

**MEETING DATE:** August 25, 2016

**TITLE:** Authorization to contract for the Painter Creek cattle crossing repair

**RESOLUTION NUMBER:** 16-070

**PREPARED BY:** Renae Clark

**E-MAIL:** rclark@minnehahacreek.org

**TELEPHONE:** 952-641-4510

**REVIEWED BY:**  Administrator  Counsel  Program Director: James Wisker  
 Board Committee  Engineer  Other

**WORKSHOP ACTION:**

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

**PURPOSE or ACTION REQUESTED:**

Authorization to enter into a contract with Sunram Construction for a Painter Creek cattle crossing repair at 6325 and 6165 County Road 6 in Independence in the amount of \$59,834 and establish a not-to-exceed budget of \$ 64,034.

**PROJECT/PROGRAM LOCATION:**

6165 County Road 6, Independence – See attached map

**PROJECT TIMELINE:**

Fall 2016: Mobilize and begin construction in fall 2016 or as soon as water level conditions allow.

2017 – 2022: Pursuant to the Agreement with the landowners, MCWD is obligated to maintain the crossings function as a cattle crossing in accordance with its duty as the ditch authority for (5) years from the date of completion.

**PROJECT/PROGRAM COST:**

Fund name and number: FEMA, 3148 and PPLM, 2003  
Current budget: \$546,429  
Expenditures to date: \$111,388 (PPLM)  
Requested amount of funding: \$20,650 and \$21,684 respectively

Because the crossing was repaired by the District in 2008, and its disrepair is due in part to recent flooding, its reconstruction is eligible for Federal Emergency Management Agency (FEMA) funding which is being

coordinated by the District. FEMA has approved a reimbursement amount of \$20,650. The remaining funds needed for construction are \$21,684.

**Cost/Funding Summary**

<b>lowest base quote for construction</b>	<b>2016 MCWD Funding</b>	<b>FEMA funding</b>	<b>5-yr O &amp; M Quote</b>	<b>10% construction cost contingency</b>	<b>Requested amount of funding</b>
\$42,334	\$21,684	\$20,650	\$17,500 (3,500/yr)	\$4,200	\$64,034

**PAST BOARD ACTIONS:**

- Resolution 06-025: Acting under MN Statute 103 E.701 as the public drainage authority, the MCWD Board of Managers authorized the District to undertake repair of a cattle crossing of Painter Creek on property owned by Dean and Dawn Mooney, leased by Marvin Johnson.
- Resolution 15-060: Authorization of a Memorandum of Understanding with Marvin Johnson, Dean and Dawn Mooney and Hilltop Farm to perform conservation area planning and repair of a cattle crossing within an approximate 350 acre area over Painter Marsh within the City of Independence and authorization to contract with Wenck Associates for the design of a cattle crossing repair.
- Resolution 16-041: Authorization to execute an Agreement for the crossing repair and conveyance of conservation easements

**SUMMARY:**

The requested Board Action seeks authority for the District administrator to contract for repair of the cattle crossing over Painter Creek at 6165 County Road 6.

In April 2016 the Board of Managers authorized an Agreement between MCWD, Marvin Johnson, Dean and Dawn Mooney and Hilltop Farm under which the MCWD will receive perpetual conservation easements on eight parcels allowing the MCWD to perform habitat/wetland enhancement and manage hydrology on a large portion of Painter marsh and, in exchange, will repair an existing cattle crossing over the Painter Creek channel and maintain the crossing for five years. Because the existing crossing, which was repaired by the District in 2008, is in disrepair due in some measure to flooding and high water in 2014, its repair is eligible for Federal Emergency Management Agency (FEMA) funding which is being coordinated by the District. FEMA representatives have advised that the work is eligible for funding up to \$20,650. Work not covered by FEMA funding which totals \$21,684 for the repair will be funded from the District’s budgeted Project Maintenance and Land Management funds. An additional \$17,500 from those funds will be budgeted for yearly maintenance over the next five years.

Staff has solicited and received three quotes for the crossing repair. The quotes are summarized below and the complete quote tabulation is attached. Sunram Construction submitted the lowest quote and staff recommendation is to award the construction contract on that basis.

<b>Contractor</b>	<b>Base Quote</b>	<b>5 Yr. Maintenance</b>	<b>Total Quote</b>
Sunram Construction, Inc.	\$42,334	\$17,500	\$59,834
Blackstone Contractors, LLC	\$62,404	\$17,500	\$79,904
Minger Construction Companies, Inc.	\$58,944	\$34,750	\$93,694

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**DRAFT for discussion purposes only and subject to Board approval and the availability of funds. Resolutions are not final until approved by the Board and signed by the Board Secretary.**

**ATTACHMENTS:**

1. Project location map
2. Scope of work report
3. Crossing design
4. Contractor quote tabulation

## RESOLUTION

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**RESOLUTION NUMBER: 16-070**

**TITLE: Authorization to contract for the Painter Creek cattle crossing repair**

- WHEREAS, the Minnehaha Creek Watershed District has identified the Painter Creek subwatershed as a priority area for Capital Improvements in its 2007 watershed management plan (WMP);
- WHEREAS, under the watershed law and its WMP, the District is responsible to manage wetland and related surface water resources within its boundaries for public flood management, water quality and ecological benefits;
- WHEREAS, the District also serves as the drainage authority under Minnesota Statutes chapter 103E for public drainage systems within the watershed including Painter Creek (County Ditch 10);
- WHEREAS, the U.S. Army Corps of Engineers (USACE) has performed feasibility work for wetland and related water resource restoration within the Painter Creek subwatershed including Painter Marsh, and the USACE and the District are exploring opportunities to implement identified restoration work through cooperation and cost-sharing;
- WHEREAS, the Board of Managers authorized a memorandum of understanding (MOU) with Marvin Johnson, Dean and Dawn Mooney, and Hilltop Farm, owners of land underlying Painter Marsh, to explore means to achieve preservation and ecological improvement of Painter Marsh consistent with these parties' intent as to the maintenance, use and development of their properties and to prepare for repair of a cattle crossing over Painter Creek damaged by recent high water; and
- WHEREAS, staff, in consultation with Marvin Johnson, Dean and Dawn Mooney and Hilltop Farm, developed plans for a cattle crossing repair, along with easements to convey rights to MCWD and the U.S. Army Corps of Engineers on eight tracts owned by those parties to perform ecological restoration work within Painter Marsh;
- WHEREAS, the District, Marvin Johnson, Dean and Dawn Mooney and Hilltop Farm have entered into an agreement pursuant to which the District has assumed the obligation to repair the cattle crossing in exchange for conveyance of the easements;
- WHEREAS, the Board's governance policies and the municipal contracting law state that the District Administrator may not make a capital purchase over \$25,000 without obtaining written quotes or competitive bids, and District staff has solicited quotes for the crossing repair, including five years of maintenance; has received quotes from three contractors; Sunram Construction, Inc. has submitted a low quote of \$59,834; and the District finds that Sunram Construction, Inc. has the capacity and capability to perform the work.
- NOW, THEREFORE, BE IT RESOLVED, that the District Administrator is authorized, on advice of counsel, to enter into a contract with Sunram Construction in the amount of \$59,834 for the creek crossing repair and five years of maintenance; and
- BE IT FURTHER RESOLVED that the Board establishes a project budget for repair and maintenance in the not-to-exceed amount of \$64,034 and authorizes the District Administrator, in his judgment and on the recommendation of the District engineer, to authorize change orders obligating the District up to that amount.

Resolution Number 16-070 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: August 25, 2016.

Date: \_\_\_\_\_

Secretary



**LEGEND**

- |  |                         |  |   |
|--|-------------------------|--|---|
|  | EXISTING EASEMENT       |  | PREFERRED ACCESS ROUTE (15 FT WIDTH MIN)          |
|  | 944 CONTOUR EASEMENT    |  | ALTERNATE CHOICE 1 ACCESS ROUTE (15 FT WIDTH MIN) |
|  | 945.57 CONTOUR EASEMENT |  | ALTERNATE CHOICE 3 ACCESS ROUTE (15 FT WIDTH MIN) |
|  | OWNER CROSSINGS         |  |   |

#	DESCRIPTION	XXX	XXX	XX/XX/XX

REV	REVISION DESCRIPTION	DWN	APP	REV DATE

SEAL

PRIME CONSULTANT

Responsive partner. Exceptional outcomes.

PROJECT TITLE  
PAINTER MARSH EASEMENT ASSISTANCE

MINNEHAHA CREEK  
WATERSHED DISTRICT  
QUALITY OF WATER, QUALITY OF LIFE

SHEET TITLE PROPOSED PAINTER MARSH OVERALL EASEMENTS			
DWN BY MJS	CHK'D	APP'D	DWG DATE FEB 2016
PROJECT NO. 0185-0037	SHEET NO. FIGURE 1	SCALE AS SHOWN	REV NO.

## Scope of Work Report

July 26, 2016

### Painter Creek Crossing Repair

1. **PURPOSE:** An informal cattle crossing of a wetland area and the Painter Creek channel has existed at this location and pre-dates 1985. The land is owned by Marvin Johnson of Independence. The purpose of the crossing, which has consisted of a steel culvert and raised pathway, has been to allow cattle to reach grazing areas on both sides of the creek.

Beaver activity at downstream locations on the creek have at times obstructed adequate flow and have caused elevated water levels to remain in the wetland crossing area longer than normal. This has accelerated degradation and erosion of the crossing, especially when the elevated pathway is saturated during normal use.

This project restores the previous crossing and improves the ability of the channel to pass normal flows in the vicinity of the crossing.

2. **GENERAL BACKGROUND:** The Minnehaha Creek Watershed District (MCWD) is partnering with the land owner to restore the cattle crossing in exchange for conservation and access easements that will allow future restoration activities in Painter Marsh, including a new channel meander, vegetation management and other activities. This will improve the ecological value of the wetland and the Painter Creek channel. The channel has been ditched and straightened as part of the establishment of Hennepin County Ditch No. 10.

3. **SITE DESCRIPTION:**

#### 3.1 PAINTER CREEK CATTLE CROSSING PROJECT

Access to Project Site, Address: Hilltop Farms, Inc., 6325 Co. Rd. 6, Maple Plain, MN 55359

This address has been provided as a general location and is not the legal description.

##### 3.1.1 PAINTER CREEK CATTLE CROSSING PROJECT CONTRACT SERVICES:

MCWD will enter into an agreement for construction services of a CONTRACTOR to complete the restoration of the cattle crossing on the basis of quotations solicited from three qualified Contractors. Quotations will be based upon:

- a) The plan view design (Figure 1 dated February 2016 – attached)
- b) Fill material must not be frozen, fine grained and inorganic and meeting a Unified Soil Classification System class of CL-CH. Moisture content of fill material, when used, shall allow compaction to 95% standard Proctor density using machine rollers.
- c) Pre-construction: Two samples of the fill material will be submitted by Contractor to a soils testing laboratory for determining optimum moisture and Proctor densities and also sieve analysis.

- d) Four random samples will be collected by MCWD for laboratory density testing and compliance with compaction requirements.
- e) Contractor will select the soils laboratory and pay for laboratory testing and reporting.
- f) Fill will be placed at optimum moisture in 8-inch lifts and compacted
- g) A minimum of 16 inches of fill material will be placed on geotextile fabric underlying the embankment.
- h) Riprap must be Class III fieldstone, place at a thickness of 1.5\*D<sub>50</sub>. Riprap must be underlain by at least 6 inches of filter material meeting MnDOT 2511.2B1
- i) ¾ inch rock must be non-angular and durable stone
- j) Cattle slats should be Weiser Concrete (Maiden Rock, WI), or equivalent
- k) Elevation and alignment references will be provided by the Owner
- l) Erosion control must include erosion control blanket on all fill slopes, assume silt curtain during construction and other measures as directed to control erosion
- m) All disturbed areas must be dormant seeded using a seed mix designated by Owner
- n) Access to the project area will be through the property address shown above. The access route, from County Road No. ROW to the project location will be restored to pre-project conditions.

4. PRE-QUOTATION SITE MEETING AND SCHEDULE:

Three requests for a quotation will be sought. Before submitting a quotation, an onsite meeting will be held to view the site, review the work and answer any questions. Contractors are strongly encouraged to attend the meeting. The meeting is scheduled for 11:00 am, August 15, 2016, at 6325 Co. Rd. 6, Maple Plain, MN 55359. Quotations will be due by August 22, 2016 at Noon, CST. Since quotations will be sought from three Contractors that are considered qualified by MCWD, it is anticipated that the award will be based upon the lowest quotation.

Construction is anticipated to begin after the August 25, 2016 meeting of the Board of Managers, on or about September 1, 2016. Contractors should anticipate mobilization about that time.

5. PERMITS:

The Owner will acquire all necessary permits.

6. SUBMITTING QUOTE:

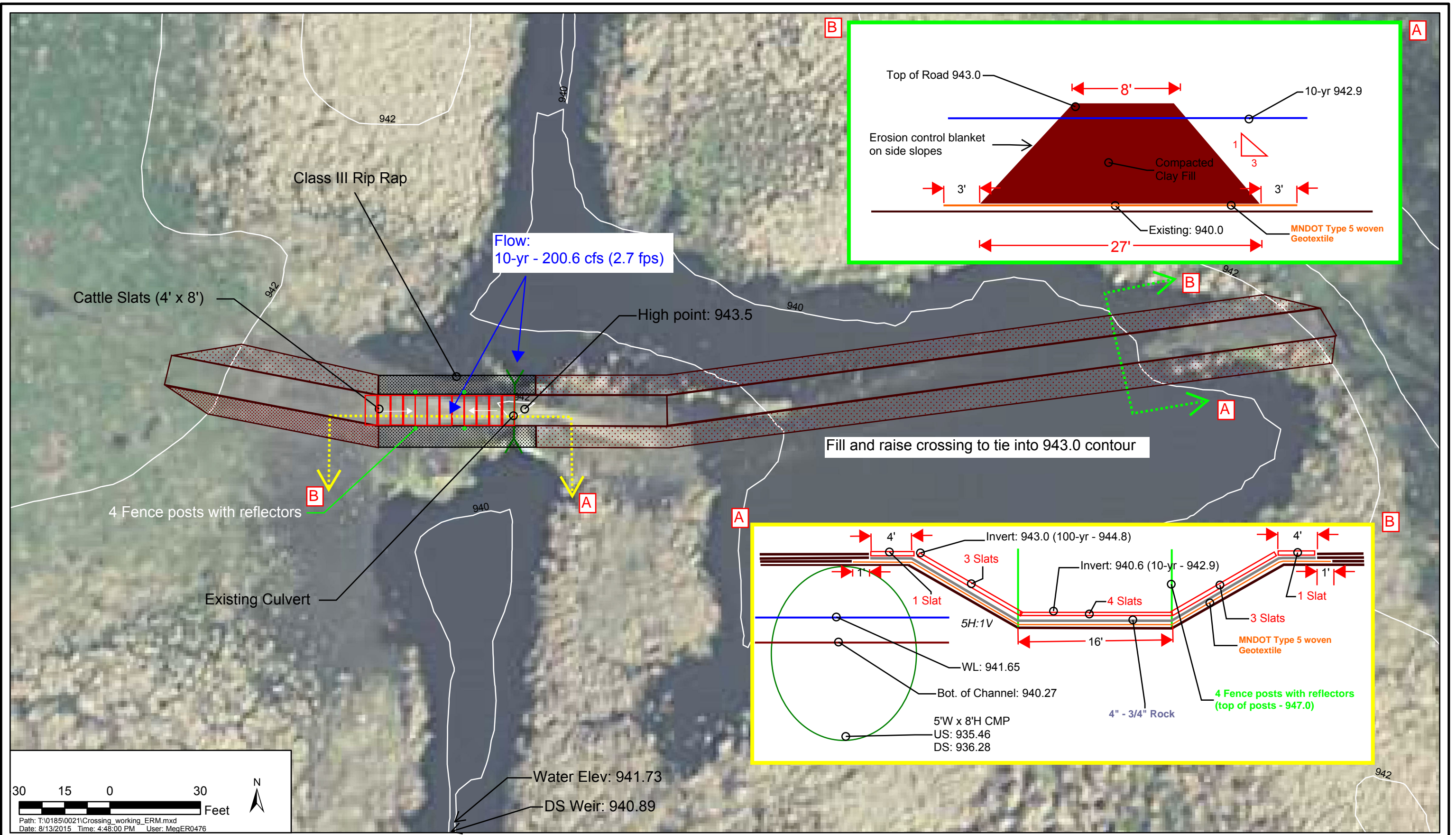
**Quote Due Date: August 22, 2016 at 12:00 Noon, CST .** Please submit a Quote Sheet (attached) to Renae Clark at rclark@minnehahacreek.org. Emailed quotes are acceptable.

**Quote is intended to be legally binding for 60 days**

Attachments

1. Figure 1 – Painter Creek Cattle Crossing Overview, Feb 2016
2. Appendix – Quote Sheet Revised
3. Contract Template
4. Performance Bond Template
5. Location Map Overview





MINNEHAHA CREEK WATERSHED DISTRICT

Painter Creek Cattle Crossing Overview



FEB 2016

Figure 1

**Quotes - Painter Creek Cattle Crossing August 22, 2016**

Item #	Description	Unit	Quantity	Sunram Construction		Blackstone Contractors		Minger Construction	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization/Demobilization	LS	1	3000	\$ 3,000.00	2500	\$ 2,500.00	3750	\$ 3,750.00
2	Erosion Control Measures	LS	1	2000	\$ 2,000.00	1200	\$ 1,200.00	5500	\$ 5,500.00
3	Erosion Control Blanket with Dormant Seed	SY	800	2.75	\$ 2,200.00	3	\$ 2,400.00	2.7	\$ 2,160.00
4	Site Grading	LS	1	3150	\$ 3,150.00	3500	\$ 3,500.00	4500	\$ 4,500.00
5	Fill	CY	475	23	\$ 10,925.00	75	\$ 35,625.00	30	\$ 14,250.00
6	Class III Riprap with Filter Material	CY	55	105	\$ 5,775.00	144	\$ 7,920.00	170	\$ 9,350.00
7	3/4" Crushed Rock (4 inches thick)	SY	42	26	\$ 1,092.00	14.5	\$ 609.00	37	\$ 1,554.00
8	6" Concrete Slats	SY	42	151	\$ 6,342.00	75	\$ 3,150.00	160	\$ 6,720.00
9	MNDOT Type 5 Woven Geotextile	SY	1400	3.25	\$ 4,550.00	2	\$ 2,800.00	2.5	\$ 3,500.00
10	Steel Fence Posts w/ reflectors	EA	4	50	\$ 200.00	50	\$ 200.00	40	\$ 160.00
11	Site and Access Restoration	LS	1	3100	\$ 3,100.00	2500	\$ 2,500.00	7500	\$ 7,500.00
	<b>SUB-TOTAL</b>				<b>\$ 42,334.00</b>		<b>\$ 62,404.00</b>		<b>\$ 58,944.00</b>
12	5-Year Maintenance	EA	5	3500	\$ 17,500.00	3500	\$ 17,500.00	6950	\$ 34,750.00
				<b>Total Price:</b>	<b>\$ 59,834.00</b>	<b>Total Price:</b>	<b>\$ 79,904.00</b>	<b>Total Price:</b>	<b>\$ 93,694.00</b>