

LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting Wednesday, October 18, 2023

Agenda Item

Item 4. C. xvii. - City of Burnsville - Willow Creek Stabilization final payment request

Prepared By

Linda Loomis, Administrator

Summary

The LMRWD received a request for final payment for the Willow Creek ravine stabilization project. Young Environmental Consulting Group reviewed the request for payment and inspected the project, on behalf of the LMRWD. A report of their findings is attached.

Attachments

Technical Memorandum – Burnsville 2021 Slope Project – Payment Request Review dated October 11, 2023

Recommended Action

No action is recommended at this time



Technical Memorandum

То:	Linda Loomis, Administrator Lower Minnesota River Watershed District
From:	Erica Bock, Water Resources Scientist Hannah LeClaire, PE, Project Manager
Date:	October 11, 2023
Re:	Burnsville 2021 Slope Project-Payment Request Review

At the September 15, 2021, Lower Minnesota River Watershed District (LMRWD) Board meeting, the managers approved a \$75,000 grant request from the City of Burnsville (City) for the 2021 Slope Project (also known as the Willow Creek Stabilization Project). The project proposed to stabilize the streambank of Willow Creek that was actively eroding and contributing sediment to a wetland within the LMRWD (Figure 1). The cost for the entire project was estimated to be \$462,395. The LMRWD cost share of \$75,000 would partially cover the material and installation costs of riprap, gabions, and anchored slope protection to stabilize the failing streambank. The project aligns with the LMRWD goals to protect, improve, and restore surface water quality. The LMRWD agreed to provide 90% of the grant at substantial completion and the final 10% at final restoration.

Willow Creek Payment Request

On February 23, 2022, the City submitted an invoice in the amount of \$67,500 (90% of the grant amount), along with the contract pay voucher and quantities. Young Environmental recommended paying the invoice, which was approved at the March 16, 2022, LMRWD Board meeting.

The City submitted a final invoice on September 20, 2023, for the amount of \$7,500 (10% of the grant amount) for final restoration (Attachment 1), which included tree plantings and final seeding.

Site Visit

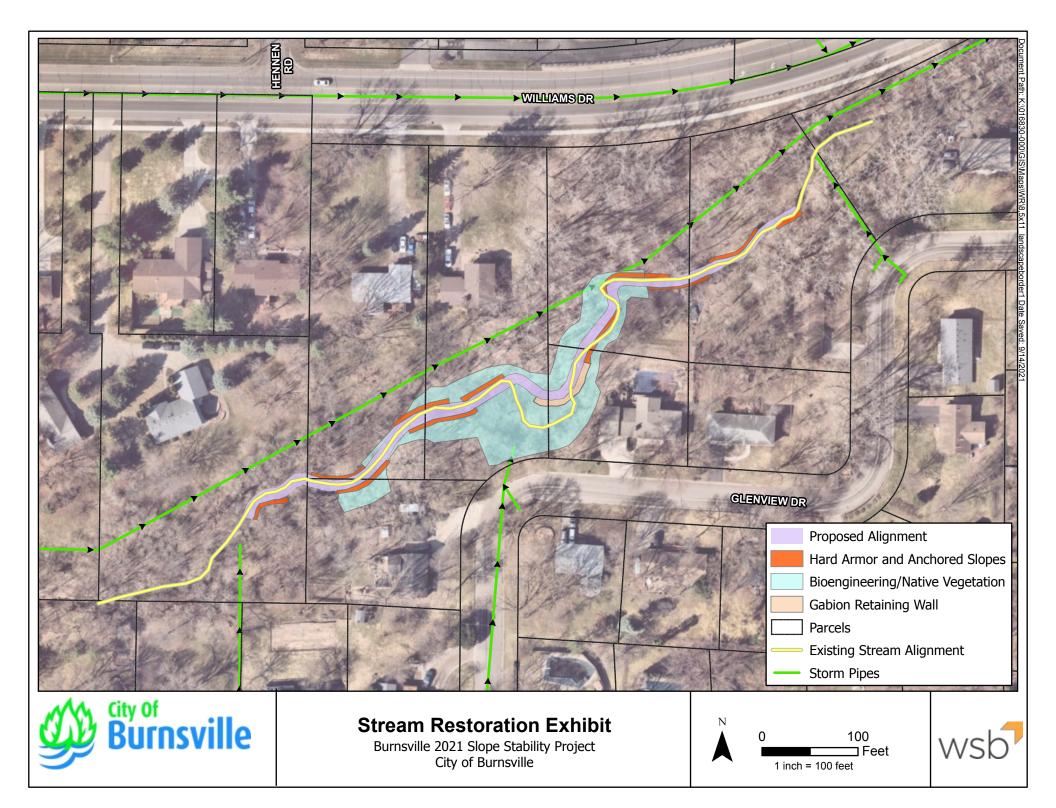
To confirm that the project had reached final restoration, Young Environmental staff visited the site on September 28, 2023, and compared it to the plans and specifications provided by the City. The site had native grasses and trees planted. However, there were areas of the project that did not have complete and final restoration (Attachment 2). To recommend final payment, the LMRWD requires final restoration in these areas. Young Environmental reached out to the City to ask about these areas on September 28, 2023, followed up on October 6, 2023, and received no response.

Recommendations

Staff does not recommend payment of the final invoice at this time due to lack of final restoration at the project site. Staff will continue coordination with the City to ensure full restoration of the site before recommending final payment.

Attachments

Figure 1—Stream Restoration Exhibit Attachment 1—Burnsville Invoice, dated September 18, 2023 Attachment 2—Site Visit photos



INVOICE



4

City of Burnsville 100 Civic Center Parkway Burnsville, MN 55337-3817 Billing Inquiries: 1-952-895-4479

2023-00000015
09/18/2023
10/18/2023
3231

Payment in full is due by invoice due date. Any balance due beyond that date will be considered delinquent. Return bottom portion of this invoice to ensure proper credit.

LOWER MINNESOTA RIVER WATERSHED DISTRICT ATTN: LINDA LOOMIS 112 E. 5TH STREET #102 CHASKA, MN 55318

City of Burnsville

Engineering Cost Share Description	Quantity	Unit Price	Total Price
LMRWD Cost Share of Willow Creek Restoration (21-604), 90% at substantial completion; 10% at fir restoration	0.1 nal	\$75,000.0000	\$7,500.00

Invoice Total:	\$7,500.00
Prepaid Amount:	(\$0.00)
Balance Due:	\$7,500.00

MM	CUSTOMER #	BILLING DATE	DUE DATE	INVOICE #	Total Due	
UND.	3231	09/18/2023	10/18/2023	2023-00000015	\$7,500.00	
JP				I	Pay this Amount \$7	7,500.00

	Payment to:
LOWER MINNESOTA RIVER WATERSHED DISTRICT	City of Burnsville
ATTN: LINDA LOOMIS	Accounts Receivable
112 E. 5TH STREET #102	100 Civic Center Pkwy
CHASKA, MN 55318	Burnsville MN 55337-3817

TO ENSURE PROPER POSTING TO YOUR ACCOUNT, DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT.

Project Begin Date:	01-Nov-2021
Project End Date:	31-Oct-2022
Project Location:	3204 GLENVIEW DR
Project Amount:	\$8,504.05
Subcontractors:	No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you. **Contact Us**

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) <u>withholding.tax@state.mn.us</u>. Business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. Central Time.

From: Mark Mahowald <<u>mark@heseltonconstruction.com</u>> Sent: Tuesday, June 27, 2023 1:42 PM To: Jim DeGross <<u>jim@advancedseeding.com</u>> Subject: FW: Burnsville Slope - Seed and Hydromulch 3204 Glenview Dr

Good Afternoon Jim,

Thanks for getting out to the project. Looks like we are good to get this closed out. Could you please get me your IC 134 with the information provided below?

Thank you,

Mark Mahowald Estimator/Project Manager | Heselton Construction

M: 507-323-0576 O: 507-334-0114 W: www.heseltonconstruction.com

680 NW 24th Street, Faribault, MN 55021



From: Paul Kubal <<u>paul@heseltonconstruction.com</u>> Sent: Tuesday, June 27, 2023 11:20 AM To: Mark Mahowald <<u>mark@heseltonconstruction.com</u>> Subject: RE: Burnsville Slope - Seed and Hydromulch 3204 Glenview Dr

Advanced Seeding & Erosion Control Total for Contract: \$8,405.05 Project No. 21-604 Dates of Project: 11/1/21 to 10/31/22

. •

Paul Kubal

From: Sent: To: Subject:

Mark Mahowald Thursday, July 6, 2023 11:12 AM Paul Kubal FW: Burnsville Slope - Seed and Hydromulch 3204 Glenview Dr

Mark Mahowald Estimator/Project Manager | Heselton Construction

M: 507-323-0576 O: 507-334-0114 W: <u>www.heseltonconstruction.com</u>

680 NW 24th Street, Faribault, MN 55021



From: Jim DeGross <jim@advancedseeding.com> Sent: Thursday, July 6, 2023 11:11 AM To: Mark Mahowald <mark@heseltonconstruction.com> Subject: RE: Burnsville Slope - Seed and Hydromulch 3204 Glenview Dr

Confirmation

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

· · ·	
Confirmation Summary	
Confirmation Number:	0-968-520-288
Submitted Date and Time:	6-Jul-2023 11:10:33 AM
Legal Name:	ADVANCED SEEDING & EROSION CNTRL INC
Federal Employer ID:	20-2413372
User Who Submitted:	Mike DeGross
Type of Request Submitted:	Contractor Affidavit
Affidavit Summary	
Affidavit Number:	1599754240
Minnesota ID:	7647274
Project Owner:	CITY OF BURNSVILLE
Project Number:	21-604

mndor.state.mn.us/tp/eservices/_/Retrieve/0/Dc/0rEvwgd0wwqKRDEx6zsHfQ__?FILE_=Print2&PARAMS_=37282521565083...

DEPARTMENT OF REVENUE

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary	
Confirmation Number:	0-185-225-824
Submitted Date and Time:	27-Jun-2023 2:39:05 PM
Legal Name:	SUEMNICKS FINAL CUT TREE SERVICE LLC
Federal Employer ID:	27-3633301
User Who Submitted:	Bustax18
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	207769600
Minnesota ID:	2792055
Project Owner:	CITY OF BURNSVILLE
Project Number:	21-604
Project Begin Date:	01-Nov-2021
Project End Date:	31-Oct-2022
Project Location:	3204 GLENVIEW DR
Project Amount:	\$29,770.00
Subcontractors:	No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

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Please print this page for your records using the print or save functionality built into your browser.

DEPARTMENT OF REVENUE

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:
Submitted Date and Time:
Legal Name:
Federal Employer ID:
User Who Submitted:
Type of Request Submitted:

1-174-499-936 6-Jul-2023 1:00:38 PM HESELTON CONSTRUCTION LLC 41-1936628 Inrlley62 Contractor Affidavit

Affidavit Summary

Affidavit Number:	1110200320
Minnesota ID:	4300938
Project Owner:	CITY OF BURNSVILLE
Project Number:	21-604
Project Begin Date:	01-Nov-2021
Project End Date:	31-Oct-2022
Project Location:	BURNSVILLE, MN
Project Amount:	\$200,150.79

Subcontractor Summary

Name	D	Affidavit Number
SUEMNICK'S FINAL CUT TREE SERVICE LLC	2792055	207769600
ADVANCED SEEDING & EROSION CONTROL INC	7647274	1599754240

Important Messages

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Please print this page for your records using the print or save functionality built into your browser,



Advanced Seeding & Erosion Control, Inc.

P. O. Box 324 New Prague, MN 56071-0324

Date	Invoice #
6/12/2023	8613

Bill To

Heselton Construction LLC 680 N. W. 24th Street P. O. Box 246 Faribault, MN 55021

Item	Description	Qty	Rate	Amount
Mobilzation Seed Hydro Mulch Overseeding	25-151 Flexterra (in place of blanket) 36-211 (special Mix) NO CHARGE	1 60 600 20	500.00 4.50 1.45 0.00	500.00 270.00 870.00 0.00
	Seeding of additional yard adjacent to Burnsville slope Project.			
		; · · ·		
		•	Total	\$1,640.00

HESELTON CONSTRUCTION, LLC

P.O. BOX 246 • FARIBAULT, MN 55021

WORK ORDER

<u>DATE:</u>	June 16, 2023	<u>PROJECT NO.</u>	202122	<u>W.O. #</u>	6
OWNER:	City of Burnsville				
ADDRESS:		· · · · · · · · · · · · · · · · · · ·			
LOCATION:	Burnsville, MN				

RATE		Sub		\$ \$ \$ \$ \$ \$	
RATE		Sub		\$ \$ \$ \$ \$	
RATE		Sub		\$ \$ \$.\$	-
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				\$	-
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		1		\$	-
				\$	-
		Sub	total	\$	-
QUANTITY	UNIT		U.P.	EX	TENSION
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				\$	1,640.00
centage	10%			\$	164.00
				\$	1,804.00
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	1.00	1.00 LS	QUANTITY UNIT 1.00 LS \$ 1.00 LS \$	1.00 LS \$ 1,640.00	Subtotal \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$



Contract Change Item Status

Project	сс	cc#		ltem	Description	Units	Unit Price	Contract Quantity	Quantity This Request		Quantity To Date	Amount To Date
21-604	wo	1	2	/01320	REMOVE MISCELLANEOUS DEBRIS	LS	\$1,102.00	1	(\$0.00		\$1,102.00
21-604	wo	2	3	2502.603 /14080	DRAIN TILE	LF	\$1,112.17	1	(\$0.00		\$1,112.17
21-604	wo	4	4	21-604 w/o 4	Bury West Logs with Fieldstone	1	\$2,843.60	1	(\$0.00		\$2,843.60
21-604	wo	5	5	21-604 w/o 5	Clear and Dispose Two Trees	1	\$4,124.32	1		\$0.00		1 \$4,124.32
21-604	wo	6	6	2104.501	REMOVE FENCE	LIN FT	\$2,250.00	1	(\$0.00		\$2,250.00
21-604	wo	7	7	2575.560	HYDROMULCH	SY	\$1,804.00	1		\$1,804.00		1 \$1,804.00
Contrac	l t Chan	ge T	l 'otals	 ;:		.L	1	I		\$1,804.00		\$13,236.09

Contract Total

\$200,150.79

Number	Change Totals Description	Amount This	Amount To Date
	······································	Request	
7	Seed and Hydromulch 3204 Glenview Dr	\$1,804.00	\$1,804.00
6	Remove Fence and Regrade the Area	\$0.00	\$2,250.00
5	Clear and Dispose of Two Trees	\$0.00	\$4,124.32
4	Bury West Logs with Fieldstone	\$0.00	\$2,843.60
2	Drain Tile behind Gabion	\$0.00	\$1,112.17
1	Misc Debris Removal	\$0.00	\$1,102.00

Material On Hand Additions									
Line	Item	Description	Date	Added	Comments				
	1								

Material On Hand Balance										
Line	Item	Description	Date	Added	Used	Remaining				



100 Civic Center Parkway Burnsville, MN 55337

Base/Alt	Line	ltem	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2511.507	GRANULAR FILTER	СҮ	\$60.00	18	5	\$0.00	(\$0.0
Base Bid	1	2512.507	GABION	СҮ	\$380.00	60	 X	a \$0.00	72	\$27,360.0
Base Bid	1	2563.601	TRAFFIC CONTROL	LS	\$1,050.00	1 		\$0.00	1	\$1,050.0
Base Bld	1	2571.524	DECIDUOUS TREE 2.5" CAL B&B	TREE	\$660.00	6	i (\$0.00	14	\$9,240.0
Base Bld	1	2571.525	DECIDUOUS SHRUB NO 5 CONT	SHRB	\$115.00	20	 	\$0.00	5	\$920.0
Base Bid	1	2573.502	STABILIZED CONSTRUCTION EXIT	ΕA	\$1,750.00	2	(\$0.00	1	\$1,750.00
Base Bid	1	2573.502	STORM DRAIN INLET PROTECTION	ΕA	\$175.00	3	(\$0.00	2	\$350.00
Base Bid	1	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	LF	\$4.50	2000	(\$0.00	105	\$472.50
Base Bld	1	2573.602	ROCK DITCH CHECK	ΕA	\$500.00	2	(\$0.00	2	\$1,000.00
3ase Bid	1	2575.504	EROSION CONTROL BLANKETS CATEGORY 3N	SY	\$1.50	4200	(\$0.00	4100	\$6,150.00
Base Bid	1	2575.504	HYDROMULCH	SY	\$0.70	2300	(\$0.00	2300	\$1,610.00
Base Bid	1	2575.505	SEEDING	SY	\$0,55	200	(\$0.00	700	\$385.00
Base Bid	1	2575.508	SEED MIXTURE 25-151	LB	\$5.00	10	(\$0.00	0	\$0.00
Base Bid	1	2575.603	ANCHORED SLOPE PROTECTION	LF	\$65.00	110	(\$0.00	117	\$7,605.00
Base Bid	1	2575.605	SEEDING SPECIAL	AC	\$770.00	0.6		\$0.00	0.85	\$654.50
Base Bid	1	2577.502	LIVE STAKES (DOGWOOD)	ΕA	\$5.30	500	C	\$0.00	45	\$238.50
Base Bid '	l Fotals:			L				\$0.00		\$186,914.70

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
21-604		\$0.00	\$186,914.70



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No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2021-11-30	\$105,629.65	\$5,281.48	\$100,348.17
2	2021-12-31	\$66,341.92	\$3,317.10	\$63,024.82
3	2022-05-31	\$24,125.22	\$1,206.26	\$22,918.96
4	2022-10-31	\$2,250.00	(\$5,837.90)	\$8,087.90
5	2023-06-27	\$1,804.00	(\$3,966.94)	\$5,770.94

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
Storm Utility		\$200,150.79	\$0.00	\$194,379.85	\$5,770.94	\$200,150.79

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
Storm	Utility - Storm Water - 607-4610- 463.01	\$5,770.94	\$197,958.09	\$184,722.00	\$200,150.79

Base/Alt	Line	ltem	Description	Units	Unit Price	Quantity	Quantity This Request			Amount To Date
Base Bid	1	2021.501	MOBILIZATION	LS	\$10,500.00	1	(\$0.00	1	\$10,500.0
Base Bid	1	2101.524	CLEARING	TREE	\$450.00	53	(\$0.00	62	\$27,900.0
Base Bid	1	2101.524	GRUBBING	TREE	\$135.00	40		\$0.00	44	\$5,940.0
Base Bid	1	2104.502	REMOVE PIPE APRON	ΕA	\$450.00	1	(\$0.00	1	\$450.0
Base Bid	1	2104.503	REMOVE SEWER PIPE (STORM)	LF	\$38.00	45	(\$0.00	48	\$1,710.00
Base Bid	1	2105.504	GEOTEXTILE FABRIC	SY	\$5.30	110	(\$0.00	250	\$1,325.0
Base Bid	1	2105.601	SITE GRADING	LS	\$9,600.00	1		\$0.00	1	\$9,600.0
Base Bid	1	2105.607	COMMON FILL(LV)	СҮ	\$17.35	1500	0	\$0.00	1680	\$29,148.00
Base Bid	1	2501.502	18" RC PIPE APRON	ΕA	\$1,450.00	1	(\$0.00	1	\$1,450.00
Base Bid	1	2503.503	18" RC PIPE SEWER DES 3006 CL V	L.F	\$91.00	97	C	\$0.00	97	\$8,827.00
Base Bid	1	2503.602	CONNECT TO EXISTING STORM SEWER	ΕA	\$1,400.00	1	C	\$0.00	1	\$1,400.00
Base Bid	1	2506.503	CONST DRAINAGE STRUCTURE DES 48- 4020	L F	\$370.00	8	с	\$0.00	8	\$2,960.00
Base Bid	1	2511.507	RANDOM FIELDSTONE RIPRAP CLASS III	TONS	\$73.15	400	C	\$0.00	368	\$26,919.20



100 Civic Center Parkway Burnsville, MN 55337

Contract Number: 21-604 Pay Request Number: 5

aiption
vine Restoration (Contract 21-604)

Contractor: Heselton Construction, L 680 N.W. 24th Street Faribault, MN 55021	Vendor Number: 25544 Up To Date: 06/27/2023
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Contract Amount		Funds Encumbered		
Original Contract	\$184,722.00	Original	\$184,722.00	
Contract Changes	\$13,236.09	Additional	N/A	
Revised Contract	\$197,958.09	Total	\$184,722.00	
Work Certified To Date				
Base Bid Items	\$186,914.70	-		
Contract Changes	\$13,236.09			
Material On Hand	\$0.00			
Total	\$200,150,79			

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$1,804.00	\$200,150.79	\$0.00	\$194,379.85	\$5,770.94	\$200,150.79
	P	ercent: Retained: 0%		Percen	t Complete: 101.11%

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By *Jake Newhall* Project Manager *0(a/28/2023* Date

Approved By Jen Desnude City/Project Engineer 0&/28/2023 Date Approved By Heselton Construction, LLC Mark Mahawald Contractor 0&/28/2023 Date

Site visit: September 28, 2023 Final restoration achieved







Site visit: September 28, 2023 Lack of final restoration and vegetation





