



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

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: January 11, 2012

Re: Request to Approve Amendment #1 – Miss. Drive Corridor

INTRODUCTION: The City of Muscatine received two separate federal funding sources that provided the city with up to \$1,305,750.00 for the environmental studies/clearances and preliminary design associated with the Mississippi Drive Corridor Project. The funding total represents an 80 % federal share of \$1,044,600.00 and a local share of \$261,150.00. In August of 2010, the city entered into a Professional Services Agreement with Stanley Consultants of Muscatine to complete the environmental review and preliminary design for the Project in the amount of \$1,016,404.00. As a result of the environmental review, it has been determined that an amendment is needed to preform work outside the original agreement with Stanley's in order to obtain final approval and clearances necessary to seek construction funding. The additional work is directly related to the preparation and submission of a 4(f) statement under the National Historic Preservation Act and the National Environmental Policy Act. The proposed amendment attached hereto has been reviewed and approved by the Iowa Department of Transportation and the Federal Highway Administration. The cost for this additional work is proposed to amend the original scope and contract by \$71,312 for a total Project cost of \$1,087,716.00

BACKGROUND: The 2007 Mississippi Drive Corridor Plan was originally completed to address the need for improvements to US Business 61/ IA 92 from the Norbert F. Beckey Bridge to the intersection of Canal Street and Grandview Avenue. Subsequent to the completion of the plan, staff initiated efforts to seek outside funding for the environmental clearance, design, and ultimately construction of improvements to the corridor that include infrastructure improvements, flood control modifications, traffic and pedestrian safety, connectivity between the revitalized riverfront and the historic business district, street & sidewalk modifications, gateway enhancements, wayfinding, pedestrian walks, landscaping, and the demolition of blighted buildings. Through a series of applications, direct contacts and presentation to a variety of state and federal partners, a \$1.3 million funding package was obtained.

RECOMMENDATION/RATIONALE: The attached "Amendment #1 to Base Agreement" with Stanley Consultants has been submitted and approved by the appropriate state and federal funding agencies for 80% participation. The remaining 20% (\$14,262) will be the responsibility

**"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain**

of the city. Prior to this proposed amendment, there was \$289,346.00 in unobligated funds available for this project. If approved, there would be a remainder of \$218,034.00 left unobligated for this effort. It is recommended that the City Council approve "Amendment #1 to the Base Agreement" with Stanley Consultants for the preparation and submittal of the required 4(f) Statement in the amount of \$71,312.00.

BACKUP INFORMATION:

1. Agreement (4 originals)



Boka, Steve <sboka@muscatineiowa.gov>

Re: Puritan property

steve boka <w3076@hotmail.com>

Fri, Jan 20, 2012 at 8:54 AM

To: gmandsager@muscatineiowa.gov, afangman@muscatineiowa.gov

Gregg, all Carver Corner options are on the table and all options (other than a "no build" option) impact the Puritan Ice building in varying degrees. Osama's question/comment is essentially correct... since all options require the submittal of a 4(f) Statement, none can be approved by the FHWA or IDOT, nor can any of them be recommended to City Council, until that process is completed. The 4(f) Statement will consider all options from the potential impact they would have on the Puritan building and other potential historic and/or cultural resources in the area. Once it is determined which option(s) can be approved, the review can continue to preliminary design and environmental clearances obtained for the project. Without the appropriate clearances, the corridor project will not be able to secure any funding from state or federal sources. I want everyone to understand that even if the process is completed and the approvals granted, we do not have funding for final design and construction; inclusive of any cost for acquisition and demolition. The CIAT has discussed and has voted to rank the options. Andrew can provide you with that information, if you want it. It hasn't been discussed with the City Council any further because the 4(f) process is needed in order to determine which are eligible for state/federal funding assistance. Once the focus is narrowed and viable funding options determined, the City Council will be presented with a list for their review and approval. As always, the City Council will make the final determination.

As to Councilmember LeRette's question; all current options for that intersection are available for public review and comment on the city web site under the Mississippi Drive Corridor section. Andrew can assist you with that, if needed. I know a link to the options was available the opening page of the city web site a while ago... There have also been a number of CIAT meetings and two public meetings specifically designed to encourage public input during the last several months. In addition, all council members, city staff and a variety of Boards and Commissions were notified of each public meeting and encouraged to attend in an effort to keep everyone updated on the current status of this project and to obtain their input into the various designs under consideration.

I can provide City Council with additional information, as well as review the current status of the Project at an In-Depth meeting if they wish. It is not (nor has it ever been) my intention for the Mississippi Drive Corridor project to proceed without their full support. If they have questions, I want to provide them with whatever information they need.

Steve

Updated on 12/23/12

Responses to the last series of questions/comments received from Councilmembers Spread, Fitzgerald and Shihadeh:

Questions from Councilmember Spread:

- In August of 2010, the Council approved the Mississippi Drive Corridor project. It is a study primarily performed by Stanley Consultants with a base agreement in the amount of \$890k.
- To perform the study, the city has successfully obtained commitments for state and federal funding amounting to \$1.3mm; the City's match is 20% or some \$260k.
- Of the base contract, how much of the base contract has been earned and paid?

- At issue is a recommendation to approve the expenditure of an additional \$71k to complete a 4(f) study, given recently discovered notion that the Puritan Ice/Testrake parcel may be eligible for the National Historic Register.
- Funds to complete the 4(f) study are available under the terms and conditions of the state and Federal funding agreements as well as the current year city budget for the local match (some \$14k).
- The scope of the consultancy is much larger than the reconfiguration of Carver Corner. How much of the \$890k base contract is attributable to the Carver Corner matter?
- The contract with Stanley Consultants requires that five (5) alternative designs be developed for the reconfiguration of Carver Corner. There is actually a sixth alternative which is do nothing.
- The City Administrator stated that If the Council is predisposed not to spend some \$8mm to reconfigure Carver Corner, then there is no reason to spend the additional \$71k for the 4(f) study.

Response to Councilmember Spread:

- The base cost of \$890,000 is correct. However, the additional costs built into the contract and approved at the same time authorize a maximum contract total price to \$1,016,043.00.
- The total amount of funding available to the city for this project is \$1,305,750. Of that amount, 80% (\$1,044,600.00) is federal and 20% (\$261,150.00) is city.
- Stanley's has been paid \$658,331.97 thru January 1, 2012.
- Yes. The request is to consider an amendment to the base agreement of an additional \$71,312.00 for the preparation and filing of the Final 4(f) Statement. However, that 4(f) Statement may include property located outside what is referred to as "Carver Corner" but still located within the Project area.
- The proposed federal cost share of 80% for the 4(f) Statement (\$57,049.60) has been approved by the state & federal partners for their participation. The remaining 20% (\$14,262.40) will be the City portion of the Project. The preliminary estimate for the June 2012 bond issue included \$216,000 for the local share of this project. With this proposed change, the local share will increase to 225,000. The cost of other projects included in the bond issue will be adjusted to offset this increase. As a result, there is no proposed increase associated with the upcoming bond sale in 2012.
- The scope of the Project extends 1.6 miles from the Norbert F. Beckey Bridge to Canal Street. While an exact amount of the cost associated with the Carver Corner portion of the project cost is not immediately available, it represents only a small (but important) portion of the total project.
- The contract with Stanley's provides for 5 geometric alternatives for the intersection design and 1 "no build" option.
- The City Council will not be asked to spend \$8M+ to reconstruct Carver Corner. That overall cost is for the entire 1.6 mile corridor that will also include new street construction, infrastructure improvements, flood control improvements, pedestrian and vehicular safety, landscaping and wayfinding to name a few. Should the City Council decide not to proceed with the 4(f) Statement process, the Project will not be approved for federal and/or state participation. If that is the case, the Project could only proceed as a local project requiring 100% local cost.

Puritan Ice/TeStrake parcel questions from Councilmember Spread:

- Must the subject parcel be situated in an Historic Preservation District to be eligible for the National Historic Register?
- Is it in such a District?

- Has Myron Tetrake applied for the Historic Register designation?

With Respect to the Puritan Ice/TeStrake parcel

- No. A property does not have to be located in a designated Historic Preservation District to be eligible for listing on the National Historic Register. Properties can be individually listed. Examples include the Octagon House and Trinity Church in Muscatine.
- No. The TeStrake property is not located in a designated District.
- No. Myron TeStrake has not applied for such a designation to our knowledge.

Questions/Comments from Councilmember Fitzgerald and Shihadeh:

- Comment: Since we have properties that were on the National register prior to setting up districts, I would say that they don't need to be included in a district to be on the register. A property that is on the register has more strings attached as to how and what you can do to the building. So yes the Whiteway Hotel could be on the register but I don't believe the owner would like to have someone tell him what he can do with the property. I don't believe the Ice house is in a district.
- One more question: subject parcel be situated in an Historic Preservation District to be eligible for the National Historic Register? Is it in such a District? If so, would the White Hotel be eligible as well to be on the National Historic Register?

Response to Councilmember Fitzgerald and Shihadeh:

- Councilmember Fitzgerald is essentially correct. The White Way Hotel is eligible for nomination but has not been, at least to my knowledge. As stated above, the Puritan Ice building is not located in a designated District and (to my knowledge) has not been nominated individually.

Steve

Section 4(f) Property

The Department of Transportation Act (DOT Act) of 1966 included a special provision - Section 4(f) - which stipulated that the Federal Highway Administration (FHWA) and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- There is no feasible and prudent alternative to the use of land.
- The action includes all possible planning to minimize harm to the property resulting from use.

On the Mississippi Drive Corridor Study, the historic property in question is the former Puritan Ice Company property which now encompasses the Testrake grain-handling facility on the east side of Green Street immediately south of "Carver Corner". This property is eligible for the National Register of Historic Places. Since all of the feasible roadway alternatives being evaluated for the Carver Corner intersection impact Puritan Ice Company property to a greater or lesser degree, DOT is requiring a Section 4(f) evaluation and report. .

A 4(f) Statement, evaluating alternatives and any measures employed to minimize harm, is to be prepared for review and approval by FHWA/DOT and SHPO.

AMENDMENT #1 TO BASE AGREEMENT

This Amendment is made and entered into this _____ day of _____, _____, by and between the City of Muscatine, IA (hereinafter referred to as the "**Owner**") and the firm of Stanley Consultants, Inc. Muscatine, IA (hereinafter referred to as the "**Consultant**").

WITNESSETH:

WHEREAS, the parties hereto have entered into an agreement, Contract # PZ11-13-2009-01, executed on 19 August 2010 to provide Phase I Environmental Study (NEPA) and Preliminary Engineering/Design services for the **Owner** for the Mississippi Drive corridor located in Muscatine, Iowa; and

WHEREAS, certain amendments to the terms and conditions of the original agreement between the parties need to be made to reflect a change in scope of work and payment:

NOW, THEREFORE, in consideration of these facts, the parties hereto agree as follows:

The **Owner** has requested the **Consultant** to prepare a Draft and Final Section 4(f) Statement.

The **Consultant** has been given written authorization to begin work under this amendment effective on, ____ of _____, 2011.

The following dates shall be adhered to: Completion of FONSI and Final 4(f) Statement on or about 01 December 2012.

The **Consultant** shall remain prequalified in work category required, as defined in Iowa Department of Transportation Policy and Procedure No. 300.04, for the duration of this Agreement. Failure to do so may result in termination of this Agreement.

The **Consultant** submitted a Scope of Services (Attachment A) and Fee and Payments (Attachment C) to the **Owner** for the above-mentioned scope accommodation and associated fees. A maximum amount payable of \$71,312 for Amendment #1 has been deemed acceptable by all parties for these services.

Cost Summary

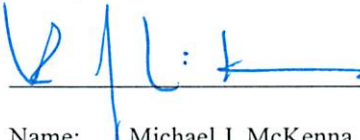
<u>Document</u>	<u>Costs</u>	<u>Fixed Fee</u>	<u>Contingency</u>	<u>Maximum Amount Payable</u>
(Base) Agreement	\$ 890,540	\$ 70,242	\$ 55,622	\$1,016,404
Amendment #1	\$ 68,757	\$ 2,555	\$ 0	\$ 71,312
Total	\$ 959,297	\$ 72,797	\$ 55,622	\$1,087,716

Except as specifically amended by this agreement, all terms and conditions of the Base Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their proper officials thereunto duly authorized on the date below indicated.

(Consultant)

Stanley Consultants, Inc.

 Date: 12/6/11

Name: Michael J. McKenna
Position: Vice President

ATTEST:

By:  Date: 12/6/11

Name: Mandy Hoag
Position: Administrative Assistant

CITY OF MUSCATINE, IOWA

Date: _____

ATTACHMENT A
Scope of Services



AECOM
501 Sycamore Street
Suite 222
Waterloo, Iowa 50703
www.aecom.com

319 232 6531 tel
319 232 0271 fax

Scope of Services
Mississippi Drive Section 4(f) Statement
Muscatine, Iowa
October 27, 2011

AECOM's Scope of Services describes the tasks necessary to complete a Draft and Final Section 4(f) Statement for the Mississippi Drive project in Muscatine, Iowa. The Section 4(f) resources are located at or near the intersection of Green Street and Hershey Avenue, commonly referred to as Carver Corner.

Draft Section 4(f) Statement

Task 1 – Alternatives. This task involves analyzing up to five build alternatives, including one build alternative that avoids the Section 4(f) resource(s). These alternatives would be developed by Stanley Consultants. Impacts to other resources, such as residential and business impacts, hazardous waste sites, traffic and access will be evaluated.

Task 2 – Prepare Draft 4(f). This task includes writing the Draft Section 4(f) Statement. This includes preparing figures, text and any appendices to the document. It also includes review and comments from the Stanley team, City of Muscatine, Iowa DOT staff and FHWA review. It is assumed no more than three rounds of comments before finalizing this document.

Final Section 4(f) Statement

Task 3 – Prepare Final 4(f). This task includes preparation of the Final Section 4(f) Statement for inclusion with the final environmental document. It is assumed no more than three rounds of comments before finalizing this document.

Task 4 – Coordination. This includes coordinating with Iowa DOT, SHPO and Stanley team in developing the Draft and Final Section 4(f) Statements. This does not include coordinating or preparing the MOA. This task will be done by Louis Berger Group (LBG).

Task 5 – Printing and Distribution. Printing of up to five copies of each review copy of both the Draft and Final 4(f) is included. Printing and distribution of the 4(f) is included, with up to sixty (60) copies of the Draft 4(f) estimated and up to thirty (30) copies of the Final 4(f) estimated for distribution. A CD version is included.



Mississippi Drive Section 4(f) Schedule

Develop and Evaluate Alternatives	November 30, 2011
Prepare Finding of Adverse Impact Packet (To Be Sent to IDOT, FHWA and ACHP)	December 15, 2011
Prepare Draft Section 4(f)	November, 2011 – February, 2012
Prepare Memorandum of Agreement – Completed by LBG (Signed By the City of Muscatine, SHPO, Iowa DOT and FHWA)	February 17, 2012
Submit Draft 4(f) for Review to IDOT (Assume Revisions and Resubmitting Up to Three Times)	February 24, 2012
Draft 4(f) to FHWA for Legal Sufficiency Review (Usually 30 Days)	April 6, 2012
Draft 4(f) Signed	May 11, 2012
Print and Distribute Draft 4(f) With Completed EA for Agency and Public Comment (45-Day Comment Period)	May 18, 2012
Hold Public Hearing for EA	June 28, 2012
Prepare FONSI and Final Section 4(f) Per Comments	July 12, 2012
Submit FONSI Final 4(f) for Review to IDOT (Assume Up to Three Revisions)	August 3, 2012
FONSI and Final 4(f) to FHWA for Review and Signature (Allow 30 Days)	September 28, 2012
FONSI and Final 4(f) Signed	October 31, 2012
Print and Distribute FONSI and Final 4(f) (Limited Distribution)	November 9, 2012
Completion	Approx. Mid-November, 2012

Above schedule based on Notice to Proceed and receipt of alternatives by November 11, 2011.

STAFF HOUR ESTIMATE

U.S. Department of Health and Human Services, Temporary Internal Face-Covering Order, 2020-05-08, <https://www.hhs.gov/press/2020/spe005>.

Copies: 105 paper copies at 35 pages each; 20 CD copies.

**U.S. HIGHWAY 61/IOWA 92 (MISSISSIPPI DRIVE)
MAIN STREET TO NORBERT F. BECKEY BRIDGE
MUSCATINE, IOWA**

SECTION 4(f) STATEMENT

Cost Analysis

I. Direct Labor Cost (AECOM Technical Services)

<u>Category</u>	<u>Hours</u>	<u>Rate/Hour</u>	<u>Amount</u>	
Project Professional	284	\$41.00	\$11,644.00	
Staff Professional	24	\$40.00	\$960.00	
CADD Operator II	0	\$33.00	\$0.00	
CADD Operator I	16	\$23.00	\$368.00	
Project Support	32	\$26.00	\$832.00	\$13,804.00
	356			

II. Payroll Burden and Overhead Provisional Costs 165.00% \$22,776.60

III. Direct Project Expenses

<u>Category</u>	<u>Units</u>	<u>Rate/Unit</u>	<u>Amount</u>	
Mileage	0	0.50	0.00	
Per Diem	0	40.00	0.00	
Lodging	0	80.00	0.00	
B/W Copies	2000	0.06	120.00	
Color Copies	200	0.12	24.00	
EDM Equipment	0	12.50	0.00	
GPS Equipment	0	25.00	0.00	
Miscellaneous, Other			100.00	\$244.00

IV. AECOM Technical Services Estimated Actual Costs \$36,824.60
Rounded \$36,800.00

V. Subcontract Expense

\$0.00

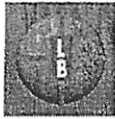
VI. Estimated Actual Costs \$36,800.00

VII. Fixed Fee \$4,800.00

VIII. Contingency \$0.00

IX. Maximum Amount Payable \$41,600.00

CULTURAL RESOURCES



THE Louis Berger Group, INC.

The Louis Berger Group Inc. (LBG) office in Marion, Iowa offers a full range of cultural resource consulting services. LBG assist clients in fulfilling their obligations under Section 106 of the *National Historic Preservation Act* and the *National Environmental Policy Act (NEPA)*. LBG has staff with experience in each of the following service areas:

- Historic sites file searches and archival research
- Assessments of cultural resource potential
- Field surveys for archaeological sites & historic structures
- National Register evaluations and nominations
- Impact assessments
- Archaeological site excavations
- Recordation of historic buildings and structures to HABS/HAER specifications
- Agreement documents (Memoranda of Understanding, Programmatic Agreements)
- Comprehensive resource management and preservation planning

PROJECT EXPERIENCE

Since 1983, LBG has completed more than 950 cultural resource projects in Iowa and surrounding states ranging from small-scale surveys for individual cell towers and county bridge replacements to large-scale archaeological and architectural surveys for multi-county highway corridors, natural gas pipelines, and transmission lines, and statewide surveys for historic bridges and public buildings.

PROJECT MANAGER AND KEY PERSONNEL

LBG's project manager is Randall Withrow. Mr. Withrow is a Registered Professional Archaeologist with 28 years of work experience in archaeology and historic preservation and 15 years experience managing cultural resource projects for LBG clients. LBG's office in Marion, Iowa is staffed by four cultural resource professionals with specialties in archaeology, architectural history, and history. All professional staff have credentials that meet or exceed the Secretary of Interior's Professional Qualifications Standards for their respective areas of expertise. Complete resumes are available upon request.

Randall M. Withrow, Senior Archaeologist & Assistant Director, Cultural Resources Division. M.A., Anthropology, University of Minnesota (1983); B.A., History, University of Wisconsin-LaCrosse (1980).

Camilla R. Deiber, Architectural Historian. M.S., Historic Preservation, Ball State University (1994); B.F.A., Interior Design, Iowa State University (1991). Iowa Office.

SCOPE OF SERVICES

Iowa Site Inventory Form Preparation

The IADOT has requested that five (5) properties located adjacent to the current project corridor (west of Green Street) be evaluated with respect to National Register of Historic Places criteria. LBG proposes to conduct a Phase II study in accordance with Iowa State Historic Preservation Office requirements for evaluation of architectural-historical properties. This study will include: 1) background research; 2)



inventory of architectural resources more than 50 years old; and 3) completion of SHPO inventory forms plus a technical report summarizing all findings. LBG's architectural historian Camilla Deiber will conduct site-specific research on each property. Background research will be performed as necessary to compile historic contexts required to facilitate property interpretation and evaluation. The study will also include field examination, notation and photography of each property necessary to complete Iowa inventory forms per the Iowa SHPO guidelines. The written report for the evaluation study will include: a) an updated historic context for the project area as appropriate for the study; b) a summary of the study's findings with regard to the NRHP eligibility of the architectural resources; and c) a complete set of the inventory forms for the individual properties. The report will also contain location maps for the architectural resources, and a table summarizing the NRHP eligibility of all resources. The inventory forms will be accompanied by photographs, location maps, and site plans as specified in Iowa SHPO guidelines.

Preparation of a Memorandum of Agreement

LBG will prepare a Memorandum of Agreement (MOA) that will define activities to be conducted to mitigate loss of the TeStrake complex. In order to complete the document, LBG will conduct the following tasks: 1) confer with consulting and interested parties regarding appropriate mitigation measures; 2) prepare a draft of the MOA; and 3) distribute draft MOA to consulting and interested parties for review. LBG estimates that preparation of the document will require the equivalent of two to three days of labor although work may be conducted over a two-to-four-week period depending on the availability of the consulting parties involved.

SCHEDULE AND FEES

LBG can complete the Iowa Site Inventory Forms and prepare an MOA within a four-week period. The proposed background research, technical report, and compliance documents will be performed by qualified architectural historians with the assistance of experienced GIS specialists. This work effort will require travel to Muscatine to conduct the on-site background research and survey. Some additional research may be conducted at the State Historical Society of Iowa Library in Iowa City. The inventory forms and report will be prepared by architectural historians whose professional qualifications meet or exceed the Secretary of the Interior's minimum qualification standards for those respective disciplines.

LBG estimates that it can complete the above-referenced scope for a total cost not to exceed \$6,900.00.

Task 1. Iowa Site Inventory Forms/Report:	\$ 4,450.00
Task 2. MOA Preparation:	<u>\$ 2,450.00</u>
Total Estimated Cost:	\$ 6,900.00

ATTACHMENT C-1
Fees and Payments

ATTACHMENT - FEES & PAYMENTS

COST ANALYSIS: AMENDMENT #1

MISSISSIPPI DRIVE CORRIDOR - PHASE 1

PROJECT TITLE: Environmental Study/Preliminary Engineering & Preliminary Design

Date: 02 December 2011

ESTIMATED DIRECT PAYROLL COST:

	Hours		Rate		
Project Administration	6	x	\$72.35	=	\$434
Project Management	66	x	\$58.40	=	\$3,854
Transportation Planner	20	x	\$46.85	=	\$937
Transportation Eng	16	x	\$43.65	=	\$698
Environmental Eng	16	x	\$40.80	=	\$653
Graphics	20	x	\$35.35	=	\$707
Clerical	30	x	\$17.20	=	\$516
<i>Subtotal Hours:</i>	174			<i>Subtotal Direct Labor:</i>	\$7,800

ESTIMATED INDIRECT COST:

General Overhead, including Payroll Additives		
151.32 % x Direct Payroll	=	\$11,803
0.7 % x Direct Payroll (FCCM)	=	\$55

EXPENSES:

Stanley Consultants	=	\$600
AECOM	=	\$41,600
Louis-Berger	=	\$6,900
<i>Subtotal Expenses:</i>		\$49,100

FIXED FEE:

13% (Total Payroll + Indirect Costs)	=	\$2,555
--------------------------------------	---	---------

CONTINGENCY

10% (Total Payroll + Indirect Costs + SC Expenses)	=	<u>\$0</u>	
		<i>Total</i>	\$71,312