

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 22-237	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	10/10/2022	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	11/15/2022	<b>Final action:</b>	11/15/2022
<b>Title:</b>	An Ordinance awarding the bid for Project No. 576322-7C-2 for the Stormwater Improvements, SE Secretariat Drive Project to Wiedenmann, Inc. in the amount of \$333,216.00, and authorizing the City Manager to execute an agreement for the same. (PWC 11/14/22)		
<b>Sponsors:</b>	Public Works Admin & Engineering		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Ordinance, 2. Exhibit 1: Agreement, 3. Supporting Document: Bid Tabulation, 4. Supporting Document: Project Map		

Date	Ver.	Action By	Action	Result
11/15/2022	1	City Council - Regular Session	for second reading	Pass
11/15/2022	1	City Council - Regular Session	adopted and numbered	Pass
11/14/2022	1	Public Works Committee	recommended for approval	Pass

An Ordinance awarding the bid for Project No. 576322-7C-2 for the Stormwater Improvements, SE Secretariat Drive Project to Wiedenmann, Inc. in the amount of \$333,216.00, and authorizing the City Manager to execute an agreement for the same. (PWC 11/14/22)

Issue/Request:

An Ordinance awarding the bid for Project No. 576322-7C-2 for the Stormwater Improvements, SE Secretariat Drive Project to Wiedenmann, Inc. in the amount of \$333,216.00, and authorizing the City Manager to execute an agreement for the same.

Key Issues:

- This project will mitigate the risk of structural flooding of a residential structure with work that includes placement of new fill, modular block retaining wall, and other incidental work.
- Funding for Project No. 576322-7C-2 is supported by the 2017 Capital Improvement Project (CIP) Sales Tax; and,
- Public Works Engineering issued a bid for Project No. 576322-7C-2 on July 27, 2022, in accordance with local policies and state statutes; and,
- Wiedenmann, Inc. (hereinafter "Contractor") was determined to be the lowest and most responsible bidder by City staff; and,
- The City desires to enter into an agreement with the Contractor to construct Project No. 576322-7C-2.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance awarding the bid for Project No. 576322-7C-2 for the Stormwater Improvements, SE Secretariat Drive Project to Wiedenmann, Inc. in an amount of \$333,216.00, and authorizing the City Manager to execute an agreement for the same.

SECOND MOTION: I move for adoption of an Ordinance awarding the bid for Project No. 576322-7C-2 for the Stormwater Improvements, SE Secretariat Drive Project to Wiedenmann, Inc. in the amount of \$333,216.00, and authorizing the City Manager to execute an agreement for the same.

Background:

Voters approved a 2007 Bond Issue and 2017 Capital Improvement Project (CIP) Sales Tax to fund stormwater improvements intended to mitigate flooding of occupied structures. Projects were first verified in writing by the property owner and tenants. These written letters certified that the occupied structures flooded, and that the residents or owners wanted the problem addressed. City staff then evaluated the project to see if the flooding was caused by failed public infrastructure or a lack of public infrastructure that is commonly found in older neighborhoods designed before 2008. One residential property on Secretariat Drive meets these conditions, so this stormwater project was initiated to mitigate flooding issues.

Unique elements of this project include a fairly sizeable stream, forced walkout-walkup structures, and significant amounts of undeveloped property upstream from the home that floods. Intuition & Logic, Inc. was retained as the Engineer to evaluate potential concepts to resolve the issue. These ranged from buying out the affected properties to a more holistic approach of evaluating the entire watershed to limit the risk of additional flooding on other properties, or “re-flooding” the affected properties, that could be caused by future development of the large agricultural tracts of land upstream.

Intuition & Logic completed a preliminary design of three regional detention basins that would have lowered the elevation of the Base Flood Elevation in the areas mapped as special flood hazards by FEMA. Lowering the floodwater levels would have mitigated the existing flooding issues and reduce the risk of future flooding as land is developed upstream. The stream itself is mapped by FEMA as a floodway draining into Lake Winnebago. This was City staff’s first preferred alternative from the initial analysis. This would have been the first such regional, watershed-based stormwater management in areas developed for residential use, and would serve as pilot project for future development.

Constructing regional detention basins required the City to purchase land for the basins from two separate property owners. City staff had separate meetings with both property owners to discuss the concept for the basins. Both property owners expressed to staff that they were open to the concept of the basins after these initial meetings. At this point, Intuition & Logic’s original contract was modified to include design services for the regional detention basins in BILL NO. 20-173 on 9/22/2020.

Preliminary design was advanced to the point where accurate property boundaries could be determined. City staff approached both property owners with the required property boundaries necessary to construct the regional detention basins. City staff explained that the proposed stormwater basin was designed to accommodate any future development of the existing ground, which would significantly reduce the costs and

impacts of stormwater infrastructure for any future development on the site.

Typically, City staff will ask property owners directly benefiting from the stormwater work to donate the necessary easements. However, because the parties that owned the land needed for the detention basins would not directly benefit at this time, City staff prepared an appraisal so a purchase offer could be made for the land. A fair market offer for the value of the required property was presented to the property owner.

After seeing the preliminary boundaries, that were similar to the conceptual layouts first presented, one of the property owners decided that they no longer wanted to sell property to allow construction of the basins. The offer was denied without a counter offer. With other localized options available to address the immediate structural flooding issues, the project changed course to construct the localized improvements at a much lower cost than the regional watershed approach.

The localized approach included this project as one of two individual projects to mitigate structural flooding. This project will address structural flooding of one residential structure along SE Secretariat Drive. This home floods during heavy rains from backwater conditions resulting from an undersized culvert leading into Lake Winnebago. This culvert is owned by Lake Winnebago and lies outside the city limits of Lee's Summit.

The construction work for this contract includes earthwork and retaining walls to protect the structure during heavy rains, up to and including 100-year rainfall events. The construction work was preceded by computer modeling of the stream to refine the regulatory footprint of the floodway and floodway fringe. This work will benefit other property owners by establishing the base flood elevations and stream profiles used by FEMA to regulate the flood insurance rate maps.

The project is funded by the 15-year Capital Improvement Project Sales Tax Fund (322) that was approved by the voters in April 2017. This CIP Sales tax allocate approximately \$25 million for stormwater improvements. This project will be the 12th out of 24 projects to start construction since 2018. Eleven more projects are currently in design.

On July 27, 2022, City staff advertised the Invitation to Bid on the City's website. Bidding closed at 3:00 PM on September 14, 2022. Two bids duly received were opened publicly and read aloud via Zoom video conferencing. Wiedenmann, Inc. was the low bidder, and meets all of the City's qualifications for award of the project.

#### Impact/Analysis:

Flood proofing measures will protect one residential property from structural flooding during 100-year rain events.

#### Timeline:

Start: February 2023

End : April 2023

Other Information/Unique Characteristics:

John Persing, Staff Engineer

Recommendation:

Staff recommends approval of an Ordinance awarding the bid for Project No. 576322-7C-2 for the Stormwater Improvements, SE Secretariat Drive Project to Wiedenmann, Inc. in the amount of \$333,216.00, and authorizing the City Manager to execute an agreement for the same.

Committee Recommendation:

The Public Works Committee voted unanimously 4-0 to recommend to City Council approval of an Ordinance awarding the bid for Project No. 576322-7C-2 for the Stormwater Improvements, SE Secretariat Drive Project to Wiedenmann, Inc. in the amount of \$333,216.00, and authorizing the City Manager to execute an agreement for the same. (PWC 11/14/22)