



Agenda Item:

080

## **COUNCIL COMMUNICATION**

### **City Manager's Office**

#### **GENERAL INFORMATION**

Agenda Date: 9/13/04

No.: 04-445

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No.:

Communication

Roll Call

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

#### **SUBJECT—**

Approving the Programmatic Agreement among the U.S. Army Corps of Engineers Rock Island District, Iowa State Historical Preservation Office, Des Moines Metropolitan Wastewater Reclamation Authority, City of Des Moines, and MidAmerican Energy Company regarding the Des Moines River Outfall and Overflow, Principal Riverwalk and Transmission/Distribution Line Projects.

#### **SYNOPSIS—**

The Des Moines River Outfall and Overflow, Principal Riverwalk and associated relocation of MidAmerican Energy's facilities are located within or near the boundaries of the Civic Center Historic District, archaeological site Fort Des Moines No. 2 (13PK61) and other historic structures and buildings. The Corps of Engineers and Iowa State Historic Preservation Officer has determined that these projects may have adverse effects on archeological resources, standing structures or historic districts listed on or eligible for inclusion in the National Register of Historic Places. The Programmatic Agreement defines the process for identifying, evaluating and treating historical properties and archeological resources as well as monitoring and reporting on the progress of the archaeological and historic work. This agreement is necessary to obtain required permits, approvals and potential funding from the Corps of Engineers.

**FISCAL IMPACT—**

Required investigations and monitoring currently planned for the Sewer project total approximately \$300,000 from the City's Capital Improvement Program (CIP), Fund EN267, Organization WRA990000, Project WRA086. Additional funds may be required depending on what archeological features are encountered during investigation and construction. MidAmerican Energy will be responsible for the cost associated with their line relocation. The Corps of Engineers is responsible for the work and associated cost required by the Principal Riverwalk. The Riverwalk cost will be split between the Corps of Engineers and Principal. Principal will be paying, on behalf of the City of Des Moines, in accordance with previous agreements between the City and Principal.

**RECOMMENDATION—**

Approval

**BACKGROUND—**

To comply with Section 106 of the National Historic Preservation Act and obtain a Corps of Engineers (COE) permit for the proposed Des Moines River Outfall and Overflow project, the City staff has been working with the Corps of Engineers and State Historic Preservation Office (SHPO) to develop the Programmatic Agreement. The COE and SHPO directed that the agreement include Principal Riverwalk and related MEC work. The agreement provides a phased approach to identifying historic properties and evaluating the effects on historic properties.

The Des Moines River Outfall and Overflow project is in the combined sewer system and provides for the construction of a large outfall sewer along the west side of the Des Moines River from Grand Avenue to south of Elm Street and along the east side of the Des Moines River from Raccoon Street to the south side of Scott Avenue, including a river crossing from the west side to the east side of the Des Moines River. This project will eliminate several combined sewer overflows and related structures in the proposed Riverwalk area, and construct one new combined sewer overflow structure south of Scott Avenue near SE 4<sup>th</sup> that will allow meeting the nine minimum requirements included in the current National Pollutant Discharge Elimination System (NPDES) permit that was issued to the City of Des Moines in December of 2001. The schedule was accelerated to coordinate with the proposed Riverwalk and allow this outfall sewer to be constructed before the Riverwalk construction begins.

Once the Programmatic Agreement is executed, the archaeological investigation and testing will begin. A Data Recovery Plan will be developed during the investigation in consultation with the SHPO. Construction of Stage 1 of the sewer project will begin early next year. Stage 1 begins near Elm Street and runs along the alignment of Riverside Drive to just south of Court Avenue. Stage 2 construction will begin during Spring 2005. Stage 2 of the project begins just south of Court Avenue and begins following the existing levee to Grand Avenue where it will turn to the northwest to Watson Powell Jr. Way. Construction of the final stage 3, is currently planned for 2009. Stage 3 includes the Des Moines River crossing and continues to south of Scott Avenue.

The professional services agreement and supplemental agreements with Stanley Consultants for the design of the Des Moines River Outfall and Overflow project included archaeological investigation, testing and reporting, vibration monitoring and a pre-condition survey. Supplemental Agreement 2 includes archaeological construction monitoring and vibration monitoring for Stage 1. Additional work may be required should the investigations or monitoring find a historical resource or impact. Future agreements for the construction of Stage 2 and Stage 3 of the Des Moines River Outfall and Overflow project will include archaeological and vibration monitoring as necessary.

MidAmerican Energy Company is part of this Programmatic Agreement since their distribution lines must be moved to accommodate the new sewer location north of Court Avenue.