


TO: Michael C. Van Milligen, City Manager
FROM: Gus Psihoyos, City Engineer 
DATE: October 14, 2014
SUBJECT: Upper Bee Branch Creek Restoration Project,
429 Rhomberg Stabilization Project
(CIP# 3401654)

INTRODUCTION

The purpose of this memo is to seek approval to award a contract for the 429 Rhomberg Stabilization Project.

BACKGROUND

The Bee Branch Creek Restoration Project requires a permit from the U.S. Army Corps of Engineers (USACE). The issuance of a federal permit constitutes a federal action. Therefore, the Bee Branch Creek Restoration Project must meet the federal requirements set forth in 36 CFR Part 800, Section 106 (Section 106). The stated goal of Section 106 is to assure that "no unnecessary harm comes to historic properties as a result of a federal action."

In 2009, Architectural Historian James Jacobsen evaluated 429 Rhomberg and concluded that it meets the criteria for being listed on the National Register of Historic Places due to distinctive architectural characteristics. According to the U.S. Department of the Interior National Park Service, the National Register of Historic Places is "the official list of the Nation's historic places worthy of preservation."

Due to the potential effect on historic buildings such as 429 Rhomberg, the Bee Branch Creek Restoration Project could not move forward until procedures, stipulations, and acceptable mitigation measures were established to take into account those potential effects. This was accomplished through the execution of a Programmatic Agreement (PA) among the U.S. Army Corp of Engineers, the Iowa Department of Natural Resources, the State Historic Preservation Officer, and the City of Dubuque as authorized by the City Council in April of 2010 (Resolution 92-10).

Per the terms of Programmatic Agreement (PA) among the U.S. Army Corp of Engineers, the Iowa Department of Natural Resources, the State Historic Preservation Officer, and the City of Dubuque, the City of Dubuque is obligated to protect 429 Rhomberg from both direct and indirect adverse effects that can be reasonably foreseen

due to the construction of the Bee Branch Creek Restoration Project. Further, the City is obligated to develop treatment measures to minimize and/or mitigate those effects.

Per the Programmatic Agreement, City staff inspection of 429 Rhomberg and discovered structural issues with the building. Of specific concern was the roof and parapet. The later was specifically mentioned in the architectural historian's report that established the historic significance of the building. Because the Bee Branch Creek Restoration Project involves driving support structures (piles) for a bridge within 50 feet of 429 Rhomberg, it is "reasonably foreseeable" that the vibration to occur during construction of the bridge will adversely impact 429 Rhomberg. Therefore, per the Programmatic Agreement the City is obligated to devise treatment measures to minimize the effect that construction will have on the building.

In order to facilitate timely, cost-effective stabilization, the City Council adopted Resolution 327-13 authorizing the acquisition of 427-429 Rhomberg for \$130,000.00 thought to be less than the actual value of the property based on the appraised value of similar property in the area. For example, 420 Garfield Avenue and 422 Garfield Avenue, both one block to the south, were appraised at \$138,000.00 and \$228,000.00 respectively. The sale of 429 Rhomberg was completed on November 20, 2013.

On September 15, 2014 the City Council adopted Resolution 294-14 initiating the public bidding process and establishing the date of a public hearing for the 429 Rhomberg Stabilization Project.

On October 6, 2014 the City Council adopted Resolution 314-14 approving the plans, specifications, form of contract, and estimated cost for the Rhomberg Stabilization Project.

DISCUSSION

The Project involves the removal (deconstruction) of the steel sided building addition and to stabilize or otherwise "mothball" the original 3-story masonry building to a weatherproof condition that can be maintained until such time when it will be fully developed following construction of the Upper Bee Branch Creek Restoration Project. The stabilization will be done in conformance with the U. S. Department of the Interior's guidelines to ensure the building retains its eligibility for historic rehabilitation tax credits.

The work includes masonry repair (patching and/or limited replacement) and tuck-pointing, a complete roof membrane and insulation system removal and replacement, temporary existing opening wall infill, and other selective building envelop repair. The work also includes removal and salvage of the existing metal cornice at the top of the parapet, and steel fire escapes and ladders for potential future restoration and reinstallation.

Finally, the work includes the deconstruction and removal of 427 Rhomberg, the attached, adjacent building to the west, and the infill of the common wall that currently exists between the two buildings.

The City received and opened two bids on October 14, 2014. They are as follows:

<u>Contractor</u>	<u>Bid Results</u>
R&W Restoration, LLC	\$ 170,750.00
Klauer Construction Company	\$ 212,553.50

RECOMMENDATION

I recommend awarding the contract for the 429 Rhomberg Stabilization Project in the amount of \$170,750.00 which is 6.60% below the Engineer's estimate of probable cost.

BUDGET IMPACT

The estimate of probable costs for the 429 Rhomberg Stabilization Project is as follows:

	<u>Estimate</u>	<u>Award</u>
Construction	\$ 182,817.00	\$ 170,750.00
Contingency	36,564.00	36,564.00
Engineering	<u>36,500.00</u>	<u>36,500.00</u>
Total Project Cost	\$ 255,881.00	\$ 243,814.00

The work will be completed using funds established for the \$200 million Bee Branch Watershed Flood Mitigation Project.

ACTION TO BE TAKEN

I respectfully request adoption of the attached resolution awarding the contract for the 429 Rhomberg Stabilization Project to R&W Restoration, LLC of Dubuque, Iowa in the amount of \$170,750.00.

Attach.

Prepared by Deron Muehring, Civil Engineer II

cc: Barry Lindahl, City Attorney
Jenny Larson, Budget Director
Ken TeKippe, Finance Director
Deron Muehring, Civil Engineer II