



STAFF REPORT

DATE: March 16, 2021

CONSENT

AGENDA ITEM: Washington County CDA Predevelopment Finance Grant and Wetland Delineation

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

The Washington County Community Development Authority has a Pre-development Finance grant program which the city has utilized before in examining options for the 180 acres on Ideal Ave and CSAH 14. The grants are an 80/20 cost share split up to \$10,000 and then 50/50 above that.

ISSUE BEFORE COUNCIL:

Should the Council approve the resolution of support for the Predevelopment Finance Fund Grant and complete a wetland delineation if the grant is approved?

PROPOSAL DETAILS/ANALYSIS:

As the city meets with potential developers of the southern portion of the 180 acres, one item that came up was the lack of wetland delineation and how they could slow down the process to wait for it after a purchaser is selected. While wetland delineations must be completed during the growing season (typically April-October) there is also a report that is written and reviewed by a technical panel before final approval. That process can take a couple months so in order to help keep things on track with the timeline established in the RFP for sale, staff has reached out to the executive director of the CDA about a grant possibility and obtained quotes from three firms to complete the wetland delineation.

Included in your packet are the proposals from Bolton and Menk, Anderson Engineering and Kjolhaug Environmental Services. Their fees are:

Bolton and Menk	\$5,900
Anderson Engineering	\$ 4,536
Kjolhaug Environmental	\$6,000-\$7,000

The grant application requires a resolution of support from the city council.

FISCAL IMPACT:

The city contribution would be \$907.20 as the grant requires a 20% match from the city. This would come from the water fund as the land is an asset of the water fund.

OPTIONS:

- Approve Resolution No 2021-029
- Amend and then Approve Resolution No 2021-029
- Do not support applying for the grant

RECOMMENDATION:

If removed from the consent agenda:

“Motion to approve Resolution No 2021-029 and approve the wetland delineation proposal from Anderson Engineering once the grant is approved.”

ATTACHMENT:

- Resolution No 2021-029
- Proposals from Bolton and Menk, Anderson Engineering, and Kjolhaug Environmental

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2021-029

**A RESOLUTION SUPPORTING GRANT APPLICATION FOR
PREDEVELOPMENT FINANCE FUND FOR WETLAND DELINEATION FOR
75 ACRES OF CITY OWNED PROPERTY ON IDEAL AVE**

WHEREAS, the City of has identified a proposed project within the City that meets the Washington County Community Development Agency (CDA) Predevelopment Finance Fund's purposes and criteria; and

WHEREAS, the City has established that the property in consideration can be zoned and/or guided for future development accordingly and the proposed project is a high priority of the city; and

WHEREAS, the City supports the proposed project scope of work and hereby supports the application to the Predevelopment Finance Fund; and

WHEREAS, the City has the legal authority to apply for financial assistance; and

WHEREAS, the City is supportive of enhancing economic development opportunities that will serve to create jobs, enhance the tax base and improve the lives of Washington County residents.

NOW THEREFORE BE IT RESOLVED that the City of approves the application for funding from the Washington County CDA Predevelopment Finance Fund.

BE IT FURTHER RESOLVED that upon approval of its application by the Washington County CDA, City Administrator Kristina Handt is hereby authorized to execute such agreements as are necessary to receive and use the funding for the proposed project.

APPROVED by the Lake Elmo City Council on this 16th day of March, 2021.

By: _____
Charles Cadenhead
Mayor

ATTEST:

Julie Johnson

City Clerk



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Providing Sound, Balanced, Comprehensive Natural Resource Solutions

March 8, 2021

Kristina Handt
City of Lake Elmo
3880 Laverne Ave N, Suite 100
Lake Elmo, MN 55042

RE: Proposal for wetland delineation services –
Former 3M land, 75 acres south of CSAH 14 and East of Ideal Ave.

Dear Kristina:

We are pleased to provide this proposal for wetland delineation services for the described site in Lake Elmo. Based on the information we have reviewed, there appears to be up to 10 potential wetlands that will require examination and possible delineation. Because the site includes annually cultivated cropland, a review of aerial photographs will also be required to determine presence and extent of farmed wetlands.

We are prepared to begin field work on this project within 2-3 weeks after receiving authorization (depending on suitable field conditions and your project schedule). The report can be completed within 3 weeks after the completion of the delineation.

The following services will be provided as part of this proposal:

Wetland Delineation and Approval

- A site assessment for wetlands will be completed. We will walk the entire property and review available information to identify wetlands.
- We will review available aerial imagery to identify potential presence and extent of farmed wetlands and to confirm the boundaries of delineated wetlands.
- Wetlands will be delineated in the field using methodologies as described in the 1987 Corps of Engineers Wetland Delineation Manual and the relevant Regional Supplement. The boundaries of areas exhibiting wetland conditions will be staked and/or flagged with wetland boundary flagging and appropriate documentation will be completed. We will gps-locate our flags but the flags may also need to be located by your surveyors.
- A report will be prepared to describe site conditions and justify the delineated wetland boundaries. This report will meet report guidelines recommended by the Minnesota Board of Water and Soil Resources and U.S. Army Corps of Engineers.

- A follow-up site inspection will be completed with the wetland regulatory agencies to gain approval of the delineated wetland boundaries.

Cost of Services

The described services including the examination/delineation of 10 potential wetlands, review of aerial imagery, preparation and submittal of a delineation report, and participation in a regulatory review meeting will be completed for a fee of \$6000 - \$7000.

Payment Terms

You will be invoiced monthly for work completed to date. Payment is due within 30 days of receipt of invoice. A monthly charge of 1.5% will accrue to any outstanding balance. Kjolhaug Environmental reserves its rights to file a mechanic's lien against your property if payments are not timely made. If a mechanic's lien is filed against your property, Kjolhaug Environmental must insist upon reimbursement of all of its costs and expenses, including attorney's fees, as provided by Minnesota law.

Services authorized outside of the scope of those described will be billed at our standard hourly rates. Such services could include additional meetings with you or your representatives, or meetings requested by regulatory agencies.

If the described services and costs are satisfactory, please sign and date the attached authorization form and return it for our files. Thank you for allowing us to submit this proposal. We look forward to assisting you with this project.

Sincerely,

Kjolhaug Environmental Services Company, Inc.



Mark S. Kjolhaug
President

Attachments - Authorization to proceed form

WE ARE REQUIRED BY LAW TO PROVIDE YOU WITH THIS NOTICE. YOU ARE THEREFORE NOTIFIED THAT:
A. ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.

B. UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENTS UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

AUTHORIZATION TO PROCEED

Project: Former 3M land, 75 acres south of CSAH 14 and east of Ideal Ave.

Client: City of Lake Elmo, c/o Kristina Handt

Billing Information:

Company _____

Contact _____

Address _____

Phone _____

I understand that I am solely responsible for all costs incurred as a result of wetland services rendered. I agree to be legally responsible for any and all collection costs incurred by Kjolhaug Environmental Services Company, including but not limited to court costs, reasonable attorney's fees, fees from a debt collection service. I understand that I am responsible for any and all services Kjolhaug Environmental Services Company renders in accordance with the proposal dated March 8, 2021 regardless of the action or inaction of myself and/or the landowner, and/or any other person or entity.

I hereby authorize Kjolhaug Environmental Services Company, Inc. to complete wetland delineation services described in the attached March 8, 2021 proposal for labor and expenses of up to \$7,000.

Signed by: _____ Date: _____

Position: _____

March 8, 2021

Kristina Handt
City Administrator
3880 Laverne Ave N, Suite 100
Lake Elmo, MN 55042

Via-Email: khandt@lakeelmo.org

Subject: Proposal for Wetland Delineation Services
Former 3M Parcel – East of Ideal Ave and South of CSAH 14, Lake Elmo
Anderson Project #: 16349

Dear Ms. Handt,

Anderson Engineering of Minnesota is pleased to submit a cost proposal to provide wetland delineation services for 75-acres total located east of Ideal Ave and south of CSAH 14 with 55-acres being south of CSAH 14 and north of the railroad tracks and 20-acres being south of the railroad tracks and all part of a larger parent parcel PID 163-1602921240002 Washington County, Minnesota.



Work Item & Brief Description	Amount
1. Level-2 Field Wetland Delineation and Report	\$ 4,260.00
2. Wetland Delineation Regulatory Field Review & Approval	\$ 276.00
Lump Sum Fixed Fee: \$ 4,536.00	

Specific Scope Elements

1. Level-2 Field Wetland Delineation and Report

- A. Field Delineate those areas positively meeting wetland criteria within the project extent using sequentially numbered, colored pin flags, wooden lath and/or flagging ribbon as site conditions warrant.
- B. Conduct offsite aerial review for wetlands within agricultural land per required methodology
- C. GPS (mapping grade) data collection and mapping of the field delineated wetland boundary(s), wetland sample points, waterways and control features.
- D. Complete required sample transects and corresponding data sheets supporting each wetland boundary(s) delineated
- E. Complete MnRAM wetland functions and value assessment for wetlands delineated
- F. Prepare Wetland Delineation Report

2. Level-2 Field Wetland Delineation Regulatory Approval

- A. Prepare and submit Joint Application for Boundary/Type regulatory concurrence
- B. Coordinate and attend one Technical Evaluation Panel (TEP) delineation field review as necessary with the Local Government Unit

Project Assumptions and Exclusions

- Proposal fee excludes any review fees that may be charged by regulatory agency and will be responsibility of client/owner at time of submission
- Work will be completed during the growing season (~April 15 to October)

Timing

1. Level-2 Onsite (field) Wetland Delineation

Ability to conduct field delineation will be dependent upon local, seasonal, climatic conditions. Anderson anticipates one day of field work onsite and can begin within 5 business days of this signed proposal and the start of the 2021 growing season (~April 15th).

Draft delineation report will be submitted for preliminary client review within 5 business days following completion of all field work.

2. Level-2 Field Wetland Delineation Regulatory Approval

Formal review and approval of delineated wetland boundary and type by regulatory agencies is subject to regulatory agency schedule. Wetland delineation approvals issued by the local government unit are valid for 5 years.

Additional Services

Other services, if requested by the client, shall be performed on an hourly basis at the following rates:

Principal Engineer	\$192.00/hour	Sr. Land Surveyor	\$168.00/hour
Senior Engineer	\$168.00/hour	Survey Crew Chief	\$120.00/hour
Civil Engineer	\$134.00/hour	Survey Technician	\$112.00/hour
Sr. Technician	\$112.00/hour	Sr. Interior Designer	\$128.00/hour
Engineer Technician / EIT	\$92.00/hour	Interior Designer	\$84.00/hour
Senior Landscape Architect	\$168.00/hour	Principal Architect	\$200.00/hour
Landscape Architect	\$128.00/hour	Senior Medical Planner	\$195.00/hour
Landscape Designer	\$100.00/hour	Senior Architect	\$168.00/hour
Principal Env. Scientist	\$148.00/hour	Architect	\$140.00/hour
Sr. Environmental Scientist	\$124.00/hour	Architect Designer	\$112.00/hour
Environmental Scientist	\$92.00/hour	Administration/Clerical	\$80.00/hour
Environmental Technician	\$80.00/hour		
GIS Specialist	\$84.00/hour		

Thank you for the opportunity to present our firm services. We look forward to potentially working with you on this project!

Sincerely,

Benjamin J Hodapp

Benjamin J Hodapp
Environmental Group Lead
Certified Wetland Delineator #1016



CONTRACT

Former 3M Parcel – 75-acres Ideal Ave & CSAH 14

Wetland Delineation Services

Lake Elmo, Washington County, MN

Please sign and return one copy of this Proposal Contract as acceptance of the Agreement and Authorization to proceed with the project as described herein.

CONTRACT ACCEPTANCE:

By signing this Contract, the signatory: (1) warrants that he or she has the authority to enter into this Agreement as the Client or the Client's Authorized Agent or as an officer of the Client's Business, and (2) accepts and agrees to be bound by the provisions proposed in this Agreement, including any and all attachments included by reference. The signatory of this Contract is ultimately responsible for payment of this contract.

Client: _____ Phone: _____ Email: _____
Address: _____ City: _____ State: _____ Zip Code: _____
Authorized Agent: _____ Title: _____ Phone: _____
Signature: _____ Date: _____

Credit Policy & Lien Rights

Unpaid amounts on invoices past due (more than 15 days after the invoice is sent) **will be assessed a finance charge of 1.5% per month** until Anderson Engineering of Minnesota, LLC (AE), receives payment. Payment to AE is not contingent upon the Client's ability to obtain financing or the Client receiving payment or the success of the client's project. AE hereby gives the Client notice that, pursuant to Minnesota Statutes Chapter 514, AE retains the right to file a lien against real property, which is the subject of this Contract.

Payment for Services

Project work will be invoiced on a monthly basis. Additional work requested beyond the scope of services will be billed at the time that services are rendered based upon our current billing rates. Payment is required within 15 days from invoice date.



**BOLTON
& MENK**

Real People. Real Solutions.

1960 Premier Drive
Mankato, MN 56001-5900

Ph: (507) 625-4171
Fax: (507) 625-4177
Bolton-Menk.com

March 5, 2021

Ms. Kristina Handt
3880 Laverne Ave North, Suite 100
Lake Elmo, MN 55042
651-747-3900
khandt@lakeelmo.org

RE: Wetland Services Proposal
Parcel Nos. 1602921240002 – Washington County, Minnesota

Dear Ms. Handt,

Bolton & Menk, Inc. is pleased to present this proposal for professional wetland services for the two south fields of the former 3M parcel (PID No. 1602921240002) in Lake Elmo, MN. The proposed wetland services are intended to be in compliance with the current section 404 of the Clean Water Act and Wetland Conservation Act regulations. This proposal will define our scope of work and provide you with an estimate of the cost of each phase of our services.

Using LiDAR data, the National Wetland Inventory, and soils data, we have determined that wetlands exist on the property. We do believe these wetlands are under the jurisdiction of the Clean Water Act, and the Wetland Conservation Act of Minnesota. Therefore, a wetland delineation is required to accurately determine the wetland boundary for setbacks or to determine wetland impacts.

Thank you for considering Bolton & Menk, Inc., for your natural resource needs. Bolton & Menk, Inc. puts a high priority on ensuring that our company's efforts are consistent with our client's needs. Please review the attached document and contact me if this proposal does not meet your expectations.

Sincerely,
Bolton & Menk, Inc.

Dan Donayre, PWS
Senior Natural Resource Specialist

Angela Bersaw
Principal Transportation Planner

Using the methods described in the Army Corps of Engineers (Corps) 1987 Wetlands Delineation Manual and Midwest Supplement, Bolton & Menk, Inc. will perform the following services:

SCOPE OF WORK

Task 1 – Level 1 and 2 Wetland Delineation

As required by Corps guidelines, a review of historical imagery will be conducted prior to completing any fieldwork. Data collected as part of the analysis of wetland signatures will determine possible locations of wetlands to focus the field delineation. The collected data will be presented in the delineation report as GIS based figures.

We will visit your property to delineate all aquatic resource boundaries within the designated study area. The delineation will include performing transects and sampling in the vicinity of any wetlands, placing 3-foot pin flags

at the limits of any wetlands found. Our delineator will use a sub-meter GPS unit to accurately locate and map each point and preparing a written report of our findings. This report will be submitted to the appropriate agencies for approval.

Task 2 – Meetings and Additional Requests

In some cases, the reviewing agencies request additional information and/or an on-site meeting during the review process. If our attendance is requested at a meeting to discuss the acceptance of the delineated boundaries or the agencies request additional information, this service will be provided on an hourly basis at our Natural Resource Specialist rate. ***If a meeting is not held or there are no requests for additional information, the client will not be billed for this task.***

FEES

For wetland delineation and permitting services, Bolton & Menk, Inc. proposes to complete the work described herein as follows:

Client: City of Lake Elmo			
Project: PID No. 1602921240002 – South Fields			
TASK NO.	WORK TASK DESCRIPTION	Fee Basis	Cost
1.0	Level 1 and 2 Wetland Delineation	Lump Sum	\$5,300.00
2.0	Meetings and Additional Requests	Hourly, Estimated	\$600.00
BASE FEE (Task 1)			\$5,300.00
TOTAL FEE (All tasks)			\$5,900.00