

Minnehaha Creek Watershed District

REQUEST FOR BOARD ACTION

MEETING DATE: August 22, 2019

TITLE: Ordering of the Wassermann Lake Park Project and Authorization to Execute a Design and Construction Oversight Contract

RES. NUMBER: 19-073

PREPARED BY: Anna Brown

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REVIEWED BY: Administrator Counsel Program Mgr.: Michael Hayman
 Board Committee Engineer Other

WORKSHOP ACTION:

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date):_____	<input type="checkbox"/> Refer to taskforce or committee (date):_____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other (specify): Seeking approval at August 22, 2019 Board Meeting	

PURPOSE or ACTION REQUESTED:

- Formal ordering of the Wassermann Lake Park Project
- Authorization to execute a contract with Aune Fernandez Landscape Architects for design and construction oversight services for the Wassermann Lake Park Project

PROJECT/PROGRAM LOCATION:

Lake Wassermann, Victoria, MN

PROJECT TIMELINE:

- August 2019: Initiate final design services
- December 2019: 90% design approval
- January/February 2020: Project bidding
- Spring/Summer 2020: Project construction

PROJECT/PROGRAM COST:

Fund name and number: Wassermann West 300-3153
 Current Budget: \$270,000 (Design only. Construction administration in 2020 budget)
 Expenditures to date: \$1,685.00
 Total contract amount: \$304,266.00 (Design \$248,634.00; Construction administration \$55,632.00)
 Estimated District obligation: \$152,133.00

PAST BOARD ACTION:

February 23, 2017 Authorization for the District to acquire the Wassermann West property (17-014)
 May 11, 2017 Approval of cooperative agreement with the City of Victoria (17-035)
 November 17, 2017 Approval of design contract for park design and alum feasibility (17-071)

May 23, 2019
June 25, 2019

Approval of second cooperative agreement with the City of Victoria (19-063)
Authorization to release RFP for design services (19-069)

SUMMARY:

The Minnehaha Creek Watershed District (District) and the City of Victoria (City) have established a shared goal of developing a park and natural resource improvement on Wassermann Lake. The site for the project, commonly referred to as Wassermann West, was acquired by the District in 2017. Prior to closing on the land, the City and District entered into a cooperative agreement memorializing the agencies' mutual interest in developing a plan for recreation amenities and natural resource improvements on site. Specific terms of the agreement provided for the following:

- The District's acquisition of the property
- The City and District's development of a purchase agreement providing for the District's conveyance of the property to the City subject to reservation of an easement over the wetland area
- The City and District's cooperation in the development of preliminary plans for property improvements for recreation and conservation purposes
- The City being responsible for the costs of construction for all park amenities, while the District funds the natural resource improvement components of the project

Under that cooperative agreement, the City and District engaged in a collaborative design process which established a shared vision for the site. Upon completion of the Park Concept Plan, the two agencies worked together to develop mutually agreeable terms to advance the project through final design and construction. On May 23, 2019, the MCWD Board of Managers approved a second phase cooperative agreement, which modified some terms of the initial agreement and created the framework within which the parties would advance the project to completion. The Board further authorized staff to prepare a design and construction oversight scope of work for Board review and approval.

Design Services RFP

Under the second cooperative agreement, the District and City share equally in the costs of developing final design and construction documents and in providing construction oversight for project implementation. On June 25, 2019, the Board authorized staff to release a Request for Proposals (RFP) for design services for the project. The RFP was released on June 28, 2019 and closed on July 22, 2019.

The District received a total of 12 responses to the RFP from qualified firms, indicating a high level of interest in the project. Proposals were evaluated by a team of District and City staff. Using an evaluation matrix that numerically ranked applicants on project approach and understanding, innovation and creativity, experience, and cost, the team narrowed the proposals down to three finalists selected for interviews – Damon Farber Landscape Architects, Hoisington Koegler Group, Inc (HKGi), and Aune Fernandez Landscape Architects (AFLA). Following the interviews, the team unanimously selected AFLA as the recommendation to the Board for contract approval.

AFLA's proposed fee is \$248,643.00 for design and project bidding and \$55,632.00 for construction administration. The construction administration fee is budgeted for in 2020. The contract costs are to be shared between the two agencies, except that, per the cooperative agreement, the City shall be solely responsible for the cost of shelter architecture and the District shall be solely responsible for the cost of restoration design.

In accordance with Minnesota Statutes §13.591, subdivision 3(b), the submitted proposals will not be part of the public record until the contract has been executed. A copy of the three finalists' proposals will be distributed to the Board for review via email prior to the August 22, 2019 meeting.

Project Budget

Project cost estimates were developed as a component of the concept plan development process. The estimated cost of construction based on the concept plan was approximately \$1.7 million, with an additional \$300,000 allocated to natural resource investments, including wetland vegetation enhancements and stream channel restoration. The \$1.7 million is allocated entirely to the City and the \$300,000 to the District. Both entities have built an additional 20% contingency into project cost estimates for budgeting purposes. The next phase of design is intended to substantially conform to the concept design in both layout and project costs, while allowing for modifications through development of the detailed design elements and the overall programmatic plan for the use of the site.

Project Ordering

The MCWD Watershed Management Plan (WMP) identifies the Wassermann Lake Project for the purpose of restoring the stream channel, shoreline and wooded bluff along Lake Wassermann; addressing phosphorus loading from a large on-site wetland; and creating recreational and educational opportunities for the public. In accordance with Minnesota Statutes 103B.251, before entering into a commitment to incur project costs for capital project design or construction, the Board of Managers must hold a public hearing and order the project on the basis of a finding that the project will advance the District's water resource goals and should proceed. The public hearing has been duly noticed for August 22, 2019 and will be held prior to Board's consideration of this request for action.

Timeline and Next Steps

Following contract approval, staff will commence an aggressive design schedule in order to bid the project in early winter in hopes of aligning with a favorable bid climate. Some key milestones will include:

- A public engagement meeting in late September
- Board and Council review of 60% design in mid-October
- Board and Council approval of 90% design in December
- Contract award in February 2020

Between the milestone reports to the Board, staff will provide interim design updates to the Policy and Planning Committee to ensure they are well informed of the design direction on the project.

Attachments

- Wassermann Lake Park Concept Plan

RESOLUTION

RESOLUTION NUMBER: 19-073

TITLE: Ordering of the Wassermann Lake Park Project and Authorization to Execute a Design and Construction Oversight Contract

- WHEREAS, the District and City identified the Wassermann West property (the Property), consisting of 33.5 acres of riparian land on the western shore of Wassermann Lake as an opportunity for coordinated project development to meet strategic goals of both the District and City by improving lake water quality, protecting and enhancing riparian wetland and shoreline, and affording public access to Wassermann Lake, among other potential project benefits; and
- WHEREAS, on February 23, 2017, the MCWD Board of Managers authorized the execution of a purchase agreement for the Property, with closing contingent on executing a cooperative agreement with the City providing for conveyance of the property to the City on completion of preliminary plans for public natural resource restoration and recreational improvements; and further authorized staff to develop a purchase agreement with the City as well as a design scope for water quality, ecological enhancement, and public access improvements;
- WHEREAS, on May 11, 2017, the MCWD Board of Managers authorized the execution of a cooperative agreement with the City of Victoria that included a purchase agreement with the City of Victoria for the eventual conveyance of fee title to the City for a cost of \$850,000;
- WHEREAS, on June 7, 2017, the District closed on the acquisition of the property for \$875,000 and now owns the property in fee;
- WHEREAS, on November 16, 2017, the MCWD Board of Managers authorized the execution of a contract to develop a park concept plan and preliminary feasibility for alum treatment on site;
- WHEREAS, on May 23, 2019, the MCWD Board of Managers approved the second cooperative agreement, approving the concept park plan developed by both parties, identifying shared interests and responsibilities in carrying the project forward through final design and construction, and authorizing staff to prepare a design and construction oversight scope for Board review and approval;
- WHEREAS, on June 25, 2019, The MCWD Board of Managers authorized the release of a request for proposals for design and construction administration services for Wassermann Lake Park, and on June 26, 2019, staff solicited proposals from a pool of consultants for those services;
- WHEREAS, the District may exercise its judgment in making decisions to retain professional services, and in this instance used a panel of City and District staff;
- WHEREAS, the evaluation panel reviewed the submittals and participated in an interview process and made its decision on the basis of project approach and understanding, innovation in proposed design and approach, team composition and experience, and proposal cost;
- WHEREAS, the evaluation panel received and evaluated 12 proposals according to this protocol and recommends the selection of Aune Fernandez Landscape Architects, and the Board of Managers concurs in the evaluation and the recommendation reached;

WHEREAS, in accordance with Minnesota Statutes § 103B.251, subdivision 3, the MCWD held a duly noticed public hearing on ordering of the Project on August 22, 2019, at which time all interested parties had an opportunity to address the Board on the question of the acquisition of the Property; and

WHEREAS, the Board of Managers finds that the Project will be conducive to public health and promote the general welfare, and is in compliance with Minnesota Statutes §§103B.205 to 103B.255 and the MCWD's Watershed Management Plan adopted pursuant to §103B.231;

NOW, THEREFORE, BE IT RESOLVED that pursuant to Minnesota Statutes § 103B.251 and the Watershed Management Plan, the Minnehaha Creek Watershed District Board of Managers orders the Project;

BE IT FURTHER RESOLVED that the MCWD Board of Managers authorizes the District Administrator, on advice of counsel, to execute a contract with Aune Fernandez Landscape Architects, for design and construction oversight services in the amount of \$304,266;

BE IT FINALLY RESOLVED that the MCWD Board of Managers establishes a Wassermann Lake Park design and construction budget in the not-to-exceed amount of \$335,000.00 and authorizes the Administrator, in his judgment, to authorize change orders obligating the District up to that amount.

Resolution Number 19-073 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: August 22, 2019.

Secretary Date: _____



CONCEPT PLAN