

Memo

To: Bruce Wyatt

From: Tim Begley *TRB*

CC: Mayor and Councilmen

Date: 3/27/2013

Re: Baisley Wetland Mitigation Project

The Baisley Wetland Mitigation Project has been hydraulically monitored and the wetlands delineated by DEPA (Development & Environmental Planning Associates) on the following date ranges:

4-23-07 to 5-5-07

5-1-09 to 5-14-09

3-29-10 to 4-11-10

3-31-11 to 4-13-11

We currently have one monitoring period left and this will be completed in the 30 days. If the monitoring results are positive, this will fulfill the City's permit requirements and we will be finished with the project.

The following list outlines the timeline and events that have occurred within the past four months with this project.

- Item 1: After a phone conversation with Tina Burgess (current owner of DEPA), I emailed her on January 7, 2013.
- Item 1A and 1B was attached to the email in order to give Ms Burgess the background from the former owner of DEPA.
- Item 2: Ms Burgess replied with this email. Item 2A, 2B and 2C were attached to the email.
- Item 2A is the proposal letter from DEPA to the City.
- Item 2B and 2C are the acceptance sheets for each phase of the work.
- Item 3 is an email from Ms Burgess following up on the proposals.
- Item 4 is also an email from Ms Burgess following up on the proposals.
- On March 7th Randal Kidwell walked by my office door leaving the Engineering Department. Eric Brady and I had a conversation later that day where he informed me that Mr. Kidwell was no longer with DEPA. I was alarmed by this discovery because he had always performed the fieldwork for the "Baisley Wetland Mitigation Project." Late in the

afternoon of the same day, I had a discussion with the City Manager about whether DEPA was qualified to perform the reporting. I stated that I must meet with Ms Burgess in person and discuss qualifications and the City Manager agreed.

- On March 18th I met with Ms Burgess and she informed me that Mr. Jim Powers would be supervising the items for the Baisley Farm Mitigation Project. Mr. Jim Powers, the past owner of DEPA, had signed the proposals that the City had worked from on the prior 4 monitoring periods. I immediately came back to my office and obtained the purchase requisition and purchase order for the two items, had the Proposal Acceptance Sheets signed by the City Manager (Item 5) and forwarded copies to Ms. Burgess.
- Late in the afternoon of March the 18th or 19th Mr. Kidwell called me and asked when he could start the work. I told him that we had already signed contracts with DEPA. Mr. Kidwell informed me that we could not do that and his bid was the lowest. I told him that we didn't bid the project and he informed me that he had left a proposal with Eric Brady. I think he had left his proposal with Eric on March 7th but I was completely unaware of his proposal before the Proposal Acceptance Sheets were signed with DEPA. Mr. Kidwell had much to say about not getting this work and I will not go into detail outlining his comments and threats.
- Later in the evening of the same day Mr. Kidwell called Eric Brady. Eric tells me that Mr. Kidwell threatened to whip his ass and my ass during the phone conversation.

When I was made aware of Mr. Kidwell's new business, I was very happy to hear that we now have two local environmental firms. Having competition usually always brings cost down and I felt like the City and surrounding community would benefit. My overriding concern has been to finish this project, this spring, and have the Tennessee Department of Conservation permit closed. Under no circumstances have I tried to favor one company over another.

1**Tim Begley**

From: Tim Begley [tim.begley@crossvilletn.gov]
Sent: Monday, January 07, 2013 11:19 AM
To: Tina Burgess (tburgess@depainc.com)
Subject: Baisley Farm Mitigation
Attachments: 20130107105248504.pdf

Tina,

The attached file shows the prices that we had discussed with Mr. Powers. The prices for the Baisley farm work is listed under items 2 and 3 in the letter.

If these prices are good we probably need an updated letter.

We would need one additional statement under item 3 that would say something to the effect that "the City would survey the wetlands flags and provide a map showing the wetland area to be used in the report by DEPA."

Jim had agreed to bill these two items separately because they were independent items. If you wish to bill these two items together we would need to get the City Council's approval. I'm good either way just let me know what you prefer.

I'm also good with an email as the estimate and an email back for approval. If you would rather have a small agreement or contract, I'm good with that too.

Tim Begley
City of Crossville
Director of Engineering

1A

Eric Brady

From: Jim Powers [depainc@volfirst.net]
Sent: Monday, March 26, 2012 3:39 PM
To: Eric Brady
Subject: Baisley Wetland

Eric,

The prices you mentioned were for the 2011 monitoring and delineation. However, I will honor those numbers for 2012. First, let me say that a controlled burn of the wetland would help it more than anything else. I think we need to consider going over Brandon Chance's head and make an appeal directly to Dan Eagar, Chief of the Natural Resources Section for Water Pollution Control. He understands wetlands, wetland functions and wetland quality. Second, we need to do the delineation quickly. Due to unusually warm weather, the "junk" stuff is taking over the wetland plants and that will make delineation more difficult.

Thanks,

Jim Powers
DEPA, Inc.
484 Highway 70 East
Crossville, TN 38555
931-456-1099
931-456-7770 fax
931-260-9239 cell
depainc@volfirst.net

1 B

Development & Environmental Planning Associates, Inc.
484 Highway 70 East • Crossville, TN 38555
931-456-1099 • 931-456-7770 Fax
email: depainc@volfirst.net

February 17, 2011

Mr. Eric Brady
City of Crossville
99 Municipal Avenue
Crossville, TN 38555

Re: Cost Estimates for Wetland Projects

Dear Mr. Brady:

Per your request, I offer the following estimates for professional services:

1. Review, identify, delineate and flag any and all wetlands on the ~20-acre Donnelly property adjacent to the Crossville Memorial Airport. Prepare appropriate wetland forms and a report of the findings suitable for submittal to the regulatory agencies in application for the appropriate permits, if necessary. The estimate for these services is \$2,850.00.
2. Conduct the annual groundwater monitoring at the Baisley mitigation wetland. This requires 14-consecutive days of measuring the groundwater levels in the four (4) wells previously installed by City of Crossville personnel. A report and graphic depiction of the results of the monitoring will be provided following the monitoring period for submittal to TDEC. The estimate for these services is \$3,250.00.
3. Conduct a full delineation of the Baisley mitigation wetland. The entirety of the wetland will be delineated and flagged for survey. The delineation will include a report of the findings with the appropriate wetland forms completed for submittal to TDEC. The estimate for these services is \$3,950.00.

I appreciate the opportunity to offer professional environmental services to the City of Crossville. If you have any questions or desire additional information, please feel free contact me.

Sincerely,

James R. Powers

James R. Powers
President

jp

xc: File

Purchase Order Number 46851 issued by City of Crossville for this Proposal.

Tim Begley

From: Tina Burgess [tburgess@depainc.com]

Sent: Monday, January 07, 2013 6:10 PM

To: tim.begley@crossvilletn.gov

Subject: Baisley Wetland

Attachments: Proposal Acceptance Baisley Wetland.docx; Proposal Acceptance City of Crossville.docx; Baisley Wetland gw monitoring & delineation.dotx

Dear Tim,

Attached, please find the requested letter of intent, cost proposals and proposal acceptance sheets.

Please notify our office as soon as possible, so we can put these items on our schedule!

Thanks so much!

If I can be of any assistance please feel free to contact me.

Sincerely,

Tina M. Burgess

Development & Environmental Planning Associates, LLC

Tina M. Burgess, Environmental Consultant

C(931)248-6323

O(931)456-1099



January 7, 2013

Mr. Tim Begley
City of Crossville, Engineering Dept.
72 South Main St.
Crossville, TN 38555
Re: Costs Estimates for Baisley Wetland Project

Dear Mr. Begley:

Enclosed in this letter please find the cost estimates for the ground water monitoring and delineation of the Baisley wetland mitigation site. DEPA, LLC will continue to honor the original prices for services from 2011, and are described below:

1. Conduct the annual groundwater monitoring at the Baisley mitigation wetland. This requires 14-consecutive days of measuring the groundwater levels in the four (4) wells previously installed by City of Crossville personnel. A report and graphic depiction of the results of the monitoring will be provided following the monitoring period for submittal to TDEC. The estimate for these services is \$3,250.00.
2. Conduct a full delineation of the Baisley mitigation wetland. Once the site is flagged by our personnel, the City of Crossville personnel will survey the mitigated area, and provide a map for use by DEPA, LLC in our report. The delineation will include a report of the findings with the appropriate wetland forms completed for submittal to TDEC. The estimate for these services is \$3,950.00.

Upon your approval, delineation and flagging will take place in the next few weeks. It is important that we start the delineation in mid to late March when the wetland plants begin to sprout, in order to identify them properly. The monitoring of the wells will take place sometime in early spring, with optimum monitoring time being at the end of March, first of April. Also, it has come to our attention that the locks on the gates at the wetland site have been changed, so we will need a key in order to access the proper area.

Upon your review and acceptance of the attached proposal, please sign and return one complete original copy to my attention prior to the start of our work on the project.

ZA
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We will proceed with the project upon your approval and notice.
If you have any additional questions or concerns, please contact our office at 456-1099.

Sincerely,



Tina M. Burgess
President

Tmb

Attachment/contracts

Proposal Acceptance Sheet

Description of Services: Ground water monitoring of 4 wells at wetland site
 Project Name: Baisley Wetland Mitigation Site
 Project Location: Baisley Farm, Crossville, TN
 Date: January 8, 2013

For Approval and Payment of Charges

Invoices will be charged and mailed to the account of:

Firm: City of Crossville
 Street Address: 72 South Main Street
 City: Crossville State: TN Zip: 38555
 Attention: Tim Begley Telephone: 456-6172
 Email: tim.begley@crossvilletn.gov

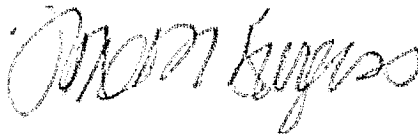
This AGREEMENT is subject to the following special provisions/payment schedule:

Payment in full due with 30 days after completion of project

This AGREEMENT is accepted by:

City of Crossville
 Client

Development & Environmental Planning Assoc., LLC



By (Signature)

By (Signature)

By (Type/print)

Tina M. Burgess

By (Type/print)

Title

President

Title

Accepted 2012

Accepted January 8 2013

Acknowledging the attached Proposal Letter

Acknowledging the attached Proposal Letter

Development & Environmental Planning Associates, LLC
 484 Highway 70 East
 Crossville, TN 38555
 (931) 456-1099

Proposal Acceptance Sheet

Description of Services: Delineate and Flag Mitigation area; Submittal of proper forms
 Project Name: Baisley Wetland Mitigation Site
 Project Location: Baisley Farm, Crossville, TN
 Date: January 8, 2013

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Development & Environmental Planning Assoc., LLC



By (Signature) _____
 By (Type/print) _____
 Title _____

By (Signature) _____
Tina M. Burgess
 By (Type/print) _____
President
 Title _____

Accepted _____ 2012
 Acknowledging the attached Proposal Letter

Accepted January 8 2013
 Acknowledging the attached Proposal Letter

Development & Environmental Planning Associates, LLC
 484 Highway 70 East
 Crossville, TN 38555
 (931) 456-1099

3

Tim Begley

From: Tina Burgess [tburgess@depainc.com]
Sent: Wednesday, January 30, 2013 3:11 PM
To: tim.begley@crossvilletn.gov
Subject: Baisley wetlands

Hi Tim,
Just following up with you regarding the upcoming wetland monitoring period. I haven't received a copy of the contract yet, and was wondering if there is a problem?
I will give you a call next week if I haven't heard from you by then.
Have a great day!
Tina
If I can be of any assistance please feel free to contact me.

Sincerely,

Tina M. Burgess

Development & Environmental Planning Associates, LLC

Tina M. Burgess, Environmental Consultant
C(931)248-6323
O(931)456-1099

4

Tim Begley

From: Tina Burgess [tburgess@depainc.com]
Sent: Wednesday, March 06, 2013 4:13 PM
To: tim.begley@crossvilletn.gov
Subject: Baisley Farm wetland

Hi Tim,

Just touching base with you regarding the upcoming monitoring for the Baisley Mitigation site. The monitoring and delineation needs to be started at the end of March, with the monitoring continuing through the middle of April.

We are all set up and ready to go as soon as we hear from you, so please contact me at your earliest convenience and I will get it on the schedule.
If you have any questions or concerns, please give me a call or email!
Thanks!

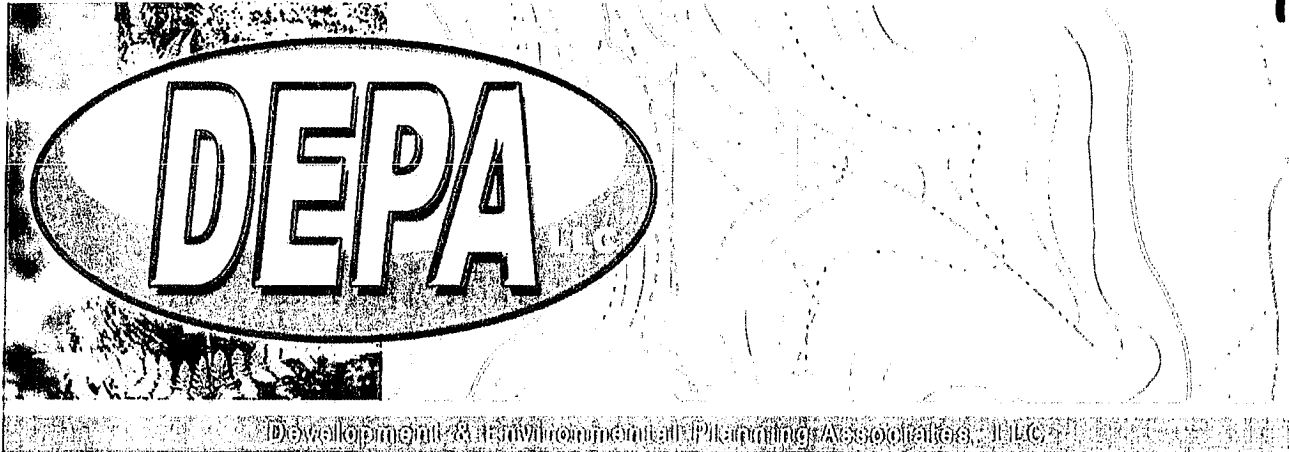
Sincerely,

Tina M. Burgess

Development & Environmental Planning Associates, LLC

Tina M. Burgess, Environmental Consultant
C(931)248-6323
O(931)456-1099

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1 of 4



January 7, 2013

Mr. Tim Begley
City of Crossville, Engineering Dept.
72 South Main St.
Crossville, TN 38555
Re: Costs Estimates for Baisley Wetland Project

Dear Mr. Begley:

Enclosed in this letter please find the cost estimates for the ground water monitoring and delineation of the Baisley wetland mitigation site. DEPA, LLC will continue to honor the original prices for services from 2011, and are described below:

1. Conduct the annual groundwater monitoring at the Baisley mitigation wetland. This requires 14-consecutive days of measuring the groundwater levels in the four (4) wells previously installed by City of Crossville personnel. A report and graphic depiction of the results of the monitoring will be provided following the monitoring period for submittal to TDEC. The estimate for these services is \$3,250.00.
2. Conduct a full delineation of the Baisley mitigation wetland. Once the site is flagged by our personnel, the City of Crossville personnel will survey the mitigated area, and provide a map for use by DEPA, LLC in our report. The delineation will include a report of the findings with the appropriate wetland forms completed for submittal to TDEC. The estimate for these services is \$3,950.00.

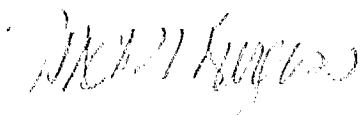
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Upon your review and acceptance of the attached proposal, please sign and return one complete original copy to my attention prior to the start of our work on the project.

5
2 of 4

We will proceed with the project upon your approval and notice.
If you have any additional questions or concerns, please contact our office at 456-1099.

Sincerely,



Tina M. Burgess
President

Tmb

Attachment/contracts

Proposal Acceptance Sheet

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Project Name: Baisley Wetland Mitigation Site
Project Location: Baisley Farm, Crossville, TN
Date: January 8, 2013

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Attention: Tim Begley Telephone: 456-6172
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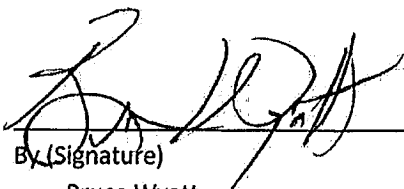
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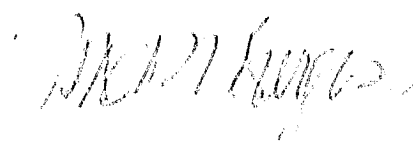
This AGREEMENT is accepted by:

City of Crossville
Client

Development & Environmental Planning Assoc., LLC


By (Signature)
Bruce Wyatt

By (Type/print)
City Manager
Title


By (Signature)
Tina M. Burgess

By (Type/print)
President
Title

Accepted March 18, 2013
Acknowledging the attached Proposal Letter

Accepted January 8, 2013
Acknowledging the attached Proposal Letter

Development & Environmental Planning Associates, LLC
484 Highway 70 East
Crossville, TN 38555
(931) 456-1099

Proposal Acceptance Sheet

Description of Services: Delineate and Flag Mitigation area; Submittal of proper forms
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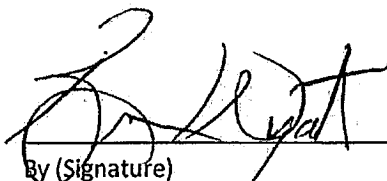
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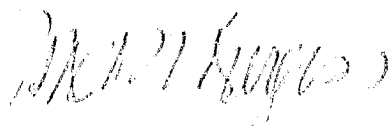
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Client

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By (Signature)
Bruce Wyatt


By (Signature)
Tina M. Burgess

By (Type/print)
City Manager
Title

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President
Title

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