

**UTILITIES COMMISSION**  
**September 2, 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, Doug Wolf, 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 Commissioner Crochet, seconded by Commissioner Franzen to approve the Utilities Commission minutes of August 5, 2015. Motion carried unanimously.

**2015 ISLE DRIVE EXTENSION PROJECT UPDATE**

WSB Consulting Engineer Rickart gave an update on the project. The Isle Drive/CSAH 48 project has been under construction since mid-May. Since the last update all underground utility work, grading of the roadway and curb and gutter has been completed. Roadway paving is on schedule to begin Thursday, August 27<sup>th</sup> on CSAH 48 and the week of August 31<sup>st</sup> on Mapleton Road and Isle Drive.

Signing and striping of the roadways will be completed following the final bituminous wear course. They are currently on schedule for the opening CSAH 48 and Mapleton Road on Friday September 4<sup>th</sup> prior to the start of the school year. Isle Drive north of CSAH 48 and Isle Court will be open to traffic after roadway paving and signing/striping is completed.

The private utility companies have been working with RL Larson at completing the relocation of their facilities. The majority of this work has been completed with only some minor work yet to be completed adjacent to Isle Court and the completion of the Crow Wing Power connections adjacent to CSAH 48 and Mapleton Road.

Crow Wing Power was delayed in completing their final work as a result of the July 11<sup>th</sup> storm. This work will not impact the roadway paving; however, it may impact paving some of the path and final grading behind the curb. In addition, the issue of undergrounding the overhead power line needs to be completed in order to install the final street light pole on Mapleton Road.

The items that will be completed in September and early October include: completing the paving of the paths; final grading and placing black dirt in the boulevards and behind the paths; driveway connections on Isle Court; completion of the street lighting and flasher systems;

planting the new trees, turf establishment, and final cleanup. The contract final completion date for all items is Friday, October 16<sup>th</sup>.

**2015 ISLE DRIVE EXTENSION CROW WING POWER MEMO**

WSB Consulting Engineer Rickart informed the commission the power line issue was discussed at the City Council Workshop on September 1<sup>st</sup> and submitted the 2015 Isle Drive Extension Crow Wing Power into the record.

Crow Wing Power has a large number of circuits in the CSAH 48 and CR 170 (Mapleton Road - formerly Ironwood Drive) corridors running to the substation located in the southwest quadrant of the intersection. Prior to the Isle Drive/CSAR 48 project nine (9) of the circuits from the substation were underground along CSAH 48 and CR 170 (Mapleton Road). Only one of the circuits running south along CR 170 (Mapleton Road) is, and will remain overhead on the Great River Energy (GRE) poles.

Throughout the design and early in the construction of the CSAN 48/Isle Drive improvements the City's understanding was that the power lines that were underground prior to the project would remain underground after the project and that placing the overhead power lines on the east side of Mapleton Road and crossing north to the north side of CSAH 48 was only temporary during construction. Crow Wing Power is now indicating that if the City wants the overhead power to be placed back underground the City would be responsible for the costs.

As indicated we believed that the new overhead power lines were going to be temporary. We had two utility meetings during design of the project and extensive discussions during the preconstruction meeting on how to minimize impacts to Crow Wing Power's facilities as well as other utility's. During those discussions Scott Beck from Crow Wing Power indicted that the intention was to put the lines on the south side of CSAH 48 overhead for safety and so that they would be out of the way for the contractor to install the deep sanitary sewer lines. We believed that these relocated lines were temporary based on the following:

- The existing power lines along CSAH 48 were originally underground.
- At no time during the utility or preconstruction meetings were there discussions on leaving the relocated lines overhead. If the lines were going to be permanent, they would need a permit for the installation. Crow Wing Power did not get a permit for installing the overhead lines from either the City or County. The right of way that the new Mapleton Road alignment is currently in is, technically still owned by the City. It will be turned back to the County at the completion of the project.
- Crow Wing Power located conduits under the new roadways of both CSAH 48 and Isle Drive to accommodate what we believed were for these power lines.
- One of the new street light poles is in conflict with the overhead power lines. We did look at moving the bases but the distance it would need to be moved is too far away from the roadway. The base is constructed but the pole will not be able to be installed until the power lines are removed. If we were aware that the overhead lines were going to be

permanent, we would have located them so they would not have been in conflict with the street lights or dealt with placing the line back underground.

The developer that owns the property in the southeast corner of the intersection (Johnson Properties) has contacted the City with a concern about the overhead power lines in front of their prime developable business commercial property. At that time, based on our understanding, we assured them that the power lines were only temporary and that the underground power was being reinstalled before the project was completed. They were relieved to hear that and it avoided them contacting Crow Wing Power directly about the issue.

The City has been cooperative with Crow Wing Power through the construction process. We agreed to the installation of new switches south on Mapleton Road (formally Ironwood Drive) so that the lines were not live across a deep utility trench. The cost to the City will be approximately \$5,000. In this case the item was discussed and justified prior to implementation so that it could be agreed to by the City. If we were aware of the issues prior to Crow Wing Power installing the overhead lines we may have been able to address a portion of the additional costs for putting the lines back underground at that time.

Crow Wing Power is asking that the City pay the cost for moving the overhead power back underground. They provided the following cost breakdown.

Materials	\$21,542.00
Construction Labor	\$16,951.30
Removing Overhead Power Labor	\$ 3,456.00
Total Cost	\$41,589.30

It is our understanding that these costs do include the material and labor for the already completed portion of placing the conduits under the new roadways of both CSAH 48 and Isle Drive. In addition we asked them to provide the cost to move the overhead line to avoid the street light pole. That cost was indicated to be \$2,880.00.

We are asking that the City Council provide direction on:

1. If the overhead power lines should be placed back underground, and;
2. If so, should the City pay the cost or a portion of the cost to place the power lines underground?

Public Works Director/City Engineer Walter stated that this issue will not hold up project completion but needs to be completed in order to close out the project in 2015.

**2015 ISLE DRIVE EXTENSION IMPROVEMENTS PROJECT PAY ESTIMATE NO. 4**

WSB Consulting Engineer Rickart reviewed the Partial Pay Estimate No. 4 for the 2015 Isle Drive Extension Improvements Project. WSB Consulting Engineer Rickart had no concerns with the Partial Pay Estimate No. 4 and recommends approval.

## UTILITIES COMMISSION – 09/02/15

**MOTION** by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council approve the R. L. Larson Excavating Partial Pay Estimate No. 4 in the amount of \$514,910.05 for the 2015 Isle Drive Extension Improvements Project. Motion carried unanimously.

### **2015 EXCELSIOR ROAD IMPROVEMENTS PROJECT UPDATE**

SEH Consulting Engineer Hedlund gave a brief update on the project. Anderson Brothers started construction on June 1, 2015. Paving is scheduled to begin the week of August 31<sup>st</sup> and the final lift of paving is scheduled for mid to late September.

Excelsior Road will remain closed to through traffic until the final lift of paving and all striping has been completed. Cypress Drive north of Excelsior Road is open to traffic.

### **2015 EXCELSIOR ROAD IMPROVEMENTS CHANGE ORDER NO. 2**

SEH Consulting Engineer Hedlund reviewed Change Order No. 2 for the 2015 Excelsior Road Improvements Project. SEH Consulting Engineer Hedlund has no concerns with Change Order No. 2 and recommends approval. The items relating to Change Order No. 2 are listed below:

- The City requested the Contractor utilize tied concrete block mat (Flexamat) in lieu of riprap for the west pond overflow weir and at curb to ditch transitions under the bridge for long term maintenance purposes. There is no bid item on the plans for this.
- To address safety challenges during construction with unauthorized members of the public moving Road Closed barricades in order to drive through restricted areas of the construction zone, the City requested the Contractor install concrete j-barriers on Excelsior Rd west of Broadmoor Drive and east of Conservation Drive.
- The topsoil borrow provided does not meet MnDOT specifications for 3877 Common Topsoil Borrow. The Sand % exceeds allowable limits. The City and Engineer determined the material from this stockpile will be accepted with a 25% deduct on material costs. The Contractor's submitted material costs are \$6.75 per cubic yard CY, thus the deduct is (\$1.69) per CY.

**MOTION** by Commissioner Crochet, seconded by Commissioner Franzen to recommend City Council approve the Anderson Brothers Change Order No. 2 in the increased amount of \$12,021.30 for the 2015 Excelsior Road Improvements Project. Motion carried unanimously.

### **2015 EXCELSIOR ROAD IMPROVEMENTS CHANGE ORDER NO. 3**

SEH Consulting Engineer Hedlund reviewed Change Order No. 3 for the 2015 Excelsior Road Improvements Project. SEH Consulting Engineer Hedlund has no concerns with Change Order No. 3 and recommends approval. The item related to Change Order No. 3 is listed below:

- The specifications call for use of the 2015 SALT Schedule of Materials Control - Local Government Agency. MNDOT has recently approved allowing the use of the nuclear density testing method in lieu of sand cones wherever sand cones are currently required

## **UTILITIES COMMISSION – 09/02/15**

on projects with State and Federal Funding. The Engineer determined nuclear density tests will be allowed in lieu of sand cones on this Project at the discretion of the Engineer.

**MOTION** by Commissioner Franzen, seconded by Commissioner Wolf to recommend City Council approve the Anderson Brothers Change Order No. 3 with no change to the contract amount for the 2015 Excelsior Road Improvements Project. Motion carried unanimously.

### **2015 EXCELSIOR ROAD IMPROVEMENTS PROJECT PARTIAL PAY ESTIMATE**

#### **NO. 3**

SEH Consulting Engineer Hedlund reviewed Partial Pay Estimate No. 3 for the 2015 Excelsior Road Improvements Project with the commission. SEH Consulting Engineer Hedlund has no concerns with Partial Pay Estimate No. 3 and recommends approval.

**MOTION** by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council approve the Anderson Brothers Partial Pay Estimate No. 3 in the amount of \$389,686.45 for the 2015 Excelsior Road Improvements Project. Motion carried unanimously.

### **2015 MILL AND OVERLAY IMPROVEMENT PROJECT UPDATE**

SEH Consulting Engineer Hedlund gave a brief update on the project. Construction started on Monday, August 17, 2015 along Glory Road. Glory Road was reduced to a single thru lane starting August 17th and will remain until work is completed in this project area.

The main ongoing focus has been on concrete curb & gutter repairs and pedestrian curb ramp upgrades. There is more repair work occurring than originally anticipated which is delaying the start of full depth reclamation (FDR) work.

SEH Consulting Engineer Hedlund stated the construction substantial completion date is October 16, 2015; however Anderson Brothers sent a letter on August 28<sup>th</sup> advising they likely will be requesting a contract time extension due to the amount of concrete repairs and availability of concrete work crews in the state.

The commission held an extensive discussion on the on the repair work, project budget and the overall time line. Public Works Director/City Engineer Walter informed the commission that the project is still on budget at this time and the costs are being closely monitored.

Commissioner Wolf inquired on when the decision will need to be made for fall/winter shutdown. Public Works Director/City Engineer Walter stated it is weather depending although it will most likely be mid to late October. It will be closely monitored on a weekly and daily basis in mid-October.

### **2015 MILL AND OVERLAY IMPROVEMENT PROJECT PARTIAL PAY ESTIMATE**

#### **NO. 1**

**UTILITIES COMMISSION – 09/02/15**

SEH Consulting Engineer Hedlund reviewed Partial Pay Estimate No. 1 for the 2015 Mill and Overlay Improvement Project with the commission. SEH Consulting Engineer Hedlund has no concerns with Partial Pay Estimate No. 1 and recommends approval.

**MOTION** by Commissioner Crochet, seconded by Commissioner Wolf to recommend City Council approve the Anderson Brothers Partial Pay Estimate No. 1 in the amount of \$51,723.22 for the 2015 Mill and Overlay Improvements Project. Motion carried unanimously.

**2016 FAIRVIEW ROAD IMPROVEMENT PROJECT UPDATE**

SEH Consulting Engineer Hedlund gave a brief update on the 2016 Fairview Road Improvements Project. The feasibility report is currently being prepared and the topographic design survey and wetland delineation field work has been completed.

A Public Information Meeting is tentatively planned for September and the Improvement Hearing is tentatively planned for October.

**2014 WOIDA ROAD, FRANKLIN DRIVE AND WILDFLOWER DRIVE FINAL PAY ESTIMATE NO. 10**

WSN Consulting Engineer Welch reviewed Final Payment Estimate No. 10 for the 2015 Woida Road, Franklin Drive and Wildflower Drive Improvements Project. WSN Consulting Engineer Welch has no concerns with Final Pay Estimate No. 10 and recommends approval.

**MOTION** by Commissioner Crochet, seconded by Commissioner Franzen to recommend City Council approve Pratt's Affordable Excavating Final Pay Estimate No. 10 in the amount of \$14,326.75 for the 2014 Wildflower Drive, Franklin Drive and Woida Road Improvements Project. Motion carried unanimously.

**2015 FOREST DRIVE STORMWATER IMPROVEMENTS PROJECT**

WSN Consulting Engineer Welch informed the commission that pursuant to authority of the City Council and after proper legal advertisement, bids for the above referenced project were obtained at 10:00 A.M., in the Baxter City Hall on Thursday, August 27, 2015. The following five bids were received:

Pratt's Affordable Excavating, Inc.	\$ 76,538.30
Anderson Brothers Construction Company	\$ 83,260.40
DeChantal Excavating, LLC	\$ 91,982.29
R.L. Larson Excavating, Inc.	\$ 98,181.06
J.R. Ferche, Inc.	\$199,808.25
<b>Engineer's Estimate</b>	<b>\$ 72,189.10</b>

All bids were conforming to the plans, specifications and advertisement. There was one error found on the low bid. The low bid is \$4,349.20 or 6% higher than the Engineer's Estimate. Thirteen of the 36 bid items came in over the engineer's estimate with the majority of the difference in the clearing & grubbing, topsoil borrow and hydraulic mulch.

**UTILITIES COMMISSION – 09/02/15**

**MOTION** by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council award the 2015 Forest Drive Area Stormwater Improvements Project to Pratts Affordable Excavating in the amount of \$76,538.30. Motion carried unanimously.

**2015 COLLEGE ROAD AND CYPRESS DRIVE RIGHT TURN LANE IMPROVEMENTS PROJECT MEMO**

WSN Consulting Engineer Welch informed the commission that Crow Wing Power provided a rough estimated cost of \$20,000 to relocate existing electric facilities for the addition of the right turn lane.

The existing electric facilities are currently located on private property in a private utility easement. Since the facilities are located on private property and not in a public right-of-way, Crow Wing Power is requesting reimbursement for the relocation costs based on their relocation policy.

The City Attorney will address this matter with City Council at the next meeting.

**COLLEGE ROAD/CYPRESS DRIVE RIGHT TURN LANE IMPROVEMENTS PROJECT**

WSN Consulting Engineer Welch informed the commission that pursuant to authority of the City Council and after proper legal advertisement, bids for the above referenced project were obtained at 10:30 A.M., in the Baxter City Hall on Thursday, August 27, 2015. The following four bids were received:

Pratt's Affordable Excavating, Inc.	\$142,140.50
Anderson Brothers Construction Company	\$156,264.44
J.R. Ferche, Inc.	\$223,186.50
R.L. Larson Excavating, Inc.	\$227,520.00
<b>Engineer's Estimate</b>	<b>\$109,078.35</b>

The low bid is \$33,062.15 or 30% higher than the Engineer's Estimate. 42 of the 52 bid items came in over the engineer's estimate with the majority of the difference in the mobilization, bituminous removal, bituminous paving, concrete, traffic control, trees, turf restoration and pavement markings.

The higher bid prices are likely due to the small scale of the project. It is our opinion that lower unit bid prices could be obtained if it was combined with a larger project to take advantage of economy of scale of projects.

Public Works Director/City Engineer Walter informed the Commission that City Staff have discussed the bids and recommends denying all bids and rebidding the project in 2016 by combing the project with a larger project.

## UTILITIES COMMISSION – 09/02/15

**MOTION** by Commissioner Crochet, seconded by Commissioner Wolf to recommend City Council reject all bids for the 2015 College Road and Cypress Drive Right Turn Lane Improvements Project and rebid in the spring of 2016 with another project. Motion carried unanimously.

### **2015 DELLWOOD DRIVE & NOVOTNY ROAD, INGLEWOOD DRIVE AND INDEPENDENCE ROAD PROJECT UPDATE**

WSN Consulting Engineer Welch gave a brief update on the projects schedule. A summary of the Contractor's schedule is as follows:

- Begin work on Independence Road the week of September 7<sup>th</sup>
- Begin work on Inglewood Drive the week of September 14<sup>th</sup>
- Begin dewatering on Dellwood/Novotny later the week of September 14<sup>th</sup>
- Begin underground on Dellwood/Novotny later the week of September 21<sup>st</sup>

The Contractor plans on working from 7:00 a.m. to 7:00 p.m. Monday through Thursday and 8 hours on Friday. Work on weekends is not planned but may be necessary depending on progress and weather.

### **WSN PROPOSAL FOR CONSTRUCTION ADMINISTRATION, OBSERVATION AND TESTING SERVICES FOR THE 2015 DELLWOOD DRIVE & NOVOTNY ROAD IMPROVEMENTS**

WSN Consulting Engineer Welch reviewed the WSN Proposal for Construction Administration, Observation and Testing Services for the 2015 Dellwood Drive & Novotny Road Improvements. The proposal was submitted into the record:

We are pleased to submit a proposal to provide construction related services for Dellwood Drive and Novotny Road improvement project. Our previous agreements for this project were for preliminary engineering, final design, right-of-way and assessment services only. This agreement includes construction administration, observation and testing services.

Our proposed scope of services is as follows:

#### Construction Staking

WSN proposes to provide construction staking and field survey services associated with the proposed construction. Specific tasks included with this proposal are:

- Establish vertical and horizontal control in the project area
- Generate staking files for the design elements shown in the plans
- Provide construction staking for clearing & grubbing, removals, sanitary sewer, water, storm sewer,
- roadway subgrade and curb & gutter
- Document staked point locations and elevations
- Provide Contractor with construction staking information
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## UTILITIES COMMISSION – 09/02/15

### Construction Administration

WSN proposes to provide construction administration services associated with construction of the proposed improvements and coordination with the Contract Documents. Specific tasks included with this proposal are:

- Coordinate execution of the Contract Documents
- Coordinate and attend a pre -construction conference
- Prepare project website updates
- Review Contractor material submittals and shop drawings for compliance with the plans and specifications
- Coordinate and conduct weekly construction meetings
- Project status reports
- SWPPP monitoring
- Preparation of Contractor payment requests
- Review and preparation of change orders and work directives
- Serve as the liaison between City, Contractor and the Public
- Review project status, pay estimates and change orders with Utilities Commission and City Council

### Construction Observation

WSN proposes to provide construction observation services to document conformance to the Contract Documents. Specific tasks included with this proposal are:

- Provide part-time field observation of the following items:
  - Traffic control
  - Removals
  - Clearing and grubbing
  - Roadway subgrade
  - Aggregate base
  - Pavement markings and signage
  - Restoration and project clean up
- Provide full-time field observation of the following items:
  - Sanitary sewer
  - Water
  - Storm sewer
  - Concrete curb & gutter and flatwork
  - Bituminous roadway and driveways
- Observe and document testing procedures and results
- Document daily work activities for conformance to the plans and specifications
- Measure and document bid items for payment
- Assist the City with the final walkthrough and project closeout

### Construction Testing

WSN proposes to sub -contract with Braun Intertec Corporation to complete all required City construction testing. Items included with this proposal include:

## UTILITIES COMMISSION – 09/02/15

- Coordination and scheduling of Braun Intertec construction testing
- Completion of all required soils, concrete and bituminous testing.
- Preparation of construction testing compliance documentation.

### Post - Construction Services

WSN will complete post-construction services in accordance with City requirements. Specific tasks included with this proposal are:

- Complete record drawing survey of new or altered sanitary sewer, water and storm sewer pipes, structures and appurtenances
- Re-establish removed or disturbed property boundary markers
- Preparation of property boundary certificate of survey
- Preparation of "Record Drawing" document

WSN proposes to perform the services described above on an hourly basis, in accordance with the attached fee schedule, for the estimated amount of \$97,450.00.

Public Works Director/City Engineer Walter explained the City does have an RFP (Request for Proposals) Policy for professional contracts that exceed \$15,000 dollars. The policy does allow for a deviation in RFP requirements if the City Council believes it is in the best interests of the City.

WSN is the Engineer of Record for Design of the 2015 Dellwood Drive & Novotny Road Improvements Project and the Engineer of Record for the Inglewood Drive Improvements Construction Administration, Observation and Testing Services and the Engineer of Record Independence Road Construction Administration, Observation and Testing Services. The Commission felt that it is in the best interests of the City to keep the continuity of the project with the same Project Engineer on all three projects

**MOTION** by Commissioner Franzen, seconded by Commissioner Crochet to recommend City Council approve the WSN Proposal for Construction Administration, Observation and Testing Services for the 2015 Dellwood Drive & Novotny Road Improvements Project in the estimated amount of \$97,450.00. Motion carried unanimously.

### **2015 INGLEWOOD DRIVE NORTH – WOIDA ROAD TO CSAH 77 PROJECT UPDATE**

Public Works Director/City Engineer Walter informed the commission that Crow Wing County has entered into a contract with Borden Excavating for the reconstruction of Inglewood Drive from Woida Road to CSAH 77.

The construction work will consist of grade widening, aggregate base, bituminous surfacing, 10 ton design and 6 foot bike lanes on both sides of the street.

**CONDITIONAL USE PERMIT FOR ROOM ADDITION AND REMODEL AT 13980 MEMORYWOOD DRIVE**

The Conditional Use Permit for 13980 Memorywood Drive was provided as information only. No action required by the Utilities Commission at this time.

**BAXTER MAINSTREET, LLC DRAFT PUD RESOLUTION**

The Draft PUD was provided as information only. No action by the Utilities Commission is required at this time.

**10800 RED RIVER DRIVE STORM WATER REQUEST**

The commission reviewed the stormwater request from 10800 Red River Drive. The homeowner has requested to be exempt from the stormwater fees due to the following reasons:

- The City of Baxter is not affected by my run-off. I am in Southwest Baxter, two miles from any public road or Baxter maintained storm water control. I do drive on the roads, but no more than someone from Pillager, MN.
- Over fifteen acres that I own are wetlands.
- These wetlands provide anaerobic and aerobic water treatment for the City of Baxter for no charge.
- These wetlands also enhance flood control of the Mississippi River for the city at no charge to the city of Baxter.

Public Works Director/City Engineer Walter explained that the storm water fee is a Federal Government mandate. The State of Minnesota requires all cities with populations over 10,000 and empty into an impaired waterway (Mississippi River) an MS4 permit is required.

The City of Baxter established the stormwater fee in lieu of any tax since the entities that are tax exempt would not have help pay. It is being done as a storm water utility fee and is based on impervious surface. Residences pay \$2.00 per month and all others pay on the total amount of impervious surface they have on their lots.

This is the second request the property owner has made regarding the stormwater fees. In 2007, information on the stormwater fee was mailed to the homeowner per the commission's request.

The Commission felt that there was no basis for exempting the property as this is a City-wide storm water program for the MN State required MS4 Permit requirements and the City set the storm water enterprise fund in order to fairly fund the MS4 requirements city-wide.

**MOTION** by Commissioner Franzen, seconded by Commissioner Crochet to deny the 10800 Red River Drive Storm Water Request. Motion carried unanimously.

**WASTEWATER TREATMENT CHARGES FOR JULY 2015**

**UTILITIES COMMISSION – 09/02/15**

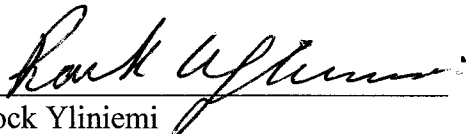
The Brainerd Public Utilities Wastewater Plant Charges for July 2015 was submitted to the commission as information only.

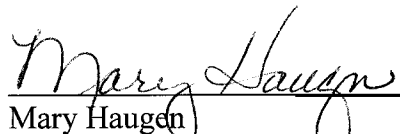
**ADJOURNMENT**

**MOTION** by Commissioner Crochet, seconded by Commissioner Franzen to adjourn the meeting at 6:30 p.m. Motion carried unanimously.

Approved by:

Submitted by,

  
\_\_\_\_\_  
Rock Yliniemi  
Chairman

  
\_\_\_\_\_  
Mary Haugen  
Administrative Assistant