



Nine Mile Creek Discovery Point
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MEMO

TO: Nine Mile Creek Board of Managers
FROM: Randy Anhorn
DATE: August 11, 2021
RE: Amend Engineer's Costs of Rosland Park Stormwater Filtration BMP Project

Background/Information

As discussed at several Board meetings, due to permitting issues and the evaluation of multiple Board-authorized design modifications, engineering costs for the Rosland Park Stormwater Filtration BMP Project are more than the \$172,000 authorized in Resolution 20-05 (attached) to complete preparation of final designs, plans and specifications and provide construction oversight for the Project.

As staff and the engineer have updated the managers on the development of the project, the managers acknowledged the increased work and costs and directed staff to continue to evaluate alternative design concepts (which was out of the original scope of work for the ordered project) and bring them back before the Board for review. The Board authorized staff to move forward on the selected design concept (2a) at its November 18, 2020, meeting.

Attached is a memo from Barr Engineering summarizing the engineering expenditures for the Rosland Park BMP project. As shown in Table 1 of the attached memo, total engineering expenditures for the project to date are \$261,560.05. The memo estimates an additional \$70,000 of engineering expenditures to work with the contractor and design team to reduce construction costs and provide construction observation and administration.

This results in a revised anticipated engineering costs of \$331,560, for the completion of final designs, plans and specifications and provide construction oversight for the Rosland Park Stormwater BMP Project.

Request

Staff recommends the managers ratify additional expenses incurred to date and authorize additional expenditures, together totaling \$160,000 and bringing the total engineering scope to \$332,000 for a final design, plans and specifications and construction oversight for the Rosland Park Stormwater BMP Project.

RESOLUTION 20-05

Nine Mile Creek Watershed District Board of Managers

Ordering the Rosland Park Best-Management Practice Project and Authorizing the President to Enter a Cooperative Agreement with the City of Edina

Manager Olson offered the following resolution and moved its adoption, seconded by Manager Hunker:

Whereas pursuant to Minnesota Statutes section 103B.231, subdivision 3, Nine Mile Creek Watershed District prepared and, in October 2017, adopted a watershed management plan entitled *Nine Mile Creek Watershed District: 2017 Water Management Plan* (the Plan), and the Plan included a 10-year capital improvements program;

Whereas the Plan called for updating NMCWD's 2010 use-attainability analysis for Lake Cornelia, and completing a use-attainability analysis for Lake Edina, and in 2019 the NMCWD engineer completed the Lake Cornelia and Lake Edina Water Quality Study (the Study), updating the 2010 analysis and adding analysis of Lake Edina;

Whereas the capital improvements program in the Plan calls for implementation of water-quality improvements recommended in the updated UAA and the Study recommended consideration of several measures to improve water quality in the lakes;

Whereas Lake Cornelia and Lake Edina are listed by the Minnesota Pollution Control Agency as impaired because of excess nutrients (phosphorus);

Whereas the City of Edina and NMCWD executed a memorandum of understanding on September 17, 2019, memorializing the parties' commitment to collaborating on development and implementation of water-resource protection and improvement projects in that portion of the city within the Nine Mile Creek watershed;

Whereas in spring 2020 NMCWD completed an application of alum to Lake Cornelia, and the city has undertaken efforts to improve water quality in the lake by managing curly-leaf pondweed, a significant source of phosphorus;

Whereas Edina owns and operates Rosland Park, a recreational and natural area that borders Lake Cornelia and is upgradient of Lake Edina;

Whereas NMCWD completed in June 2020 – with the benefit of input and guidance from Edina engineering, public works and parks staff – a study of the feasibility of various additional options for improving water quality in Lake Edina and Lake Cornelia, and the study recommended design, construction, and operation and maintenance of an above-ground three-chambered filtration system in Rosland Park, drawing water from Swimming Pool Pond in Rosland Park and discharging to Lake Cornelia (the Project), and the engineer estimates the cost of the Project at \$744,000, with a possible cost range of \$632,000 to

\$892,000, and the NMCWD engineer estimates that the Project would reduce phosphorus loading to the lakes by an average of approximately 22 pounds each year;

Whereas NMCWD is pursuing grant funding for the Project;

Whereas the NMCWD Board of Managers, pursuant to Minnesota Statutes section 103B.251, subdivisions 3 and 4, duly noticed and conducted a public hearing on July 15, 2020, on the Project, to provide all interested parties with an opportunity to comment, and no comments were submitted;

Whereas NMCWD and the City of Edina have completed negotiation of a cooperative agreement authorizing use of Rosland Park by NMCWD for the Project and allocating costs of and responsibilities for construction, operation and maintenance of the Project, and the final draft agreement is attached to and incorporated into this resolution as Exhibit A;

Whereas NMCWD is authorized by Minnesota Statutes section 471.59 to enter into a cooperative agreement with Edina for the Project; and

Whereas the NMCWD Board of Managers finds that the construction and operation of the Rosland Park BMP Project is in accordance with watershed law and conducive to public health and the general welfare, and will serve the best interests of the public and water resources in the Nine Mile Creek watershed.

NOW THEREFORE BE IT RESOLVED that the NMCWD Board of Managers orders the Rosland Park BMP Project, and directs that NMCWD's costs thereof be funded through a watershed-wide levy, except as may be set off by grant funding received;

BE IT FURTHER RESOLVED that the board authorizes the NMCWD engineer to complete preparation of final designs, plans and specifications for the Rosland Park BMP Project and provide construction oversight for the Project at a cost not to exceed \$172,000;

BE IT FURTHER RESOLVED that the board directs the NMCWD administrator to utilize final designs, plans and specifications to seek contractor quotes for the Project in accordance with applicable public procurement law, and to timely present a contract or contracts for the work necessary to complete the Project to the board for approval; and

BE IT FINALLY RESOLVED that the board authorizes the president, on advice of counsel and with such nonsubstantive changes as counsel and the administrator may recommend, to execute the cooperative agreement with Edina attached as Exhibit A on behalf of NMCWD.

The question was on the adoption of the resolution and there were 5 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
CUTSHALL	X			
HUNKER	X			
OLSON	X			
PETERSON	X			
SHEELY	X			

Upon vote, the chair declared the resolution adopted.

* * * * *

I, Erin Hunker, secretary of the Nine Mile Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with NMCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this 19th day of August, 2020.



Erin Hunker, Secretary

Exhibit A
Cooperative Agreement Between
City of Edina and Nine Mile Creek Watershed District
for the
Rosland Park Best Management Practice Project