

UTILITIES COMMISSION

July 8, 2015

The regular meeting of the Baxter Utilities Commission was called to order at 5:00 p.m. by Chairman Rock Yliniemi.

MEMBERS PRESENT: Commissioners Shawn Crochet, Dave Franzen, Chairman Rock Yliniemi, and Council Liaison Mark Cross.

MEMBERS ABSENT: None.

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

OTHERS PRESENT: WSN Consulting Engineer Aric Welch, SEH Consulting Engineer Scott Hedlund and WSB Consulting Engineer Chuck Rickart.

APPROVAL OF MINUTES

MOTION by Council Liaison Cross, seconded by Commissioner Crochet to approve the Utilities Commission minutes of June 3, 2015. Motion carried unanimously.

2015 ISLE DRIVE EXTENSION IMPROVEMENT PROJECT UPDATE

WSB Consulting Engineer Rickart gave a brief update on the project. The Isle Drive/CSAH 48 project has been under construction since mid-May. RL Larson Excavating together with their subcontractors has been proceeding diligently with the construction.

RL Larson Excavating has been using two underground utility crews to help maintain the schedule. The original schedule has been maintained and in fact they are now slightly ahead of schedule.

2015 ISLE DRIVE EXTENSION IMPROVEMENT PROJECT PAY ESTIMATE NO. 2

WSB Consulting Engineer Rickart reviewed the Partial Pay Estimate No. 2 for the 2015 Isle Drive Extension Improvement Project. WSB Consulting Engineer Rickart had no concerns with the Partial Pay Estimate No. 2 and recommends approval.

MOTION by Council Liaison Cross, seconded by Commissioner Franzen to recommend City Council approve the R. L. Larson Excavating Partial Pay Estimate No. 2 in the amount of \$1,069,653.92 for the 2015 Isle Drive Extension Improvement Project. Motion carried unanimously.

WSB PROPOSAL FOR PROJECT DEVELOPMENT OF THE BAXTER WATER QUALITY PROJECT FOR THE WHISKEY CREEK TRIBUTARY PROJECT

Public Works Director/City Engineer Walter informed the commission that the original Feasibility Study of Alternatives for the Baxter Water Quality Project – Whiskey Creek Tributary to the Mississippi River was completed by Shawn Tracey. Shawn Tracey was also the

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lead consultant on the Whiskey Creek Subwatershed Water Quality Retrofit Analysis Report that was completed by the Crow Wing County Soils and Water Conservation District.

Mr. Tracey has recently joined WSB and previously he completed the other two studies when he worked at HDR.

WSB Consulting Engineer Rickart reviewed the WSB Proposal for the Project Development of the Baxter Water Quality Project for the Whiskey Creek Tributary Project. The proposal will set up the project and assist with grant funding for project phases.

The City does have an RFP (Request for Proposals) Policy for professional contracts that exceed \$15,000 dollars. The proposal does not exceed the \$15,000 threshold but there will be additional engineering contracts in the future in order to complete this project. The policy does allow for a deviation in RFP requirements if the City Council believes it is in the best interests of the City. The policy states as follows:

“This policy is intended to provide a guideline to the Council and staff. The Council retains the discretion to competitively bid professional services if it so chooses, and may deviate from the schedule and thresholds established within this policy for issuing RFPs when determined to be in the best interest of the City.”

Public Works Director/City Engineer Walter would like to keep the continuity of the lead project consultant since Mr. Tracey is very familiar with the project and has completed both studies to date. The City has been very satisfied with the quality of work completed. Starting over with possibly another project consultant may not be in the best interests of the City. The Commission agreed with the Public Works Director.

MOTION by Commissioner Crochet, seconded by Commissioner Franzen to recommend City Council approve the WSB Proposal for Project Development of the Baxter Water Quality Project for the Whiskey Creek Tributary Project in the not to exceed amount of \$7,000.00 with funding coming out of the Storm Water Enterprise Fund. Motion carried unanimously.

WILDFLOWER DRIVE, FRANKLIN DRIVE AND WOIDA ROAD IMPROVEMENTS PROJECT UPDATE

WSN Consulting Engineer Welch gave a brief update on the project regarding the Section 6 ditch work.

WILDFLOWER DRIVE, FRANKLIN DRIVE AND WOIDA ROAD IMPROVEMENTS CHANGE ORDER NO. 5

WSN Consulting Engineer Welch reviewed the Change Order No. 5 request for the 2014 Wildflower Drive, Franklin Drive and Woida Road Improvements Project.

- Cost is for sprinkler relocation and repair at Lakeland Veterinary Hospital from the area currently occupied by the trail. This work was to be completed and paid by the City per the signed easement agreement.

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- Price adjustment to complete the Section 6 Stormwater Ditch located east of Wildflower Drive. The Contractor provided a quote to complete the ditching work on a time and material basis rather than the contract bid items for the following reasons:
 1. Substantial completion has been reached on all other contract items and the work will require remobilization to the site.
 2. The work could not be completed when the contractor had equipment in the area because property owners had not agreed to provide the City the necessary easements to complete the work as outlined in the plans.
 3. The work could not be completed when ground water levels were lower as a result of the dewatering completed for the installation of the underground utilities.
 4. The change order establishes hourly rates for each piece of equipment and the final cost will be determined by the number of hours spent completing the work. The change order will take the place of the clearing, grubbing and common excavation bid items. Restoration items such as topsoil and seeding would be paid in accordance with the contractor's bid on the final pay estimate.

WSN Consulting Engineer Welch reviewed with the Commission, at the request of the Public Works Director, a cost comparison of the ditch work as if the work was completed under the contract at as bid prices.

The cost to complete the ditch under contract would have been \$3,900.00 dollars. Since the City did not have all of the easements needed for the ditch work, the work could not be completed while the contractor was onsite. Therefore, the contractor is only requesting an additional \$1,500.00 for mobilization in order to bring equipment back in to complete the Section 6 drainage ditch.

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council approve the Pratt's Affordable Excavating Change Order No. 5 in the amount of \$5,854.75 for sprinkler relocation and repair at Lakeland Veterinary Hospital and completion the Section 6 Stormwater Ditch located east of Wildflower Drive. Motion carried unanimously.

WILDFLOWER DRIVE, FRANKLIN DRIVE AND WOIDA ROAD IMPROVEMENTS PARTIAL PAY ESTIMATE NO. 9

WSN Consulting Engineer Welch reviewed the Partial Pay Estimate No. 9 for the 2014 Wildflower Drive, Franklin Drive and Woida Road Improvements Project. WSN Consulting Engineer Welch had no concerns with Partial Pay Estimate No. 9 and recommends approval.

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council approve the Pratt's Affordable Excavating Partial Pay Estimate No. 9 in the amount of \$233,633.12 for the 2014 Wildflower Drive, Franklin Drive and Woida Road Improvements Project. Motion carried unanimously.

SEH, INC MONTHLY UPDATE REPORT ON 2015 EXCELSIOR ROAD IMPROVEMENTS PROJECT

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SEH Consulting Engineer Hedlund gave brief update on the project. The existing bituminous driving surface was removed from Excelsior Road between Cypress Drive and the East City limits starting on June 5th.

The east storm pond grading work is substantially complete except for topsoil and turf restoration. Approximately half of the storm sewer work is installed on Excelsior Road between Conservation Drive and Baxter Drive.

The underground subcontractor's dewatering subcontractor accidentally struck the Paul Bunyan State Trail Bridge with a boom truck (the boom was left up too high when attempting to cross under the bridge). MnDOT was contacted and one of their bridge inspectors inspected the damage same day and determined it was basically cosmetic.

The DNR was contacted and made aware of the issue. The City's contractor was put on notice that the necessary repairs are their responsibility.

2015 EXCELSIOR ROAD IMPROVEMENTS PROJECT PARTIAL PAY ESTIMATE NO. 1

SEH Consulting Engineer Hedlund reviewed the Partial Pay Estimate No. 1 for the 2015 Excelsior Road Improvements Project. WSN Consulting Engineer Hedlund has no concerns with Partial Pay Estimate No. 1 and recommends approval.

MOTION by Commissioner Crochet, seconded by Commissioner Franzen to recommend City Council approve the Anderson Brothers Partial Pay Estimate No. 1 in the amount of \$292,860.69 for the 2015 Excelsior Road Improvements Project. Motion carried unanimously.

SEH, INC AGREEMENT FOR PROFESSIONAL SERVICES FOR THE 2015 FAIRVIEW ROAD FULL DEPTH RECLAMATION PROJECT

SEH Consulting Engineer Hedlund reviewed the Professional Services Agreement for the 2015 Fairview Road Full Depth Reclamation Project. The project schedule is listed below:

- Notice To Proceed: July 21, 2015
- Feasibility Report: September 1, 2015
- Public Information Meeting: September 10, 2015
- Improvement Hearing: October 1, 2015
- Final Design-95% Plan Submittals to City: November 2015
- Right of Way Acquisition: November 2015 -April 2016
- Wetland Delineation and Permitting: October 2015- March 2016
- 100% Plans to City: December 2015
- Bidding: Winter 2015/2016 (assumed)
- Construction: 2016 (assumed)

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SEH 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 \$68,628.00 including expenses and equipment.

The City does have an RFP (Request for Proposals) Policy for professional contracts that exceed \$15,000 dollars. The proposal does not exceed the \$15,000 threshold but there will be additional engineering contracts in the future in order to complete this project. The policy does allow for a deviation in RFP requirements if the City Council believes it is in the best interests of the City. The policy states as follows:

“This policy is intended to provide a guideline to the Council and staff. The Council retains the discretion to competitively bid professional services if it so chooses, and may deviate from the schedule and thresholds established within this policy for issuing RFPs when determined to be in the best interest of the City.”

Public Works Director/City Engineer Walter would like to keep the continuity of the lead project consultant since Mr. Hedlund is very familiar with the project and was the lead consultant for the Safe Routes to School Project and was selected as the project engineer for the 2015 City of Baxter Mill and Overlay Project. Mr. Hedlund has been responsible for the research for these projects and the City has been very satisfied with the quality of work completed. Starting over with possibly another project consultant may not be in the best interests of the City. The Commission agreed with the Public Works Director.

MOTION by Commissioner Crochet, seconded by Commissioner Franzen to recommend City Council to approve the SEH, Inc. Proposal for Professional Engineering Services for the 2016 Fairview Road Full Depth Reclamation Improvement Project in the not to exceed amount of \$68,628.00. Motion carried unanimously.

PRELIMINARY AND FINAL PLAT OF VAUGHANS LOTS

reviewed the preliminary and final plat for Vaughans Lots. The area is zoned R-2 and Outlot A was created for a potential sale in the future.

MOTION by Commissioner Crochet, seconded by Commissioner Franzen to recommend advising the Planning & Zoning Commission that the Utilities Commission has no concerns with the Vaughans Lots Plat. Motion carried unanimously.

PRELIMINARY AND FINAL PLAT OF SECOND ADDITION TO JOHNSON CENTRE

The commission reviewed the preliminary and final plat of Second Addition to Johnson Centre. The Utilities Commission has no concerns with the plat as long as a Limited Use Agreement is drafted and signed for any object in City right-of-way.

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to recommend advising the Planning & Zoning Commission that the Utilities Commission has no concerns with the Second Addition to Johnson Centre Plat contingent on the following conditions:

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1. Limited use agreement required in order to allow signage, parking and landscaping in the newly dedicated additional 7 feet of right-of-way.
2. Grant a right-of-way reduction on Universal Drive from 40 feet to 33 feet based on the north side of Universal road was previous platted at 33 feet of right-of-way and Universal Road is not a Collector Street.

Motion carried unanimously.

PRELIMINARY PLAT OF FOURTH ADDITION TO BAXTER INDUSTRIAL PARK PHASE 3

The commission reviewed the preliminary plat of Fourth Addition to Baxter Industrial Park Phase 3. The Utilities Commission has no concerns with the Fourth Addition to Baxter Industrial Park Phase 3 Plat as long as a dedicated utility easement is provided and controlled access is shown on the plat.

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to recommend advising the Planning & Zoning Commission that the Utilities Commission has no concerns with the Fourth Addition to Baxter Industrial Park Phase 3 Plat contingent on the following conditions:

1. Dedicate a 20 foot utility easement over the water main up to the building for fire protection and domestic water connections to the building.
2. Controlled access shown on plans.

Motion carried unanimously.

PRELIMINARY AND FINAL PLAT OF SECOND ADDITION TO REGAL PARK

The commission reviewed the preliminary and final plat of Second Addition to Regal Park. The plat was originally split into two (2) lots and the new plat will have five (5) lots with the pond

Council Liaison Cross inquired if the plat would meet the requirements of the existing 30-foot wide conservation easement. Public Works Director/City Engineer Walter stated that he would bring that to the attention of Community Development Director Doty.

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to recommend advising the Planning & Zoning Commission that the Utilities Commission has no concerns with the Second Addition to Regal Park Plat contingent on the following conditions:

1. 100 year storm water plan for the entire plat approve by City Engineer before a building permit is issued on any lot.
2. Lots 4 and 5 plat as outlots or require a development agreement to extend streets, water, sanitary sewer, and storm sewer on Whispering Woods Lane.
3. Pond Easement

Motion carried unanimously.

2016 GOLF COURSE DRIVE FEASIBILITY UPDATE

WSN Consulting Engineer Welch reviewed the history of the Golf Course Drive Feasibility Report. The project area on Golf Course Drive extends from Excelsior Road on the south to Woida

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Road on the north. Golf Course Drive is on the Municipal State Aid System (MSAS 109) and the project area is approximately 1.03 miles in length.

The City of Baxter is considering full depth reclamation of the southerly portion of Golf Course Drive from Excelsior Road to Universal Drive, and the northerly portion from Links Lane to Woida Road. The middle segment from Universal Drive to Links Lane is proposed to be reconstructed and the storm sewer replaced due to past failures.

As a part of this update to the report, the City requested review of the potential of upgrading Golf Course Drive to meet 10-ton design strength.

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council to approve the 2016 Golf Course Drive Feasibility Report. Motion carried unanimously.

2015 INDEPENDENCE ROAD IMPROVEMENT PROJECT MONTHLY STATUS UPDATE

WSN Consulting Engineer Welch informed the commission that the plans and specifications are complete and ready to bid. The project does not require any permits or outside review and approvals.

2015 INDEPENDENCE ROAD PLANS AND SPECIFICATIONS

Public Works Director/City Engineer Walter reviewed the 2015 Independence Road Plans and Specifications. Public Works Director/City Engineer Walter had no concerns and recommended forwarding to City Council for approval.

MOTION by Council Liaison Cross, seconded by Commissioner Crochet to recommend City Council to approve the 2015 Independence Road Plans and Specifications. Motion carried unanimously.

2015 INGLEWOOD DRIVE PLANS AND SPECIFICATIONS

Public Works Director/City Engineer Walter reviewed the 2015 Inglewood Dellwood Drive Plans and Specifications. Public Works Director/City Engineer Walter had no concerns and recommended forwarding to City Council for approval.

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council to approve the 2015 Inglewood Drive Plans and Specifications contingent on City Engineers final approval. Motion carried unanimously.

2015 DELLWOOD DRIVE & NOVOTNY ROAD IMPROVEMENT PROJECT MONTHLY STATUS UPDATE

WSN Consulting Engineer Welch informed the commission the Audubon Way watermain loop has been added as a bid alternate and plans are nearly 100% complete. WSN is currently working with the Crow Wing County Highway Department to finalize the alignment and complete revisions necessary to accommodate the bypass lane at the Dellwood Drive and Novotny Road Intersection.

WSN has obtained 6 of the 12 right-of-way easements from the abutting property owners. An agreement was made with two of the remaining property owners to turn back existing City road right-of-way located along the east side of TH 371 in exchange for the easements on Dellwood Drive.

MnDOT has reviewed the potential right-of-way vacation and expressed concern. MnDOT believes this property should never have been turned back to the City and said the majority of the property should become TH 371 right-of-way. WSN is working with the City attorney to modify the vacation documents and agreements in accordance with the MnDOT request.

The U.S. Army Corps of Engineers staff has expressed concern with the clearing of trees on the project and potential impacts to the long eared bat. WSN has provided the Corps with an approximate tree count and is waiting for further direction from the Army Corps of Engineers.

The current schedule is dependent on the USACE, State Aid plan approval and local MnDOT stormwater plan approval. WSN is not recommending proceeding with bidding the project until the USACE permit has been obtained. Completion of the project in 2015 may be in jeopardy if the USACE permit is held up by the long eared bat issue. WSN should have a better idea on the status of the permit and overall project schedule by the second Council meeting in July.

2015 DELLWOOD DRIVE & NOVOTNY ROAD PLANS AND SPECIFICATIONS

Public Works Director/City Engineer Walter reviewed the 2015 Dellwood Drive & Novotny Road Plans and Specifications. Public Works Director/City Engineer Walter had no concerns and recommended forwarding to City Council for approval.

MOTION by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council approve the 2015 Dellwood Drive & Novotny Road Plans and Specifications. Motion carried unanimously.

LIFT STATION NO. 3 RE-ROUTE PROJECT

Public Works Director/City Engineer Walter reviewed the current concern with the BNSF Lease Agreement. BNSF has requested \$19,000.00 for the permit and \$15,000.00 per year for the lease, the City of Baxter is being charged for the entire road right-of-way for Foley Road.

Public Works Director/City Engineer Walter explained that MnDOT purchased the property they never purchased fee title. MnDOT purchased only road right-of-way, storm sewer and existing utilities only. Any new utilities added under the 120-foot right-of-way require a new permit from BNSF.

Council Liaison Cross inquired if the utilities could be run down the south side of Foley Road. Public Works Director Walter stated a lease agreement would be required and City Attorney Person has recommended condemnation of the 120-foot road right-of-way the City of Baxter has been maintaining. The condemnation would be a one-year process and would delay the project until 2016.

BOLTON AND MENK, INC. PROPOSAL FOR FOLEY ROAD RIGHT-OF-WAY PLAT

Public Works Director/City Engineer Walter reviewed the Bolton and Menk Proposal for the Foley Road Right-of-Way Plat. The proposal provides two options to acquire city right of way.

Option A - Sketch and Descriptions

- Research - acquire existing records and plats.
- Field work - locate exiting right of way and section monumentation needed for survey descriptions.
- Drafting - prepare exhibits.
- Legal Descriptions - create descriptions of right of way parcels.

Option B - Right of Way Plats

- Research – acquire existing records and plats.
- Field work - locate exiting right of way and section monumentation needed for platting.
- Drafting - prepare right of way plats.
- Preliminary Submittal - provide copies for city and county review and comment.
- Final Plat Submittal - final plat submission for city to record. *Submittals do not include fees for the mylar plat copies for filing which are estimated at \$500 per plat, with the estimated total number of plats being four.
- Setting of final right of way corners.

Bolton and Menk 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 Option A - \$9,350.00 or Option B - \$14,900.00*.

MOTION by Commissioner Crochet, seconded by Commissioner Franzen to recommend City Council approve condemnation of the 120 foot road right-of-way and approve Bolton and Menk Foley Road Right-of-Way Option A for Sketch and Description in the not to exceed amount of \$9,350.00 for the Lift Station No. 3 Reroute Project. Motion carried unanimously.

2015 INGLEWOOD DRIVE IMPROVEMENT PROJECT MONTHLY STATUS UPDATE

WSN Consulting Engineer Welch informed the commission that WSN has completed the review of the Inglewood Drive and Fairview Road intersection for the traffic flow standpoint and recommends an additional turn lane on Fairview Road.

Final design has been delayed due to stormwater issues. The project will create just over one acre of new impervious surface which will trigger the treatment requirements of the NPDES Stormwater Permit. WSN is in the process of redesigning the storm sewer system and are proposing to construct a wet sedimentation basin along the west side of Inglewood Drive just north of the wetland on City property.

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The U.S. Army Corps of Engineers staff has expressed concern with the clearing of trees on the project and potential impacts to the long eared bat. WSN has provided the Corps with an approximate tree count and is waiting for further direction from the Army Corps of Engineers.

The current schedule is dependent on the USACE, State Aid plan approval and local MnDOT stormwater plan approval. WSN is not recommending proceeding with bidding the project until the USACE permit has been obtained. Completion of the project in 2015 may be in jeopardy if the USACE permit is held up by the long eared bat issue. WSN should have a better idea on the status of the permit and overall project schedule by the second Council meeting in July.

2015 FOREST DRIVE IMPROVEMENT PROJECT MONTHLY STATUS UPDATE

WSN Consulting Engineer Welch informed the commission the plans have been completed and easements are being obtained.

During review of the wetland delineation, a smaller shallow wetland was discovered to the south and is located in the alignment of the proposed ditch. The wetland has been delineated and the locations have been surveyed. The wetland permit will be revised and submitted to the TEP Panel for review.

2015 COLLEGE ROAD RIGHT TURN LAND ON TO CYPRESS DRIVE MONTHLY STATUS UPDATE

WSN Consulting Engineer Welch informed the commission that the plans and specifications are nearly complete. Plans have been submitted for underground utility owners to review. There are significant impacts to the underground electrical lines that will require relocation of ground mounted equipment.

DIVERSE MEASURES ENSURE CONSERVATION SUCCESS

The Diverse Measures Ensure Conservation Success article was provided to the commission as information only.

CROW WING COUNTY FUTURE HIGHWAY PROJECTS

The Crow Wing County Future Highway Projects was provided to the commission as information only.

WASTEWATER TREATMENT PLANT CHARGES FOR MAY

The wastewater treatment plant charges for May 2015 was provided to the commission as information only.

ADJOURNMENT

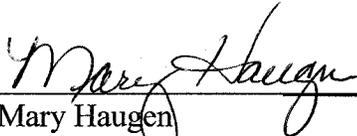
MOTION by Council Liaison Cross, seconded by Commissioner Franzen to adjourn the meeting at 6:45 p.m. Motion carried unanimously.

Approved by:

Submitted by,



Rock Yliniemi
Chairman



Mary Haugen
Administrative Assistant