


**TO:** Michael C. Van Milligen, City Manager

**FROM:** Gus Psihoyos, City Engineer 

**DATE:** September 25, 2015

**SUBJECT:** Upper Bee Branch Creek Restoration Project  
Upper Bee Branch Creek Mississippi River Trail (MRT)  
Iowa DOT Project No. SB-IA-2100(675)—7T-31  
(CIP#7201654 & 3401654)

**INTRODUCTION**

The purpose of this memorandum is to seek authorization to award the construction contract for the Upper Bee Branch Creek Mississippi River Trail Project.

**BACKGROUND**

On April 4, 2011 the City Council adopted Resolution 114-11 approving the River Enhancement Community Attraction and Tourism (RECAT) grant agreement with the Vision Iowa Board. Per the terms of the agreement, the City is to receive \$2,250,000 for project improvements and amenities associated with the Bee Branch Creek Restoration Project, which includes \$250,000 for the hike/bike trail to be constructed from Garfield Avenue to E. 24<sup>th</sup> Street. This trail is also known as the Bee Branch Creek Mississippi River Trail (Bee Branch MRT).

In August of 2011, the City of Dubuque was awarded a National Scenic Byways grant in the amount of \$1,000,000 for the Bee Branch MRT. The current on-street bike route of the national Mississippi River Trail will be converted to an off-road bike/hike trail that will be located in the linear park along the daylighted Bee Branch Creek. The Bee Branch Creek MRT Route will incorporate bike/hike trails, lighting, benches, trees, sustainable landscaping, parking, a waterfall overlook, and an amphitheatre/outdoor classroom.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), enacted in 2005, continued the National Scenic Byways Program. Federal regulations provide that federal funds for the National Scenic Byways Program are to be administered by the Iowa Department of Transportation.

Iowa Code Sections 306A.7 and 307.44 provide for the City of Dubuque and the Iowa Department of Transportation to enter into agreements with each other for the purpose of financing transportation improvement projects in Iowa with Federal funds. The City of

Dubuque proposed the Upper Bee Branch Creek Restoration Project as a National Scenic Byway (NSB) project for funding under Sec. 162 of Title 23, United States Code.

State Recreational Trail (SRT) funding is available per Iowa Code Chapter 465B and the City of Dubuque's application to use these funds was approved by Transportation Commission Order No. PPM-2012-12 on October 11, 2011. The funding will be used in conjunction with the National Scenic Byways funds to construct the Bee Branch MRT Project.

In September of 2014 the City Council passed Resolution 270-14 authorizing the execution of the Grant Agreement with the Iowa Department of Transportation. Per the Grant Agreement, the City will receive \$1,000,000 in National Scenic Byways funding and \$100,000 in State Recreational Trails funding for the Bee Branch MRT Project.

### **DISCUSSION**

The Upper Bee Branch Creek Restoration Project (Phase 7 of the Bee Branch Watershed Flood Mitigation Project) will be constructed through multiple contracts. The Upper Bee Branch Creek Mississippi River Trail (Bee Branch MRT) is the third contract.

The improvements associated with this contract are to convert the current on-street bike route of the National Mississippi Trail to an off-road bike/hike trail that will be located in the linear park along the daylighted Bee Branch Creek. The Bee Branch MRT Route will incorporate bike/hike trails, lighting, benches, trees, sustainable landscaping, parking, a waterfall overlook, and an amphitheatre/outdoor classroom.

Due to the use of National Scenic Byways and State Recreation Trails funding to help fund the improvements, the project must be let through the Iowa Department of Transportation (Iowa DOT) who administers these funds on behalf of the federal and state governments respectively.

### **BID RESULTS**

The bid letting was held by the Iowa Department of Transportation (Iowa DOT) on September 15, 2015. Portzen Construction, Inc. of Dubuque, Iowa submitted the sole bid in the amount of \$1,823,521.58. This amount is 14.2% below the estimate of probable cost.

### **RECOMMENDATION**

I recommend that the contract for the Upper Bee Branch Creek Mississippi River Trail Project, Iowa DOT Project No. SB-IA-2100(675)—7T-31, be awarded to Portzen Construction, Inc. of Dubuque, Iowa in the amount of \$1,823,521.58, subject to Iowa DOT approval of award.

### **BUDGET IMPACT**

The estimate of probable costs for the Upper Bee Branch Creek Mississippi River Trail Project is as follows:

	<b>Estimate</b>	<b>Award</b>
Construction	\$2,125,776.00	\$1,823,521.58
Contingency	106,289.00	106,289.00
Engineering	<u>334,810.00</u>	<u>334,810.00</u>
<b>Total Project Cost</b>	<u>\$2,566,875.00</u>	<u>\$2,264,620.58</u>

The project will be funded by the Fiscal Year 2016 appropriation in the amount of \$43,359,000 for the Bee Branch Creek Restoration Project – Phase 4 and Phase 7 of the Bee Branch Watershed Flood Mitigation Project [CIP#7201654].

Project funding includes \$1,000,000 from a National Scenic Byways grant, \$250,000 from a RECAT grant, and \$100,000 from a State Recreation Trails grant.

**ACTION TO BE TAKEN**

I respectfully request adoption of the attached resolution awarding the construction contract for the Upper Bee Branch Creek Mississippi River Trail Project to Portzen Construction in the amount of \$1,823,521.58, subject to the Iowa DOT approval of award.

Attach.

Prepared by Deron Muehring, Civil Engineer II

Cc: Barry Lindahl, City Attorney  
Teri Goodmann, Assistant City Manager  
Jenny Larson, Budget Director  
Ken TeKippe, Finance Director  
Marie Ware, Leisure Services Manager  
Don Vogt, Public Works Director  
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Debra Arp, Grant Program Administration Team Leader, Iowa DOT  
Mary Stahlhut, Iowa Byways Program Manager, Iowa DOT