below.

### **A. Narrative Report:**

#### *Cover Page*

Includes report title, governmental entity or source of support for sponsoring the survey, author/authors, name of affiliated firm or research organization, date of report.

#### *Acknowledgments* (if applicable)

This might include acknowledgment of valuable oral informants, or recognition of those who provided useful research leads, tendered special library assistance or helped locate and access useful courthouse archives.

#### *Table of Contents*

#### *Introduction*

The introduction describes the purpose of project, time frame when research and field work occurred, and limitations of the project.



### *Part I*

*The Building Today* takes the reader to the property, describing where it is situated, its general appearance and arrangement, and important physical characteristics of its setting, buildings, and landscape features that have influenced the way things developed.

### *Part II:*

*Historical Background* steps back to explain how the building fits into the development of its surrounding neighborhood and section of the town. This would identify when and why the building was erected with respect to the platted area's development, by whom, and its part in the shifting commercial/industrial patterns of the vicinity. Included here might be attention to if it was once in a commercial/industrial node of a now absorbed suburban area or in a main street commercial center, and its place in the evolution from joint residential and commercial use toward purely commercial/industrial operations.

### *Part III:*

*Construction history* documents the specific physical evolution of this commercial property and its leading periods of construction activity, major changes in the property and associated structures, or when new elements were introduced. The discussion may also note specific features which the building or its associated facilities share with other known properties (e.g., similarities in plan, materials, construction techniques, and subsequent alterations).

### *Part IV:*

*Significance* of the property explains ways that the commercial property has interpretive value to understanding local or state development, or of how the frequency, arrangement, construction dates, and type of building illustrates something important about the evolving commercial architecture of the area. Included here might be mention of past publicity given the property or of how its building(s) illustrate new, innovative, or typical design practices and uses of material. Photographs, illustrations, or site plan may be integrated into the narrative as needed to help convey the property's interpretive value.

In evaluating the life of the commercial property, attention might be paid to:

- Changes in ownership, management, or internal organization;
- The introduction of new retail or wholesale activities at the site and its effects;
  - on others (e.g., subsequent adoption by competitors)
  - on the internal operations of the firm, on productivity, on profitability
- Site constraints and opportunities (e.g., obstacles that affected design or limited expansion, convenience to shoppers and markets;
- Sequence of construction, alterations, additions, replacement, demolition, or losses due to fire at the site;
- Individuals who designed, engineered, or built the commercial building;
- Materials used in construction;
- Form that the buildings took in relation to their functions and similarities in plan to others then in use;
- The relative importance of individual buildings at the site to the commercial building's activities, with the least important meriting minimal study and documentation;

#### *Part V: Reference Sources*

A paragraph or two about the quality and quantity of information consulted, its location, noting any conflicts in source materials, their accuracy, biases or noteworthy historical perspectives. This would be followed by a bibliography of the reference source materials.

#### *Part VI: Appendices*

The information here--if not placed elsewhere in the report--would include, but not be limited to, the following:

1. A site plan drawing showing the commercial property's relation to its immediate landscape configuration.
2. Map(s) showing location in county/town, changes in property size, etc.
3. A 5" X 7" enlargement of each black and white view taken to satisfy specifications above, arranged sequentially, from the most general view to the most detailed view. Each is to be labeled on the back as to building/structure name, view taken, and roll/frame number with a No. 1 (soft) pencil, and placed in Print-File (57-4P), or equivalent, sleeve.
4. A "Photograph Catalog Field Sheet" completed for each sleeve of black and white negatives and color slides.
5. Negatives of 35mm (ASA 125 or less) black and white film in Print-File (35-7B), or equivalent, sleeves. As an option, use digital photos according the National Park Service guidelines.
6. A contact print sheet for each roll of black and white film placed in a Print-File (810-1B), or equivalent, sleeve.
7. Completed Iowa Historical Architectural Data Base (HADB) form.

#### **B. Computer Generated Brochure:**

This display is intended to tell the story of the Puritan Ice Company Building. It should raise public awareness of the rich heritage of businesses along Mississippi Drive in Muscatine.

1. Create a two-dimensional computer generated display made up of photographs and/or drawing plus a historical narrative derived from the narrative report described above.
2. Design a single 2 sided brochure using spot color to accompany the display. The page should be no smaller than 8.5 x 11 inches and not larger than 11x17 inches. The page would include one or more photographs and narrative as described below.
3. Print 1500 copies of the brochure to be distributed by the City to the signatories of the MOA, Libraries in the city, and to schools in the city as well as other tourist information sites.
4. Provide five (5) CDs of the brochure/display suitable for display on a web site to be distributed to SHPO, the City, DOT, and Muscatine Historical Preservation Commission.

#### *Narrative and/or picture story:*

1. The display should provide a picture story of the Puritan Ice Company Building.
2. Historical background of the building, its construction, and history and the importance of the context within the community.

- ☐ Research information may be drawn from newspaper and other available sources, local interviews and other historical documents.

Aspects to bear in mind include:

- ☐ Who developed this property and how has the business affected the local history.
- ☐ How has the property changed through time.

3. Available photographs, illustrations, or site plan may be integrated into the narrative as needed to help convey the property's interpretive value.

*Provide to SHPO*

Provide SHPO a copy of the following information:

1. Proof copy of the brochure to review and comment upon prior to the final printing. If SHPO does not comment within 45 days from receipt, proceed with the final printing.
2. Other relevant information