


## COUNCIL COMMUNICATION

	Number:	<b>22-054</b>	Meeting:	<b>February 21, 2022</b>
	Agenda Item:	<b>10</b>	Roll Call:	<b>22-022</b>
	Submitted by:	<b>Steven L. Naber, P.E., City Engineer</b>		

### AGENDA HEADING:

Authorization of first amendment to the agreement between the City of Des Moines and the Des Moines Airport Authority (the Authority) regarding the Iowa Department of Transportation (IDOT) Revitalize Iowa's Sound Economy (RISE) Grant to the Des Moines Airport Authority for the Cowles Drive Reconstruction Program (Phase 2 and 3) at the Des Moines International Airport (Airport) and approval of private construction contract between Des Moines Airport Authority and Elder Corporation for installation of sanitary sewer and curb and gutter replacement along Fleur Drive.

### SYNOPSIS:

Recommend approving and authorizing the first amendment to the Agreement between the City and the Authority regarding the IDOT RISE Grant to the Authority and related documents regarding the private construction contract and bond with the Authority that will allow for the commencement of construction of Phases 2 and 3 of the Cowles Drive Reconstruction Program at the Des Moines International Airport.

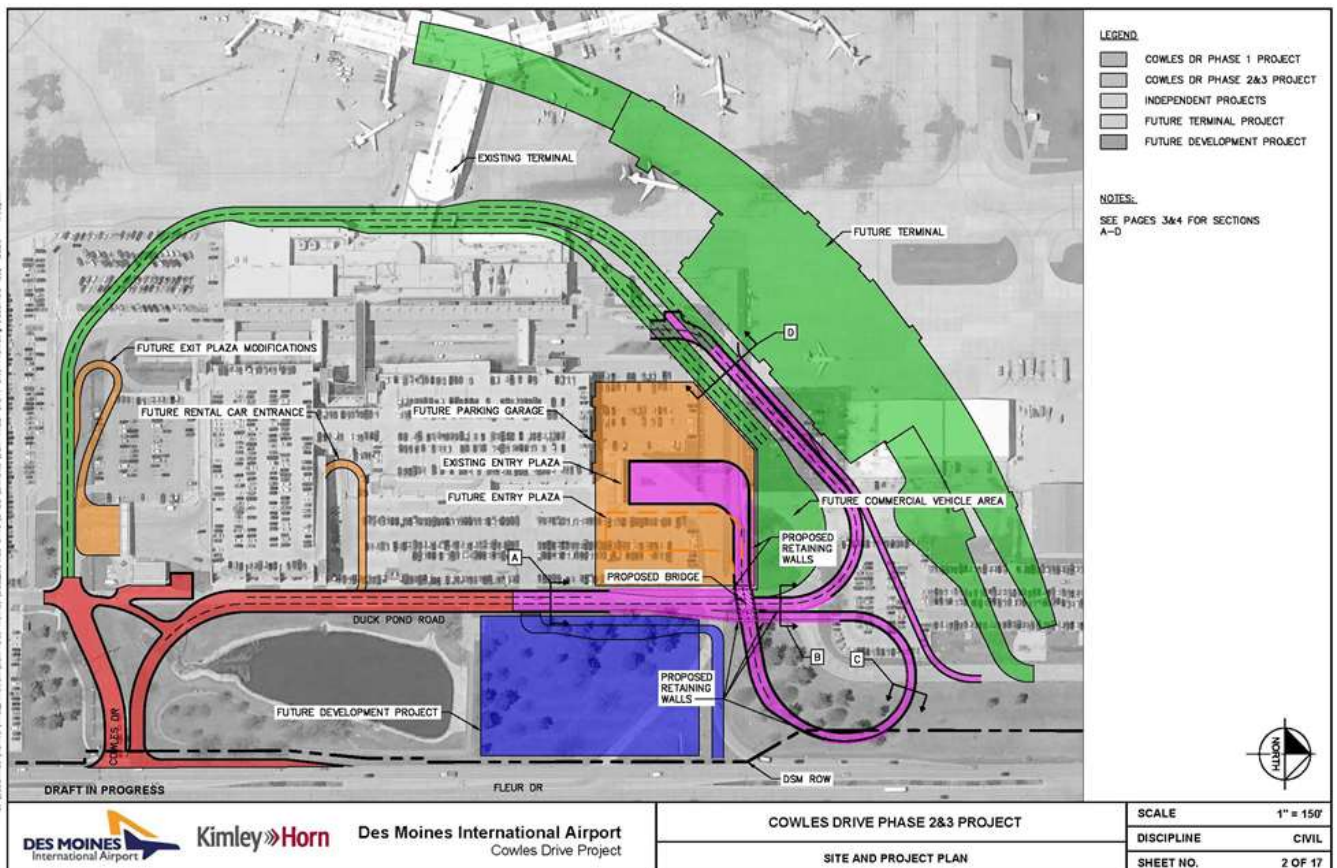
### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- In response to the growth of the Central Iowa region and increased travel demand along with the need to replace the aging existing airport terminal, the Authority continues to move forward with the plan for development of a new terminal. The plan includes reconstructing and reconfiguring the interior streets at the airport, referred to as the Cowles Drive Reconstruction Program.
- The overall Cowles Drive Reconstruction Program currently consists of a total of six (6) separate phases with an estimated total cost of \$44,000,000 in improvements, of which \$19,250,000 is anticipated to be requested in RISE funds over the entirety of the reconstruction program.
- The Authority desires to utilize grant funding to assist with the implementation of the overall Project. As a result, the Authority is seeking a series of RISE grants to support the Project.
- In accordance with Iowa Administrative Rules, all incorporated cities and counties are eligible to apply for and receive funds under the RISE grant program.

- Due to the restrictions in the current Iowa Administrative Rules regarding eligible applicants, the Authority has requested the City to submit the RISE grant application on its behalf in an effort to obtain funding for use in completing the Project.
- The City, on behalf of the Authority (City/Authority), submitted an application and was awarded a RISE Grant in 2020 to complete the first phase of improvements for the Cowles Drive Reconstruction Program. IDOT Transportation Commission Order No. PPM-2020-63 approved the RISE application for Phase 1 of the Cowles Drive Reconstruction Program on April 14, 2020. Total RISE funds awarded for Phase 1 were \$1,456,002.
- The RISE agreement was negotiated between the City, IDOT and the Authority. The City is the required applicant and identified as the Project sponsor, while the Authority is the recipient.
- The Authority has completed construction of the first phase of improvements to Cowles Drive which improved how it intersects with Fleur Drive, and portions of Duck Pond Road as it traverses through the Airport grounds, to prepare for the proposed construction of a new, larger terminal building. The first phase of improvements, which were completed in 2020 and 2021, are shown in red in the below “Site and Project Plan”.
- Additional subsequent phases of improvements, and associated funding, are necessary to complete the overall airport expansion Project.
- A RISE grant application was submitted by the City/Authority in January 2021 requesting funding assistance to complete the second and third phases of needed improvements for the Cowles Drive reconstruction.
- The City/Authority was awarded a RISE Grant in 2021 to amend the eligible Project scope to complete the second and third phases of improvements. IDOT Transportation Commission Order No. PPM-2021-91 approved the RISE grant amendment for the Cowles Drive Reconstruction Program on June 8, 2021. Total RISE funds awarded for Phases 2 and 3 were \$4,862,344.
- The Authority prepared the RISE grant application and generated and provided all the information regarding the Projects that were shown within the RISE grant applications.
- The Authority is the lead entity for the Project including design, administration, letting, construction, construction observation and maintenance.
- The RISE grant application was modified to accurately reflect the Authority’s and the City’s relative responsibilities for the Project. The City is unable to make certifications, commitments, and physical and financial commitment of resources, as this is an Authority Project. Prior to the RISE grant agreement being executed, there was a need for an agreement between the City and the Authority to address obligations of the grant agreement.
- This first amendment to the agreement between the City and the Authority is required because it was initially thought that none of the proposed Phase 2 and 3 improvements would encroach into City’s right-of-way. However, as design progressed it was determined that some of the work, comprised of sanitary sewer, storm sewer and curb and gutter replacement, would be within the City’s right-of-way which has resulted in the need for the amendment.

- Included with this first amendment to the agreement are the private construction contract and performance, payment and maintenance bond for the work that will be done within the City’s right-of-way.
- Once completed, the Phases 2 and 3 will construct vehicular access to the Airport’s parking garage structure and will construct the roadway lanes that will be in front of the future terminal. These lanes will connect to the existing curbside terminal lanes at the end of construction but will be used as the future curbside lanes when the new terminal is constructed. Phases 2 and 3 improvements comprise of the roadway shown in pink in the below “Site and Project Plan”.
- Phase 2 and 3 Improvements were bid by the Authority with the low bidder being Elder Corporation. The bid amount for the portion of improvements being constructed within City right-of-way was \$166,162.50.
- After completion of the Project, the roadways within the Authority’s lease will be under the jurisdiction of the Authority, solely maintained by the Authority, but open for public use.
- The Authority’s Board authorized approval of this first amendment private construction contract and performance, payment and maintenance bond at its February 8, 2022 meeting.
- The Authority is fully responsible for the Project, all costs, and all obligations included in the IDOT RISE Agreement. The original agreement, as amended, between the City and the Authority confirms this relationship and obligations.



**PREVIOUS COUNCIL ACTION(S):**

Date: October 4, 2021

Roll Call Number: [21-1456](#)

Action: [Approve](#) and authorize addendum to Iowa Department of Transportation (IDOT) Agreement 2020-R-014 for a Revitalize Iowa's Sound Economy (RISE) Project and related agreement between the City of Des Moines and Des Moines Airport Authority for the Cowles Drive Reconstruction Program (Phases 2 and 3) at the Des Moines International Airport. ([Council Communication 21-415](#)) Moved by Gatto to adopt. Motion carried 7-0.

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

Board: Des Moines Airport Authority Board

Date: February 8, 2022

Resolution Number: N/A

Action: Motion by Lauridsen-Sand to approve the first amendment to the Agreement between the City of Des Moines and the Des Moines Airport Authority (the Authority) Regarding the Iowa Department of Transportation (IDOT) Revitalize Iowa's Sound Economy (RISE) Grant to the Des Moines Airport Authority. Seconded by Levy. Approved 5-0.

Board: Des Moines Airport Authority Board

Date: February 8, 2022

Resolution Number: N/A

Action: Motion by Levy to approve the private construction contract and bond with Elder Corporation for Phases 2 and 3 of the Cowles Drive improvements. Seconded by Lauridsen-Sand. Approved 5-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

- Acceptance of completed improvements within the City right-of-way.
- The Authority intends to complete the Cowles Drive Reconstruction Program in multiple phases over several years; therefore, subsequent amendments to the RISE funding agreement and/or subsequent RISE grant applications and agreements are anticipated to be requested for future approval by the Council.

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