



# MAYOR & COUNCIL COMMUNICATION

**DATE:** January 6, 2014

**CONSENT**

**ITEM # 12**

**AGENDA ITEM:** 2012 Rain Garden Project Maintenance Contract – Pay Request No. 2 (Final)

**SUBMITTED BY:** Ryan Stempiski, Project Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer  
Cathy Bendel, Finance Director  
Mike Bouthilet, Public Works

**SUGGESTED ORDER OF BUSINESS *if removed from the Consent Agenda*:**

- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:**

None. Final payment is proposed in accordance with the Contract for the project. Payment remains within the authorized scope and budget.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving Pay Request No. 2 (Final) for the one year maintenance contract for the 2012 Rain Garden Project, in the amount of \$3,560. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to approve Pay Request No. 2 (Final) to St. Croix Valley Landscaping in the amount of \$3,560 for the one year maintenance contract for the 2012 Rain Garden Project.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

The 2012 Rain Garden Project included the construction of 17 rain gardens in conjunction with the city's 2012 Street Improvements. The rain gardens were jointly funded by the City of Lake Elmo and the Valley Branch Watershed District with the design and construction oversight being provided by the Washington Conservation District (WCD).

The 2012 Rain Garden Project was complete and accepted by the city council on November 20, 2012. The contract included a one year \$5,501 maintenance contract with St. Croix Valley Landscaping (SCVL) to maintain the 17 rain gardens that were originally installed for the project. The WCD also provided the oversight for the one year maintenance contract.

During the warranty period, the WCD reported that 6 rain gardens were not functioning properly. The 6 rain gardens were corrected in November 2013, with the exception of 1 rain garden at 5890 Highlands Trail North, which is to be corrected during the 2014 planting season. Future maintenance is now the responsibility of the adjacent property owner for each rain garden. All property owners have signed maintenance agreements committing to the ongoing maintenance work.

WCD verified the maintenance that was completed in 2013 by SCVL and provided a memorandum of one year maintenance completion (see attachment no. 3). However it is city staff's position that the maintenance was only provided for 11 of the 17 rain gardens since the remaining rain gardens were not operational. Therefore, staff is recommending a prorated payment for maintenance of 11 rain gardens in the amount of \$3,560.

**RECOMMENDATION:**

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 2 (Final) for the one year maintenance contract for the 2012 Rain Garden Project, in the amount of \$3,560. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Pay Request No. 2 (Final) to St. Croix Valley Landscaping in the amount of \$3,560 for the one year maintenance contract for the 2012 Rain Garden Project.”***

**ATTACHMENT(S):**

1. Pay Estimate No. 2 (Final)
2. St. Croix Valley Landscaping Maintenance Estimate
3. Washington Conservation District Memorandum of One Year Maintenance Completion