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# RCWD BOARD OF MANAGERS REGULAR MEETING AGENDA

Wednesday, March 13, 2024, 9:00 a.m.

Shoreview City Hall Council Chambers  
4600 North Victoria Street, Shoreview, Minnesota

or via Zoom Meeting:

<https://us06web.zoom.us/j/89852143480?pwd=xbFqw1klPCLoVLkFSxhzMgb2hvK9yY.1>

Meeting ID: 898 5214 3480

Passcode: 253138

+1 312 626 6799 US (Chicago)

Meeting ID: 898 5214 3480

Passcode: 253138

## Agenda

**CALL TO ORDER**

**ROLL CALL**

**SETTING OF THE AGENDA**

**APPROVAL OF MINUTES: FEBRUARY 28, 2024, REGULAR MEETING**

**CONSENT AGENDA**

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

**Table of Contents-Permit Applications Requiring Board Action**

No.	Applicant	Location	Plan Type	Recommendation
24-006	MnDOT	Roseville	Final Site Drainage Plan Street & Utility Plan	CAPROC 3 items

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations, dated March 5, 2024.*

**Water Quality Grant Program Cost Share Application (Molly Nelson) (Page 41)**

No.	Applicant	Location	Project Type	Eligible Cost	Pollutant Reduction	Funding Recommendation
R24-02	St. Michaels Lutheran Church	Roseville	Raingarden	\$15,860.00	Volume: 88% TSS: 82% TP: 79%	50% cost share of \$7,500 not to exceed 50%; or \$7,500 whichever cost is lower

*It was moved by Manager \_\_\_\_\_ and seconded by Manager \_\_\_\_\_, to approve the Water Quality Grant consent agenda as outlined in the above table, in accordance with RCWD Staff's Recommendation based on established program guidelines, dated March 13, 2024.*

**OPEN MIC/PUBLIC COMMENT**

*Any RCWD resident may address the Board in his or her individual capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.*

**ITEMS REQUIRING BOARD ACTION**

1. Citizen Advisory Committee Member Appointment, Vacant Anoka County Position (Kendra Sommerfeld)
2. JACON LLC Partial Pay Request #4 – AWJD 3 Branches 1, 2 & 4 Repair (Ashlee Ricci)
3. Houston Engineering, Inc. Task Order 2023-012 Additional Service Request (Ashlee Ricci)
4. Check Register Dated March 13, 2024, in the Amount of \$121,304.20 Prepared by Redpath and Company

**ITEMS FOR DISCUSSION AND INFORMATION**

1. District Engineers Update and Timeline
2. Administrator Updates
3. Manager's Update

## **ITEMS REQUIRING BOARD ACTION**

3. Houston Engineering, Inc. Task Order 2023-012 Additional Service Request (Ashlee Ricci)

**MEMORANDUM**  
**Rice Creek Watershed District**



**Date:** March 11, 2024  
**To:** RCWD Board of Managers  
**From:** Ashlee Ricci, Drainage & Facilities Manager  
**Subject:** Houston Engineering, Inc. Task Order 2023-012 Additional Service Request

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**Introduction**

Staff is seeking approval of an additional service request for Houston Engineering, Inc. (HEI) Task Order 2023-012 to address additional expended and contemplated effort in construction management for the Anoka-Washington Judicial Ditch 3 Branches 1, 2, and 4 (Phase 2) repair.

**Background**

On October 11, 2023, the Board approved HEI Task Order 2023-012 in the amount of \$80,500. The services included completing construction staking, as-built surveys, pre- and post-construction meetings, and construction management activities. The original task order noted a set number of hours needed to complete the tasks based on several assumptions, but that the amount of time may vary based on the performance of the contractor.

Due to the contractor’s construction operations and performance, additional effort has been expended by HEI’s on-site construction representative (RPR), the District Engineer, and District staff (owner representative). District staff and HEI anticipate continued additional effort needed through the completion of the project. The total additional effort is estimated to cost an additional \$39,500.

**Staff Recommendation**

District staff recommends proceeding with HEI Task Order 2023-012 Additional Service Request in the amount of \$39,500.

**Proposed Motion**

Manager \_\_\_\_\_ moves to authorize the Board President to execute the Additional Service Request for HEI Task Order 2023-012 in the amount of \$39,500.00 for additional expended and contemplated construction management efforts, bringing the total cost of the task order to \$120,000.00, seconded by Manager \_\_\_\_\_.

**Attachments**

HEI Task Order 2023-012 Construction Management - Additional Service Request, dated 03-11-2024  
HEI Task Order 2023-012 Construction Management, dated 10-11-2023

# MEMO



## ADDITIONAL SERVICE REQUEST

**To:** Nick Tomczik, RCWD  
**Date:** March 11, 2024  
**Cc:** File 5555-0332

**From:** Adam Nies, PE CFM  
**Through:** Chris Otterness, PE  
**Subject:** JD 3 Br 1, 2, & 4 Repair – Construction Management  
**Project No.:** R005555-0332

Houston Engineering, Inc. (HEI) entered into a contractual agreement, Task Order 2023-012, (i.e., AGREEMENT) to provide professional consulting services with the Rice Creek Watershed District. The AGREEMENT identifies various services to be performed in partial fulfillment of the contract and an agreed upon estimated compensation amount. The AGREEMENT identifies the services to be performed in return for estimated compensation in the amount of **\$80,500**. The purpose of this memorandum is for Additional Services to the original Scope of Services rendered by Houston Engineering under our AGREEMENT.

The initial Task Order identified construction observation as part-time, assuming 300 hours of construction observation. It also states that the amount of time necessary for inspection may vary based on performance of Contractor. The initial budget was set with assumptions for 2 change orders (there have been 6 to date), 3 pay requests (there have been 4 to date, anticipating 2 more), and 6 construction meetings (there were 5, anticipating 1-2 more).

Due to their construction operations and performance, the Contractor has proven to require more attention from RPR, Engineer, and Owner. At the time of substantial completion, our RPR staff have logged approximately 350 hours of observation and related duties. It is anticipated that an additional 30 hours will be required by RPR through project completion for final grading and seeding. The Project Engineer has been required to be much more heavily involved, approximating 100 hours more than initially budgeted (near double) to complete this project. This additional time is mainly due to Contractor performance including but not limited to inattentiveness to the contract plans and specifications, failure to follow public safety protocols, and an incident where multiple pieces of equipment being stuck in a wetland which led to unauthorized placement of fill and mitigation efforts. All of this required more coordination with Contractor and internal meetings between the Engineer and District staff.

The additional effort and coordination is considered to be outside of the original scope. The cost of additional effort expended and contemplated through completion of the project totals **\$39,500**. Therefore, HEI requests a change in project budget due to additional services to be provided. The original estimate of compensations was **\$80,500**. With the additional time expended and contemplated, the total estimated project fee is **\$120,000**.

# MEMO



## SIGNATURES:

The professional services described by this Additional Services Request are being provided in accordance with the Professional Services Agreement between the Rice Creek Watershed District and Houston Engineering dated May 14, 2008, and as amended and extended. This **Additional Services Request** shall be effective **immediately** as authorized by the signatures of representatives of the Rice Creek Watershed District and Houston Engineering, Inc.

### Rice Creek Watershed District

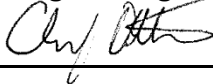
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

### Houston Engineering, Inc.

By:  \_\_\_\_\_

Name: Christopher C. Otterness, P.E.

Title: District Engineer

Date: March 11, 2024

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## SCOPE OF SERVICES



Task Order No. 2023-012  
Rice Creek Watershed District



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### Anoka Washington Judicial Ditch 3 Branches 1, 2, & 4 Construction Management

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#### RCWD Administrative Information:

Account No.: 80-21

Account Name: AWJD 3 Repair

Houston Engineering Project No.: R005555-332 Phase 002

#### Task Order Purpose:

The project purpose is to coordinate permitting, complete final design, prepare construction plans, prepare bid documents, and complete bidding on behalf of the RCWD for the repair of Anoka/Washington Judicial Ditch 3 (JD 3).

#### Professional Services Rendered:

HEI intends to provide the following professional services during the completion of this Task Order:

1. Provide construction staking for the open channel repairs. We anticipate setting the stakes once. Any additional re-staking is considered outside of the scope of this task order. Stakes will be set to define the tree clearing limits, channel depth of cut, culvert inverts, and similar items.
2. Create record drawings based upon an as-built survey.
3. Complete construction management activities including pre-construction meeting, processing field and change orders; recommending partial payments, and summarizing project progress for the District staff and Board.
4. Provide part-time construction observation for the project, assuming a construction schedule of 30 work days, and up to 300 hours of construction observation. The amount of time necessary for inspection may vary based on performance of Contractor.

#### Deliverables:

The deliverables for the Task Order consist of the following:

- Twelve pre- and post-construction meetings, including: two staff meetings with RCWD, two days of on-site meetings with landowners, six weekly construction meetings, a Pre Construction meeting, and a Project Closeout presentation at a Board of Managers meeting.

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## SCOPE OF SERVICES



Task Order No. 2023-012  
Rice Creek Watershed District



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### Anoka Washington Judicial Ditch 3 Branches 1, 2, & 4 Construction Management

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- Various contract documents including Change and Field Orders, Payment Certification, and Project Acceptance.
- Record Drawings.

#### **Schedule and Compensation:**

HEI will perform the professional services identified above on a time and materials basis. We recommend the RCWD budget an amount of **\$80,500** for the work described in this task order. HEI shall not exceed this amount without prior authorization from the Rice Creek Watershed District. **Attachment A** provides a summary of the probable cost per task. HEI reserves the right to move dollars across tasks, while remaining within / below the total amount identified by this Agreement.

#### **Assumptions:**

The estimated compensation for the execution of the tasks identified within the "Professional Services Rendered" section of this Task Order is based upon the following assumptions:

1. HEI will be responsible for construction observation. The estimated amount of observation time required by HEI is 300 hours, assuming part-time observation (assuming 12 week schedule).
2. The contractor is responsible for replacement of staking.
3. No permitting is required.



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SCOPE OF SERVICES



Task Order No. 2023-012  
Rice Creek Watershed District



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**Anoka Washington Judicial Ditch 3 Branches 1, 2, & 4 Construction Management**

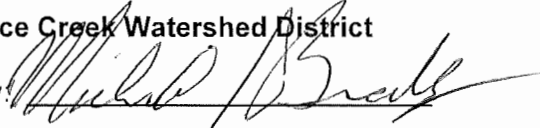
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**SIGNATURES:**

The services described by this Task Order are being provided in accordance with the Professional Services Agreement between the Rice Creek Watershed District and Houston Engineering dated May 14, 2008, as amended and extended. This **Task Order** shall be effective **September 1, 2023** as authorized by the signatures of representatives of the Rice Creek Watershed District and Houston Engineering, Inc.

**Rice Creek Watershed District**

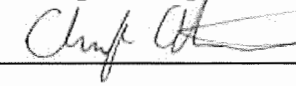
By: 

Name: Michael Bradley

Title: President

Date: 10-11-2023

**Houston Engineering, Inc.**

By: 

Name: Christopher C. Otterness, PE

Title: District Engineer

Date: October 5, 2023

Attachment A  
**ESTIMATED BUDGET**  
**JD 3 BR. 1, 2, 4 REPAIR CONSTRUCTION MANAGEMENT**



Rates ==>    \$194       \$176       \$188       \$149       \$127

Date Prepared: October 5, 2023  
 Date Revised:  
 Prepared by: C. Otterness  
 Checked by: A. Nies

**Total Estimated Labor    \$77,503**  
**Total Estimated Expenses    \$2,989**  
**Total Estimated Cost        \$80,491**

TASK DESCRIPTION	Principal In Charge	Project Manager	2-person Field Crew	Engineering Specialist	Engineer 2	Total	
						Hours	Dollars
Total Labor Hours ==>	CO 16	AN 132	JM/XX 48	JN 10	GM 320	526	
Total Labor Dollars ==>	\$3,096	\$23,285	\$9,029	\$1,485	\$40,608	\$77,503	
<b>JD 3 BR. 1, 2, 4 REPAIR CONSTRUCTION MANAGEMENT</b>	16	132	48	10	320	526	77,503
<b>Construction Management</b>	14	80	0	0	20	114	\$19,359
Contract Documents (includes up to 2 change orders)	4	20					
Pre-construction meeting (Engineer and Inspector)		4			4		
Processing Pay Requests (3 requests, include progress report)		12			12		
Weekly construction meetings (6)		12					
Coordination with RCWD during construction	8	12					
Coordination with City and landowners during construction	2	12					
Punch-list walkthrough		4			4		
Board Project Summary Presentation & Meeting		4					
<b>Staking &amp; Inspection</b>	2	52	48	10	300	412	\$58,144
Staking		4	32	2			
Construction Observation (12 weeks @25 hr/week)	2	45			300		
As-built Survey		1	16				
Record Drawings		2		8			

**Assumptions:**

1. HEI will set construction stakes once. The contractor is responsible for replacement of any disturbance of staking.
2. HEI is the lead on inspection activities.
3. Construction observation activities will be completed in 12 weeks.