



## ITEM REPORT CITY COUNCIL

Agenda Date: 8/20/2024  
Agenda Section: Consent Agenda

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**Department Origination:** Public Works

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**Agenda Item:** Approve MNL, Inc. Change Order No. 1 for the Whiskey Creek Planting Plan Project, Municipal Project Number 200292, for No Net Change in Contract Price

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**Approval Required:** Simple Majority Vote

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### **BACKGROUND**

#### **Phase 1 – Pre-Design Site Investigation:**

The City of Baxter entered into an agreement with HR Green on November 17, 2021 to perform Phase 1 pre-design property investigations within an approximately 13-acre area within the Good Samaritan Society parcel (abandoned golf course between Golf Course Drive and Cypress Drive, north of Excelsior Road) proposed for acquisition. A Phase I Environmental Report was completed and limited site investigation sampling had identified areas of mercury contamination in soils surrounding some of the golf course greens. To further develop the property, the contaminated soils needed to be removed. Two amendments were granted for HR Green's team to further delineate the extent of the contaminated soil, complete required MPCA testing for landfill disposal, and additional project management and coordination costs incurred during that period. Total Phase 1 contract costs were \$99,666.00.

#### **Phase 2 – Design & Construction Engineering Services:**

The City of Baxter entered into an agreement with HR Green on February 15, 2022 to perform Phase 2 design and construction engineering services for a stormwater practice within the 13-acre Good Samaritan Society parcel. Services by HR Green and SEH, Inc. as a subcontractor included project management, meetings, creating a project website, public meetings, preliminary design, hydrologic, hydraulic and water quality modeling, permitting, a design report, cost estimates, final design, preparing bid documents and addenda, advertising, bidding, preparing contractor documentation, and construction services. Included in the original construction services scope were two change orders, work on the 13-acre parcel, turf establishment plans as part of the overall plan set, and construction services ending in 2023. This total contract is \$343,399.00.

#### **Phase 3 – Plantings and Turf Establishment:**

At the 11/21 City Council meeting, Council approved an amendment to HR Green's contract that added a 3<sup>rd</sup> phase to the services. This phase covers the development of a plan set and specifications for a separate Planting Plans project to occur in spring 2024 at the Whiskey Creek site, as well as assistance with the bid process and construction administration services for the project.

At the 12/19 City Council meeting, Council approved the 100% plans for the Planting Plans project and authorized a request for quotes. Quotes for the above referenced project were obtained at 3:00 P.M. on February 7, 2024 by email.

At the 3/19 City Council meeting, Council accepted the lowest submitted revised quote for the Planting Plan project, submitted by MNL at a value of \$119,342.30. A 10% contingency was added to this number (+ \$11,934.23), and the SWCD pledged an additional \$2,000 towards the project. The total Planting Plan project cost after these changes was \$5,876.53 above the previously budgeted funds. Council approved an amendment to the Stormwater Enterprise Fund that included funds for this budget increase.

Change Order No. 1 is being proposed to Council this month. Consultation between the City, SWCD, MNL and HR Green resulted in a change from seeding near the water's edge requiring basin dewatering to the installation of plugs under the normal water level. The dewatering line item was removed, and a line item for installation of shoreline and aquatic plants has been added. MNL was also directed to remove the silt fence at the water's edge installed during the construction project to create space for the seeding and stabilization work. This line item has also been added. Erosion control blanket was substituted for hydraulic mulch matrix in the turf grass areas, and the Hydraulic Mulch Matrix line item has been removed. These changes result in no net change to the contract amount, and the contractor has completed much of the work described here.

**FINANCIAL IMPLICATIONS**

None.

**STAFF RECOMMENDATIONS**

The Utilities Commission and Staff recommend approval of MNL, Inc. Change Order No. 1 with no change to project costs.

**COUNCIL ACTION REQUESTED**

**MOTION** to approve MNL, Inc. Change Order No. 1 for the Whiskey Creek Planting Plan Project, Municipal Project Number 200292 for no net change in contract price.