

**RESOLUTION NO. 22-53**  
**Riley-Purgatory-Bluff Creek Watershed District**  
**Board of Managers**

**Authorizing an agreement with Prairie Restoration Inc. for vegetative establishment and maintenance for the Silver Lake Watershed Phosphorus-Control Project**

Manager Pedersen offered the following resolution and moved its adoption, seconded by Manager Crafton:

**WHEREAS** on March 4, 2020, pursuant to Minnesota Statutes section 103B.251, the Riley-Purgatory-Bluff Creek Watershed District Board of Managers ordered the Silver Lake Watershed Phosphorous-Control Project (the Project), and after solicitation of bids for the Project in accordance with applicable public-procurement law, RPBCWD awarded the contract for construction of the Project to Molnau Trucking LLC, which contract required Molnau to achieve substantial completion of the Project by September 30, 2021;

**WHEREAS** Molnau in fact achieved substantial completion of the Project on November 19, 2021, after which RPBCWD proceeded to take the steps dictated by the contract documents to find Molnau in default, and on February 9, 2021, the RPBCWD in fact found Molnau in default and terminated the contract;

**WHEREAS** Molnau did not achieve final completion of the Project – three years of establishment and maintenance of vegetation remains, along with related site-restoration work, and sufficient RPBCWD funds allocated for the establishment and maintenance and related site-restoration work remain available to complete the Project; and

**WHEREAS** the RPBCWD engineer solicited quotes for the three years of establishment and maintenance of vegetation remains, along with related site-restoration work, and Prairie Restorations Inc, in conjunction with subcontractor Parkstone, submitted the lowest price quote for the work, and the engineer has examined the Prairie Restorations quote and recommends award of the work to Prairie Restorations.

**NOW THEREFORE BE IT RESOLVED** that the RPBCWD Board of Managers authorizes the administrator, on advice of counsel, to enter a contract with Prairie Restoration Inc., with a subcontract to Parkstone for certain of the work, for three years of establishment and maintenance of vegetation remains, along with related site-restoration work not to exceed \$41,016, and to execute change orders as necessary to address changes to the scope of the work not to exceed an aggregate of \$4,100 and to adjust contract times as necessary to address unexpected events or conditions.

The question was on the adoption of the resolution and there were 4 yeas, 0 nays, and 1 abstention as follows:

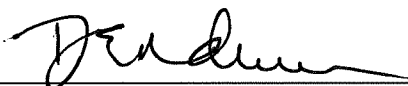
	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
<b>CRAFTON</b>	X			
<b>DUEVEL</b>			X	
<b>KOCH</b>	X			
<b>PEDERSEN</b>	X			
<b>ZIEGLER</b>	X			

Upon vote, the president declared the resolution adopted.

July 13, 2022

I, Dorothy Pedersen, secretary of the Riley-Purgatory-Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with RPBCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this 14th day of July, 2022.

  
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Dorothy Pedersen, Secretary