

## **UTILITIES COMMISSION**

**March 5, 2014**

The regular meeting of the Baxter Utilities Commission was called to order at 4:00 p.m. by Chairman Rock Yliniemi.

MEMBERS PRESENT: Commissioners Shawn Crochet, Dave Franzen, Bruce Klopfleisch, and Chairman Rock Yliniemi.

MEMBERS ABSENT: Council Liaison Rob Moser.

STAFF PRESENT: Public Works Director/City Engineer Trevor Walter and Administrative Assistant Mary Haugen.

OTHERS PRESENT: Community Development Director Josh Doty, Close~Converse Representative Rod Osterloh and WSN Consulting Engineer Aric Welch.

### **APPROVAL OF MINUTES**

**MOTION** by Commissioner Crochet, seconded by Commissioner Klopfleisch to approve the Utilities Commission minutes of February 5, 2014. Motion carried unanimously.

### **VARIANCE REQUEST FOR TANNER COMMERCIAL PROPERTY**

The commission reviewed the request for a variance to construct an individual onsite septic and well on the Tanner commercial property on T.H. 371. The application submitted to the City did not include the intended use of the land. The property is zoned C2 Commercial which does not allow an individual well and on-site septic system under Baxter Zoning Code 10-3G.

Public Works Director/City Engineer reviewed the past history on the Tanner commercial property. The property was annexed into the City of Baxter in 1999 with several other properties with the understanding that City sewer and water services would be provided in a timely fashion.

Mr. Tanner currently has a potential buyer that has a proposed use that would require a low quantity supply of water and sewer but no purchase agreement therefore no guarantee that the user will be a low volume water and sanitary sewer user.

Public Works Director/City Engineer Walter recommended that City water and sanitary sewer services be required to develop the Tanner Commercial Property. He expressed concern over commercial development with well and septic system and then retrofitting the property with city services at a later date.

Mr. Tanner's concern on the property is that it is being taxed at a commercial rate that is not serviced with city sewer and water, which cannot be issued a building permit and ultimately as a result cannot be sold. The earliest possible timeline for the extension of city services would be in 2015 although the 5-year Capital Improvements Plan Map has not been adopted at this time by City Council.

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Community Development Director Doty explained that a variance is a tool typically used in zoning, which has a specific set of standards that the Planning Commission needs to review to make their recommendation to City Council. The variance has to do with the unique hardship to the property; however, the state statutes have changed to the practical difficulties in not meeting the city standards.

Community Development Director Doty explained that a variance is linked to the property forever unless the variance expires. This might not be the proper tool for the request and it is a larger policy decision for the City. He reiterated the application submitted to the City did not include the intended use of the land and it is not known what the end user will be or the amount of water and sewer consumption.

Chairman Yliniemi expressed concern over not allowing the property owner and tax payer to use the land. The city had stated services would be provided in a timely manner with the annexation process and it is almost fifteen years later, he felt conditions could be allowed for certain usage with a well and septic system. Commissioner Franzen felt this was a reasonable solution and would allow the owner to market the property.

The commission held an extensive discussion on how to service the property with City water and sanitary sewer without allowing a variance for the construction of a well and septic system. Public Works Director/City Engineer Walter indicated that the property could connect temporarily to the intersection of TH 371 and Novotny Road by going north up along the east side of the MnDOT right of way.

Public Works Director/City Engineer Walter stated that maybe a temporary water and sewer agreement for a low volume water consumption user could be drafted, which would address future service connections and assessments, although neither scenario is the best solution. He also expressed concern over fire protection that might be required as part of the Building Code but since the user is not known it cannot be addressed.

Commissioner Klopffleisch stated that 15 years was not a timely manner and inquired if there were any other properties in town with the same issue since he was concerned about setting precedence. He was informed that only this area on Novotny Road and part of Dellwood Drive exists at this time although one or two other property owners in that same area could have the same request.

Close~Converse Representative Rod Osterloh representing Mr. Tanner stated the dilemma is how to attract a real buyer to the property with so many unknowns on when sanitary sewer and water may be extended. The agreement would at least allow them a tool to talk with future prospects. He did inform the commission the party currently looking at the property would be a low volume user.

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The commission felt an agreement for temporary sanitary sewer and water should be drafted and discussed further between the City and Mr. Tanner. Commissioner Klopffleisch felt this could be justified due to the history on the project.

**MOTION** by Commissioner Franzen, seconded by Commissioner Klopffleisch to advise the Planning and Zoning Commission that the Utilities Commission recommends denial of the variance for the Tanner Commercial Property on TH 371 and recommends City water and sanitary sewer service connections be required to develop the property. Motion carried unanimously.

**MOTION** by Commissioner Klopffleisch, seconded by Commissioner Crochet to recommend City Council direct City Staff to draft an agreement for temporary water and sanitary sewer connections to the Tanner Commercial Property on TH 371 which protects the city against future assessments for streets, water, and sanitary sewer on the Novotny Road and Dellwood Drive Project and discuss further with Mr. Tanner. Motion carried unanimously.

### **REVIEW FINAL PLANS AND SPECIFICATION FOR WILDFLOWER DRIVE, FRANKLIN DRIVE AND WOIDA ROAD AREA IMPROVEMENTS**

City Consulting Engineer Welch presented the revised plan sets to the commission. A plan review meeting involving City staff and WSN was held on Thursday, February 20 and the requested changes and revisions were made to the plan sets.

The City of Baxter has received wetland approval from Board of Water and Soil Resources (BWSR). The ditches and culverts necessary to construct the stormwater outlets have been reviewed with the TEP panel but no formal wetland delineation work or permit approval have been obtained.

The plans were separated due to State Aid review on the Woida Road improvements. The plans have been submitted and plans should be returned in two to three weeks. Any comments and concerns from State Aid will be addressed and resubmitted for final approval.

Highlights of the Woida Road plan included the following:

- Detour plans for two (2) different locations within the project area.
- Sod will be used in all areas that are currently being maintained as yard.
- Underground utilities will need to be relocated.
- Tracer wire will be used on all underground piping.
- Sanitary sewer details include utility box enclosure where cleanouts terminate. Any dry pipes installed to the mainline will be connected by the contractor.
- Storm sewer system will have three locations with two wet sediment basins.

Public Works Director/City Engineer Walter inquired if any relocation fees have been discussed by any Utility Companies. City Consulting Engineer Welch stated that to date no utility companies have asked for reimbursement.

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Public Works Director/City Engineer Walter stated there will be added maintenance to the Storm sewer Department since the storm water wet basins will need to be cleaned every fall for winter storage.

Highlights of the Wildflower Drive and Franklin Drive plan included the following:

- City property will be cleared and grubbed in its entirety.
- Sod will be used in all areas that are currently being maintained.
- A temporary road will be installed on the city lot for vac truck access.
- Sanitary sewer will be installed into Garland Drive
- City Council authorized completion of Section 6 ditching on Wildflower Drive and Franklin Drive.

Public Works Director/City Engineer Walter stated that Rick Waldemarsen of 7111 Woida Road requested review of the elevation from his home to the intersection of Wildflower Drive in order to make sure the water does not get trapped behind the curb. WSN Consulting Engineer Welch will review Station 36 to Station 40 on the plan and profile sheet and address any concerns.

Public Works Director/City Engineer Walter explained that the city striping may need to be changed to latex paint due to chip sealing the city streets. Latex paint will not last as long as epoxy so the streets may need to be repainted yearly however, latex paint is less expensive than epoxy paint.

The commission held a brief discussion on the depth of city water lines due to current weather conditions and Minnesota cities that are experiencing frozen water lines. WSN Consulting Engineer Welch explained the water lines in the city are buried on an average of 8 to 9 feet deep. Public Works Director/City Engineer Walter stated that staff will require any shallow lines be insulated to protect against possible freeze up.

**MOTION** by Commissioner Klopfeisch, seconded by Commissioner Crochet to recommend City Council adopt a Resolution approving the final plans and specifications and ordering advertisement for bids for the 2014 Franklin Drive, Wildflower Drive, and Woida Road Area Improvements Project. Motion carried unanimously.

### **MINOR SUBDIVISION PLAT OF THIRD ADDITION TO JMS BAXTER ESTATES**

The commission reviewed the Minor Subdivision Plat of Third Addition to JMS Baxter Estates. The plat adjusts the property line between the City of Baxter Property and the Carlsen property, for the proper alignment of a utility easement for the Wildflower Drive, Franklin Drive and Woida Road Improvement Project.

**MOTION** by Commissioner Crochet, seconded by Commissioner Franzen to advise the Planning and Zoning Commission that the Utilities Commission has no concerns with the Minor Subdivision Plat of JMS Baxter Estates. Motion carried unanimously.

### **MINOR SUBDIVISION PLAT OF NYSTROM ADDITION**

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The commission reviewed the Minor Subdivision of Nystrom Addition. The property location is across from Brainerd Lakes Surgical Center and will consolidate two lots into one lot for the construction of a two-story office building.

The commission had no concerns with sanitary sewer, storm sewer, water or roadway but recommended a signed development agreement be in place before a building permit is issued.

**MOTION** by Commissioner Franzen, seconded by Commissioner Crochet to advise the Planning and Zoning Commission that the Utilities Commission has no concerns with the Minor Subdivision Plat of Nystrom Addition but recommends a signed development agreement be in place before a building permit is issued. Motion carried unanimously.

### **WSN PROPOSAL FOR ENGINEERING SERVICES FOR LIFT STATION NO. 9 REHABILITATION**

WSN Consulting Engineer Welch reviewed the WSN Proposal for Lift Station No. 9 Rehabilitation.

Improvements scheduled list for Station No. 9 include the following:

- Salvage existing control panel to the City.
- Install a new stainless steel control panel.
- Replace transducer.
- Replace floats.
- Replace base elbows.
- Replace pump guide rails.
- Wet well cleaning and concrete spot repair.
- Replace concrete cover and aluminum hatch.
- Discharge piping cleaning and coating repair.
- Complete valve vault replacement with addition of bypass piping.
- Bypass manhole upstream of lift station.

The estimated construction cost of the proposed improvements is \$156,000.00.

WSN recommended scope of services to complete the work described above is as follows:

- Meet with City staff to review existing conditions and proposed improvements including options for location of new upstream bypass manhole.
- Obtain underground facility (gas, telephone, fiber, electric, etc.) location information.
- Field survey project area for horizontal and vertical location information.
- Obtain field inventory and measurements of existing lift station components and piping.
- Base drawing of existing conditions.
- Plan and elevation drawing of existing and proposed lift station improvements.
- Detail and section sheets.
- Bid package and specification.

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- Bid solicitation and contractor selection assistance.
- Pre-construction conference/meeting.
- Part time field observation.
- Post construction survey.
- Record drawing preparation.

WSN proposes to perform the services described above on an hourly basis in accordance with the attached fee schedule for the Not to Exceed amount of \$8,750.00.

Public Works Director/City Engineer Walter reminded the commission the proposal amount of \$8,750.00 is under the \$15,000.00 City policy threshold and does not require the Request for Proposal process. WSN is also a local engineering firm that is on the approved City Council 2014 Annual Engineering Services Designation listing.

**MOTION** by Commissioner Klopfleisch, seconded by Commissioner Crochet to recommend City Council approve the WSN Proposal for Engineering Services for Lift Station No. 9 Rehabilitation in the Not to Exceed amount of \$8,750.00. Motion carried unanimously.

### **BOLTON & MENK, INC. ENGINEERING AND BIDDING SERVICES FOR THE WATER TREATMENT PLANT CHLORINE GENERATION EQUIPMENT**

The commission reviewed the Bolton & Menk, Inc. Proposal for Engineering and Bidding Services for the Water Treatment Plant replacement of the Chlorine Generation System.

The proposal amount of \$13,500.00 is under the \$15,000.00 City policy threshold and does not require the Request for Proposal process. Bolton & Menk, Inc. is a local engineering firm that is on the approved City Council 2014 Annual Engineering Services Designation listing.

Bolton & Menk, Inc. will do an evaluated bid process to determine the best value from various equipment suppliers of a sodium hypochlorite generation system. Staff is recommending Bolton & Menk, Inc. since the firm is familiar with this bidding process.

**MOTION** by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council approve the Bolton & Menk, Inc. Proposal for Engineering and Bidding Services for the replacement of the Chlorine Generation System at the Water Treatment Plant in the amount not to exceed of \$13,500.00 with funding allocated in the 2014 WAC Budget specifically for this project. Motion carried unanimously.

### **BRAINERD PUBLIC UTILITIES WASTEWATER PLANT CHARGES FOR JANUARY 2014**

The Brainerd Public Utilities Wastewater Plant Charges for January 2014 was submitted to the commission as information only.

### **MINNESOTA DEPARTMENT OF TRANSPORTATION NOTICE OF ANNUAL DISTRIBUTION**

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The Minnesota Department of Transportation Notice of Annual Distribution was submitted to the commission as information only.

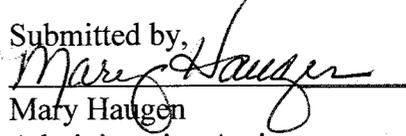
**ADJOURNMENT**

**MOTION** by Commissioner Crochet, seconded by Commissioner Klopfleisch to adjourn the meeting at 5:48 p.m. Motion carried unanimously.

Approved by:

  
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Rock Yliniemi  
Chairman

Submitted by,

  
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Mary Haugen  
Administrative Assistant