



## Legislation Text

---

**File #:** 62340, **Version:** 1

---

The proposed resolution authorizes the non-competitive purchase of wetland mitigation credits from Willow Drive Mitigation Bank at a total estimated cost of \$80,750. The cost of the wetland credits will be reimbursed by the developer.

The proposed resolution also amends the 2020 Adopted Capital Budget by adding \$80,750 of developer capital funding to the Street Reconstruction program budget (MUNIS Project 12694) for the purchase of wetland credits associated with the permitting necessary to construct the Rockstream Drive project.

### MUNIS:

12694-402-170: \$80,750

12694-402-814: \$80,750

A Resolution to authorize the non-competitive purchase of goods from Willow Drive Mitigation Bank as a sole source provider of Wet Meadow wetland mitigation credits by City of Madison. (7<sup>th</sup> AD) and amending the 2020 Capital Budget for Street Reconstruction Program for the Rockstream Drive project (MUNIS Project 12694). WHEREAS, The FRED-Maple Grove subdivision is a proposed subdivision plat on the City's westside that includes the property located at 3840 Maple Grove Drive; and

WHEREAS, a condition of approval of the plat is that FRED-Maple Grove HC, LLC (the "Developer") is responsible for the construction of Rockstream Drive, in accordance with the Neighborhood Development Plan; and

WHEREAS, the Rockstream Drive roadway project crosses Badger Mill Creek and a delineated wetland, requiring a Wisconsin Department of Natural Resources (WDNR) and U.S. Army Corps of Engineers (USACE) permit to proceed with construction; and

WHEREAS, the City of Madison and the Developer have agreed that the City will construct the roadway and the Developer will reimburse for their share of the project, which includes the necessary permit and wetland credit purchase associated with the permits; and

WHEREAS, the WDNR has set a wetland mitigation purchase requirement of 0.95 Wet Meadow credits to compensate for the impact of the proposed Rockstream Drive project; and

WHEREAS, the stated wetland mitigation credit purchase is a condition of wetland permit approval; and

WHEREAS, Willow Drive Mitigation Bank is the only bank in the Rock Service Area with the required credit type currently available for purchase; and

WHEREAS, Willow Drive Mitigation Bank has Wet Meadow credits available at a price of \$85,000 per credit, for a total cost of \$80,750; and

WHEREAS, as part of the Developer's Agreement, the Developer has provided a deposit in the amount of \$80,750 for the wetland credit required for the purchase of the Willow Drive Mitigation Bank Wet Meadow credits; and

WHEREAS, the City of Madison will use the Developer's deposit to pay for the purchase of the required

wetland credits as part of the permitting with USACE and WDNR; and

WHEREAS, the Engineering Division will be required to do a Budget Amendment to amend the General Fund (#1100) budget to move money from the Developer's deposit to the project budget (MUNIS Project 12694); and

WHEREAS, upon receipt of payment in full, an Affidavit of Bank Credit Transfer will be forwarded to the USACE, WDNR, and the City of Madison; and

WHEREAS, for the reasons explained above and in the attached Noncompetitive Selection Request Form, Willow Drive Mitigation Bank is the only vendor that can provide for the specific needs of the City of Madison and permitting requirements of the Wisconsin Department of Natural Resources; and

WHEREAS, MGO 4.26(2) requires goods to be purchased using a competitive process approved by the Finance Director, and under the Finance Director's Purchasing Guidelines, Common Council approval is required to purchase goods of \$50,000 or more without a competitive process.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Finance Director or City Engineer (designee) to sign an Affidavit of Bank Credit Purchase for the purchase of goods as described above.

BE IT FURTHER RESOLVED, that the General Fund and Street Reconstruction budget are hereby amended to transfer \$80,750 of the Developer's costs to the project budget for the purchase of the wetland credits.