

UTILITIES COMMISSION
September 7, 2016

The regular meeting of the Baxter Utilities Commission was called to order at 5:30 p.m. by Chairman Rock Yliniemi.

MEMBERS PRESENT: Commissioners Jack Christofferson, Dave Franzen, Doug Wolf, Chairman Rock Yliniemi and Council Liaison Mark Cross.

MEMBERS ABSENT: Commissioner Shawn Crochet.

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

OTHERS PRESENT: Mills Representative Attorney Gary Eidson, WSN Consulting Engineer Aric Welch, WSN Surveyor Chad Connor, SEH Consulting Engineer Scott Hedlund, WSB Consulting Engineer Chuck Rickart and Bolton & Menk Consulting Engineer Mike Rardin.

APPROVAL OF MINUTES

MOTION by Commissioner Wolf, seconded by Commissioner Christofferson to approve the Utilities Commission minutes of August 3, 2016. Motion carried unanimously.

MILLS FLEET FARM PLAT

Public Works Director/City Engineer Walter reviewed the Mills Fleet Farm Plat. The plat is before the commission for discussion due to the sale of Mills Fleet Farm stores to KKR. There are no changes to the existing layout of the water, sanitary sewer, storm sewer, parking lot or street access.

The commission held an extensive discussion on future right-of-way requirements and needs on Excelsior Road, Golf Course Drive, Dellwood Drive and Design Drive. Several commissioners expressed concern over causing an additional non-conformity in the future by requiring additional right-of-way on Excelsior Road, which would impact the parking to the south side of the existing parking area along Excelsior Road and cause issue with the parking in front of the south services bays of the garage.

Public Works Director/City Engineer Walter reminded the commission that City Subdivision Ordinance 11-4-2 states that in the sole discretion of the city, a reduction in right-of-way may be granted if the proposed development abuts existing development with less right-of-way or if it is a replat of a previously platted development. This is sometimes the only chance the City has to get additional right-of-way and the City may never need to use the dedicated right-of-way but it is there if needed in the future. The existing development on the south side of Excelsior Road has already been platted with 40 feet of right of way.

The commission felt that because of previous plats and existing development on Design Drive and Dellwood Drive and the fact that the right-of-way is already 66 feet that no additional right-of-way was needed on Design Drive or Dellwood Drive.

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The commission felt that additional right-of-way may be needed on Golf Course Drive for possible future multi-modal trails and/or sidewalks, possible turn lane expansion of the curb and gutter and future area needed for additional private utilities.

The commission discussed the existing storm sewer piping that runs through the Mills Fleet Farm building would need to have an easement granted on the plat and should require a more detail maintenance agreement between Mills Properties, KKR and the City of Baxter for access, inspection and maintenance needs for the future.

Council Liaison Cross commented that if the Excelsior Road parking lot was up to code there would be a 10-foot setback to the parking lot. That row of parking has been non-conforming for quite some time. The whole parking lot and landscaping is non-conforming. Mr. Mills was the first one that stepped up and put in the required landscaping as per the first landscape ordinance the City had in place. Before the landscaping the site the bituminous parking lot went all the way to the street curbs on the two front sides.

Commissioner Christofferson stated it would be in the best interest of the City to take the 7-foot now on Excelsior Road and the City may never use it but it would remain being used by Mills Fleet Farm as it currently exists. The variance and limited use agreement allows the property owner to use it until the City has future needs.

WSN Surveyor Connor noted that the easements would be necessary on the fire hydrants and water main looping within the plated area. Public Works Director/City Engineer Walter stated a 20-foot utility easement would be needed.

SEH Engineer Hedlund noted that a narrower easement footage may be necessary on Golf Course Drive on the north end since private utility easements shouldn't be placed under existing structures. Public Works Director/City Engineer Walter stated that a 3-foot utility easement on a part of Golf Course Drive therefore the plat will need to call out all easements on each corridor and not just use the standard utility easement insert.

This will be a formal application at the October 7, 2016 utilities commission meeting.

15532 DELLWOOD DRIVE & 15494 DELLWOOD DRIVE TURN LANE APPROACH REVIEW REQUEST

Public Works Director/City Engineer Walter reviewed the request from the business and residential homeowner regarding the bypass lane on Dellwood Drive. WSB Traffic Engineer Chuck Rickart was asked to review the situation and make any recommendations of any safety improvements if needed.

WSB Consulting Engineer Rickart reviewed the concern with the operation of the by-pass lane in conjunction with the two driveways located within the by-pass lane. Based on these concerns

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he reviewed the current design and has developed the following conclusions and possible recommendations to improve safety:

- The current signing and stripping was designed and installed based on MnDOT State Aid standards.
- The two driveways were designed based on current City standards.
- Traffic turning right into the driveways is slowing down in the by-pass lane. This may be unexpected for a thru vehicle on Dellwood Drive by-passing a left turning vehicle at the Novotny Road intersection.
- A short term solution would be to convert the existing “By-Pass Lane” sign with a new “By-Pass & Turn Lane” sign. No other stripping changes would be necessary.

If the short term solution does not provide improved safety there are three other possible solutions that could be considered. These improvements would require physical changes to the roadway:

- Increase the radii at the driveways to provide a more efficient right turn into the sites.
- Develop a right turn lane for each site from the by-pass lane.
- Restripe and widen the northbound approach with a left turn lane and a thru/right turn lane.

Council Liaison Cross suggested installing the new sign and adding orange flags on the top of the sign post for a few months to draw attention to the new signage.

MOTION by Commissioner Wolf, seconded by Commissioner Crochet to recommend City Council direct staff to remove the existing Bypass Lane sign for northbound traffic located south of the intersection on Dellwood Drive and Novotny Road and replace with “Right Turn Lane & Bypass” sign with the addition of orange flagging over the top of the new signage. Motion carried unanimously.

DSG FIXED NETWORK WATER METER REPLACEMENT PROJECT PARTIAL PAY ESTIMATE NO. 1

Public Works Director/City Engineer Walter reviewed DSG Partial Pay Estimate No. 1 for the 2016 Fixed Network Water Meter Replacement Project with the commission. Public Works Director/City Engineer Walter had no concerns with Partial Pay Estimate No. 1 and recommends approval.

Commissioner Christofferson inquired how many meters have been installed at this time. Public Works Director/City Engineer Walter stated approximately half have been installed or 1,500

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meters and 92 – 98% are communicating on a daily basis. There is currently an issue with one repeater and one collector that should be resolved by the end of next week.

MOTION by Commissioner Franzen, seconded by Commissioner Wolf to recommend City Council approve the DSG Partial Pay Estimate No. 1 in the amount of \$619,940.43 for the 2016 Fixed Network Water Meter Replacement Project. Motion carried unanimously.

2015 MILL AND OVERLAY PROJECT UPDATE

SEH Consulting Engineer Hedlund stated he is currently working on the remaining punch list items and the commission should have the final pay estimate at the October 7, 2016 Utilities Commission meeting.

2016 FAIRVIEW ROAD IMPROVEMENTS PROJECT UPDATE

SEH Consulting Engineer Hedlund reviewed the status of the various work tasks on the project.

Permits

- The necessary wetland permits have been secured.
- The necessary Mn/DOT right of way (ROW) permit has been secured.
- The necessary MPCA NPDES Construction Stormwater Permit will be secured by the contractor prior to start of construction.

Easements

- Easement agreements from all but 2 parcels have been secured to date.
 - The remaining 2 are temporary easements for driveway resloping.
 1. One of the two has given verbal approval.
- Beyond the easements above, 2 additional easements combined with maintenance agreements have been submitted to the school district for approval to cover the existing storm ponds on the west and southeast sides of Baxter Elementary School property.
 - The west pond is planned for improvement with the 2016 Mill & Overlay Project and the southeast pond is planned for improvement with this project.

Bidding

- Bids were opened on May 3, 2016.
 - Two bids were received.
 - Both bids were below the engineer's estimate.
 - Anderson Brothers Construction of Brainerd is the low bidder.
- City Council awarded the project to Anderson Brothers Construction on June 7, 2016.

Assessment Hearing

- The assessment hearing occurred on Thursday, June 2, 2016 and were adopted by the City Council on June 7, 2016.

Construction

- The preconstruction conference (for the Contractor, Private Utility Companies, City Staff, and SEH) was held June 9th at 9am at City Hall.
- The preconstruction neighborhood meeting was held on June 15th at 6pm at City Hall.

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- Construction started June 13th.
- **With the exception of completing fencing at the gas station pond, a small amount of turf restoration, and some miscellaneous punch list items, the project construction is complete.**
- **The final walk through with the City, SEH, and Contractor is planned for September 8, 2016.**

Private Utility Work

- **With the exception of CTC reinstalling some vault location marker signs, the private utility work in the corridor is complete.**

The following is an update on the status of the project budget:

Total project budget:

- The total project budget based on the as-bid construction costs and figures presented at the Assessment Hearing is \$1.3M.
- **Total final costs are still being calculated and reviewed, but it appears it will be close to the \$1.3M.**

Consultant budget:

- **There is a fee amendment request planned for Utilities Commission and City Council approval in September to cover additional construction observation hours beyond the total assumed in the contract. The additional hours are attributed to private utility coordination and observation and the intensity of coverage needed for the City's contractor, both higher than anticipated.**

2016 FAIRVIEW ROAD IMPROVEMENTS PROJECT CHANGE ORDER NO. 1

SEH Consulting Engineer Hedlund reviewed Change Order No. 1 with the commission for the 2016 Fairview Road Improvements Project. SEH Consulting Engineer Hedlund had no concerns with Change Order No. 1 and recommends approval. The change order included the following item:

- Replace the specified riprap with tied concrete block mat (Flexamat) at the culvert ends under the T.H. 210 access drive by the gas station and the culvert discharge culvert at the pond behind the gas station, and add it at the culvert discharge end on the west side of Memorywood Drive between T.H. 210 and Fairview Road for long term erosion control and maintenance purposes.

MOTION by Commissioner Franzen, seconded by Commissioner Christofferson to recommend City Council approve the Anderson Brothers Change Order No.1 in the increased amount of \$9,799.20 for the 2016 Fairview Road Improvements Project. Motion carried unanimously.

2016 FAIRVIEW ROAD IMPROVEMENTS PROJECT PARTIAL PAY ESTIMATE NO.

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SEH Consulting Engineer Hedlund reviewed Partial Pay Estimate No. 3 for the 2016 Fairview Road Improvements Project with the commission. SEH Consulting Engineer Hedlund had no concerns with Partial Pay Estimate No. 3 and recommends approval.

MOTION by Commissioner Wolf, seconded by Commissioner Franzen to recommend City Council approve the Anderson Brothers Partial Pay Estimate No. 3 in the amount of \$470,068.12 for the 2016 Fairview Road Improvements Project. Motion carried unanimously.

2016 FAIRVIEW ROAD IMPROVEMENTS PROJECT CONSTRUCTION SERVICES FEE INCREASE REQUEST

SEH Consulting Engineer Hedlund explained the estimated construction observation hours have overrun, primarily due to private utility relocation work and the intensity of coverage needed to cover longer contractor work hours, both being higher than anticipated.

Construction observation for private utilities started prior to and independently of the Anderson Brothers Construction start date. Construction observation of Anderson Brothers Construction contract work was estimated at 40 hours per week for 11 weeks, but the projected average weekly for the necessary coverage was 50 hours per week. SEH staff had been requested by the City to be on-site for these hours.

Public Works Director/City Engineer Walter stated it was a very complicated project and the removal of an existing abandoned asbestos covered steel gas pipe needed to have a full time inspector on site during this process because of compaction issues under the street and contamination of the class 5 base material. The change in the construction cost was not caused by the City of Baxter or the Project Engineer.

MOTION by Commissioner Franzen, seconded by Commissioner Christofferson to recommend City Council approve the SEH Construction Services Fee Increase Request in the not to exceed amount of \$20,272.00 for the 2016 Fairview Road Improvements Project. Motion carried unanimously.

2018 CYPRESS DRIVE IMPROVEMENTS PROJECT FROM COLLEGE ROAD TO EXCELSIOR ROAD MEMORANDUM

SEH Consulting Engineer Hedlund entered the following 2018 Cypress Drive Improvements Project from College Road to Excelsior Road memorandum into the record:

In order to keep the project on schedule for construction in 2018, design, environmental, and railroad agreement work needs to resume immediately on this project. The City has \$677,509 in secured Federal Funds programmed for 2018. If the project is not constructed in 2018, \$195,185 of the total will be lost and the other \$482,324 may be lost, per recent discussions with MNDOT. At the September 2016 Utilities Commission and City Council meetings, SEH will be requesting approval to proceed with this work. The attached preliminary project delivery schedule outlines the various work tasks necessary to deliver the project. The tasks are time sensitive, time specific, and have sequencing interdependencies.

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Over the last couple of years, design has been put on hold while SEH and the City negotiated with BNSF, with assistance from the MNDOT Railroad office, to obtain consent to create a new highway/railroad at grade crossing at Cypress Drive. Letters in 2015 between the City and BNSF document consensus was reached. Then in December 2015 the City submitted an updated final application to the MNDOT Rail Office requesting a formal MNDOT Order for the new crossing. The expectation was the Order would get issued by early 2016.

Unfortunately, current MNDOT legal officials are unwilling to process the Order until there is an executed written agreement between the City and BNSF, such as a formal BNSF Construction and Maintenance Agreement (CMA). SEH prepared a draft City/BNSF agreement that City staff had an attorney review and finalize, and then sent to BNSF in April 2016 for their consideration and approval. Unfortunately, there has been no valuable movement on BNSF's part to process the City prepared agreement.

In the attached 8/30/16 email, BNSF advised they prefer to move into the process of executing a formal BNSF Construction and Maintenance Agreement (CMA). The CMA process requires detailed design and right of way information for the Cypress Drive corridor across BNSF property including construction requirements, cost splits, and environmental considerations.

Finalizing the preliminary design and completing Environmental Site Assessments are necessary to execute the CMA, as well as for completing Federal Funding environmental review so right of way acquisition can commence - hence the urgency to resume work immediately.

2018 CYPRESS DRIVE IMPROVEMENTS PROJECT FROM COLLEGE ROAD TO EXCELSIOR ROAD AGREEMENT FOR PROFESSIONAL SERVICES

SEH Consulting Engineer Hedlund reviewed the SEH Agreement for Professional Services for the 2018 Cypress Drive Improvements Project.

Public Works Director/City Engineer Walter reminded the commission of the RFP (Request for Proposals) Policy for professional contracts that exceeds \$15,000.00 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. 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. The City has been very satisfied with the quality of work completed to date.

Commission felt that starting over with possibly another project consultant may not be in the best interests of the City. The Commission also agreed that with the long project history, which started back in 2004 and 2005, and with so many different contacts it would be difficult to switch engineering firms at this time and start over. The commission asked the Public Works

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Director/City Engineer Walter if the City has been satisfied with the quality of work supplied by SEH to date on the project. Public Works Director/City Engineer Walter stated there has been no issues with SEH work to date on the project.

MOTION by Commissioner Wolf, seconded by Commissioner Christofferson to recommend City Council approve the SEH Agreement for Professional Services in the not to exceed amount of \$237,407.00 for the 2018 Cypress Drive Improvements Project from College Road to Excelsior Road. Motion carried unanimously.

2016 CITY OF BAXTER CHIP SEALING PROJECT UPDATE

Bolton & Menk Consulting Engineer Rardin reviewed the project update.

Work Progress – Fifth Update

Street and trail sealcoat work has been completed as follows:

Item	Start Date	Completion Date
Initial completion date provided for in the contract	7/5/16 (10 day window)	8/15/16
Startup meeting	8/8/16	8/8/16
Sealcoating	8/8/16	8/9/16
Sweeping	8/9/16	8/17/16
Fog seal	8/10/16	8/17/16
Interim pavement markings	na	na
Final completion date provided for in the contract		8/26/16
Permanent pavement markings	8/22/16	8/23/16
Final cleanup / punch list items	8/16/16	8/26/16

As can be seen above, the contractor completed the initial contract items (seal coat, fog seal, and interim pavement markings) within the 10 day window allowed for on August 17th two days after the contract completion date of August 15, 2016. In fairness to the contractor, the fog seal work could have been completed on Thursday, August 11th but for rain every work day from the 10th to the 17th.

Rain occurred daily beginning Wednesday, August 10th, thru Tuesday, August 16th limiting fog seal construction every day. On the 10th, intense rain caused road runoff to stain several concrete paved driveways. It does not appear the chip seals or fog seals were damaged by any of these rains.

An initial punch list was developed and provided to the contractor on August 19th. The contractor informed BMI on August 26th that all punch list items had been addressed. A final review of the completed work is currently underway.

A partial estimate for work completed thru Monday, August 15th, was processed by Crow Wing County on August 16, 2016. Final contract quantities and costs are currently being compiled and reviewed.

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Project Schedule and Completion

The following schedule and completion requirements were incorporated into this project:

1. All seal coat, fog, and interim pavement marking work required under this Contract is to be completed no later than August 15, 2016 and within ten (10) working days from project initiation.
2. All construction operations are to be completed no later than August 26, 2016.

Engineering Costs

The City contracted with BMI for design services for this project in early March. Because the City was uncertain over Franchise Fee creation and street maintenance funding during late February and early March, construction services were not contracted for by the City. Design services were completed by BMI with the submittal of project plans and specifications to the County on March 7, 2016.

On April 12, 2016, a proposal for construction Observation Services was submitted to the City in the amount of \$11,000. The cost proposed is higher than what would normally be expected on this type of project. This is based on past experience associated with this Contractor.

Construction Observation Service costs accrued through August 26th has been calculated to be \$10,997.50.

Public Works Director/City Engineer Walter stated the City's 2017 chip sealing project is significantly larger and requested information from Bolton & Menk Consulting Engineer Rardin on the City bidding the chip sealing project directly next year to the October 7, 2016 Utilities Commission meeting. If the City bid directly the City would end up with the prime contractor and not a subcontractor through the County's prime contractor and thus not pay the prime contractor mark up on the project.

2016 GOLF COURSE DRIVE IMPROVEMENTS PROJECT UPDATE

Bolton & Menk Consulting Engineer Rardin reviewed the project update.

Work Progress – Fifth Update

Work started on the project on Monday, July 25th.

Construction work done the last week of July 25th consisted of installation of traffic controls, assessment of City utilities (gate valves, curb stops, etc.), installation and operation of a dewatering system, removal of pavement in the reconstruction area, topsoil stripping in the reconstruction area, implementation of erosion control activities (SWPPP), and location of various underground utilities with relocation planning.

During August the contractor installed the storm sewer in the reconstruction area (Universal Drive to Links Lane) - storm sewer installation is now complete other than for installation of castings for manholes and catch basins. Street grading at Universal Road going north was started the last week of August. Utility relocations are nearly complete in the reconstruction area.

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Three unanticipated watermain conflicts were encountered and dealt with during the installation of the storm sewer. These changes have been incorporated into Change Order No. 1 to be presented to the Commission on September 7th. Contract changes have been summarized in the “Cost” section below.

Project Schedule

Based on the contractor’s proposed schedule (attached), construction is estimated to take just over ten weeks with a projected completion date of October 5th. Based on the contractor’s proposed schedule, the following is a brief summary of future construction activities:

July - traffic controls, removals, and dewatering in the reconstruction area

August - street (grading) and storm sewer construction in the reconstruction area

September - reclamation, curb and gutter replacement / construction, aggregate and bituminous base construction, and turf establishment in both the reconstruction and reclamation areas

October - bituminous wear course construction in both the reconstruction and reclamation areas

The contractor appears to be on or just slightly behind the schedule they proposed for this project. No schedule concerns are noted at this time.

Completion Dates

The contract calls for substantial completion by September 30th with final completion by October 14th. The contractor has requested an extension of the substantial completion date to October 7th to allow turf establishment construction to occur prior to wear course paving. This phasing and completion date request appears acceptable and has been incorporated into Change Order No. 1 to be presented to the Commission on September 7th.

Costs

Construction costs have increased approximately \$12,950 due to the following:

Item	Reason	Cost
Biorolls	Erosion Control @ Johnson Center	\$3,617.64
Rip Rap	Sediment Control @ dewatering outlet	\$381.15
Watermain Removal	Removal of existing disconnected watermain stub @ Universal Road intersection.	\$1,693.40
Watermain Lowering	Provide proper separation between storm sewer and watermain crossing that runs between Office Max and Target.	\$4,192.35
Watermain Lowering	Provide proper separation between storm sewer and watermain crossing that runs north of Target.	\$3,062.80

All of the above changes were either requested or found to be acceptable to City staff and the Project Engineer. These changes and costs have been incorporated into Change Order No. 1 which is to be presented separately to the Commission on September 7th.

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A 5% contingency in the amount of \$54,505 has been allowed for in the overall project budget.

The City should be aware that the work associated with the possible sewer relocations has resulted in extra engineering work and costs. The City Council was apprised of the estimated costs for this extra work, the sewer inspection costs, and the sewer capacity analysis costs at their meeting on March 3rd. An amendment to the agreement based on those discussions will be provided for approval in the future.

Other engineering services for the project have been continuing as agreed to according to the existing “Not to Exceed” contract.

2016 GOLF COURSE DRIVE IMPROVEMENTS PROJECT CHANGE ORDER NO. 1

Bolton & Menk Consulting Engineer Rardin reviewed Change Order No. 1 for the 2016 Golf Course Drive Improvements Project with the commission. Bolton & Menk Consulting Engineer Rardin had no concerns with Change Order No. 1 and recommends approval. The change order included the following items:

- Change in contract time.
- Addition of erosion control items.
- Additional cost associated with addressing watermain conflicts.

MOTION by Commissioner Franzen, seconded by Commissioner Christofferson to recommend City Council approve the Anderson Brothers Change Order No. 1 in the increased amount of \$12,947.34 for the 2016 Golf Course Drive Improvements Project. Motion carried unanimously.

2016 GOLF COURSE DRIVE IMPROVEMENTS PROJECT PARTIAL PAY ESTIMATE NO. 1

Bolton & Menk Consulting Engineer Rardin reviewed Partial Pay Estimate No. 1 for the 2016 Golf Course Drive Improvements Project with the commission. Bolton & Menk Consulting Engineer Rardin had no concerns with Partial Pay Estimate No. 1 and recommends approval.

MOTION by Commissioner Wolf, seconded by Commissioner Franzen to recommend City Council approve the Anderson Brothers Partial Pay Estimate No. 1 in the amount of \$422,941.94 for the 2016 Golf Course Drive Improvements Project. Motion carried unanimously.

2016 MILL AND OVERLAY, FULL DEPTH RECLAMATION AND RIGHT TURN LANE CONSTRUCTION PROJECT UPDATE

WSN Consulting Engineer Welch reviewed the project update.

Summary of Work Completed Since Last Update

Week of Aug 1st: Installed storm sewer pipe and structures and poured curb on Maplewood Drive. Grading work on College Road.

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- Week of Aug 8th: Milling, bituminous patching and ditch work in residential project areas.
- Week of Aug 15th: Bituminous patch work, ditching and paving in residential project areas.
- Week of Aug 22nd: Bituminous paving in residential project area. Concrete work on College Road.
- Week of Aug 29th: Bituminous patching and cleanup. Cemetery paving.

Project Schedule

- Week of Sept 5th: Shouldering, turf restoration, pavement markings and signage. All work required to reach substantial completion is scheduled to be completed by Friday, September 9th.

Changes

See Project Update dated August 11, 2016 and Change Order No. 2. We have no concerns with Change Order No. 2 and recommend approval.

Pay Estimate

The project is approximately 92% complete. To total earned to date is \$741,585.09. Retainage is \$37,092.90 or 5% of the amount earned. Total due this pay estimate is \$528,112.29. We have no concerns with Pay Estimate No. 2 and recommend approval.

2016 MILL AND OVERLAY, FULL DEPTH RECLAMATION AND RIGHT TURN LANE CONSTRUCTION PROJECT CHANGE ORDER NO. 2

WSN Consulting Engineer Welch reviewed Change Order No. 2 for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project. WSN Consulting Engineer Welch had no concerns with Change Order No. 2 and recommends approval. The change order included the following item:

- Time extension request due to additional work.

MOTION by Commissioner Wolf, seconded by Commissioner Christofferson to recommend City Council approve the Tri-City Paving Change Order No. 2 for a time extension request for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project. Motion carried unanimously.

2016 MILL AND OVERLAY, FULL DEPTH RECLAMATION AND RIGHT TURN LANE CONSTRUCTION PROJECT PARTIAL PAY ESTIMATE NO. 2

WSN Consulting Engineer Welch reviewed Partial Pay Estimate No. 2 for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project with the commission. WSN Consulting Engineer Welch had no concerns with Partial Pay Estimate No. 2 and recommends approval.

MOTION by Commissioner Christofferson, seconded by Commissioner Wolf to recommend City Council approve the Tri-City Paving Partial Pay Estimate No. 2 in the amount of

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\$528,112.29 for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project. Motion carried unanimously.

2015 DELLWOOD DRIVE AND NOVOTNY ROAD, INGLEWOOD DRIVE AND INDEPENDENCE ROAD IMPROVEMENTS PROJECT UPDATE

WSN Consulting Engineer Welch reviewed the project update.

Work Completed Since Last Update

No work was completed since the last update.

Project Schedule

Address warranty items as needed.

One roadway easement remains to be signed. All the necessary documents have been supplied to the property owner. We have tried numerous times over the summer to contact the property owner but we have received no response to our phone calls and emails.

The vacation hearing to complete the Positive Realty, Mau and Tanner property has scheduled for October 4, 2016.

Hilltop Trailer Sales easement is still being held up by the bank financing the property.

Changes

We have completed our review of the Contractor's change order request. Our review and recommendation along with the change order have been sent to the Contractor. The Contractor has not commented on our recommendation.

Potential Law Suit

We are not aware of any resolution to the potential law suit between the Contractor and sub-contractor regarding the directional drilled pipe between Novotny Road and Audubon Way.

2015 DELLWOOD DRIVE AND NOVOTNY ROAD, INGLEWOOD DRIVE AND INDEPENDENCE ROAD IMPROVEMENTS CHANGE ORDER NO. 4.

WSN Consulting Engineer Welch reviewed Change Order No. 4 for the 2015 Dellwood Drive and Novotny Road, Inglewood Drive and Independence Road Improvements Project.

Item No. 12 was a request for additional work done around utilities on Dellwood Drive. The contractor had additional time for digging around relocated facilities and old facilities that were not abandoned. WSN Consulting Engineer Welch had requested detailed records and pictures but none have been submitted at this time.

WSN has no records of the Contractor bringing this issue up during the installation of sanitary sewer, water or storm sewer pipe construction on Dellwood Drive or Novotny Road. The issue was also not discussed at the weekly construction meetings. The general condition 12.01.B

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requires claims to be submitted within 30-days of the event resulting in the claim. There was no claim, written or verbal, delivered to the Owner or Engineer within the specified time frame.

WSN Consulting Engineer Welch informed the commission that he has not received a signed change order from the contractor. Public Works Director/City Engineer requested tabling this matter to allow the contractor time to respond and sign the change order.

MOTION by Commissioner Franzen, seconded by Commissioner Christofferson to table the R.L. Larson Excavating Change Order No. 4 for the 2015 Dellwood Drive and Novotny Road, Inglewood Drive and Independence Road Improvements Project until the October 17, 2016 Utilities Commission meeting. Motion carried unanimously.

2015 DELLWOOD DRIVE AND NOVOTNY ROAD, INGLEWOOD DRIVE AND INDEPENDENCE ROAD IMPROVEMENTS PARTIAL PAY ESTIMATE NO. 7

WSN Consulting Engineer Welch reviewed Partial Pay Estimate No. 7 for the 2015 Dellwood Drive and Novotny Road, Inglewood Drive and Independence Road Improvements Project with the commission.

Public Works Director/City Engineer Walter requested tabling this matter since there was no signed pay estimate or change order therefore the contractor is not in agreement with the amount of the pay estimate.

MOTION by Commissioner Christofferson, seconded by Commissioner Wolf to table the R.L. Larson Excavating Partial Pay Estimate No. 7 for the 2015 Dellwood Drive and Novotny Road, Inglewood Drive and Independence Road Improvements Project until the October 17, 2016 Utilities Commission meeting. Motion carried unanimously.

LIFT STATION NO. 8 RECONSTRUCTION PROJECT UPDATE

WSN Consulting Engineer Welch reviewed the project update.

Summary of Work Completed Since Last Update

The Contractor has completed all work items including site work, turf restoration and tree planting. A final walkthrough of the project was completed and a punch list was issued on Monday, August 8, 2016. The punch list was checked on Friday, August 26, 2016. Most of the punch list items had been addressed; however, a handful of items remained and a revised punch list was issued.

Changes

Change Order No. 1 has been prepared to address the changes on the project. Items included in the change order include additional site work, Engineer's time to review corrective work action on concrete structures and additional topsoil and turf establishment. See Change Order No. 1 for additional detail.

LIFT STATION NO. 8 RECONSTRUCTION PROJECT CHANGE ORDER NO. 1

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WSN Consulting Engineer Welch reviewed Change Order No. 1 for the Lift Station No. 8 Reconstruction Project. WSN Consulting Engineer Welch had no concerns with Change Order No. 1 and recommends approval.

The change order included the following items:

- Change in contract price for additional site work including grading and bituminous driveway improvement.

MOTION by Commissioner Wolf, seconded by Commissioner Franzen to approve the DeChantal Excavating Change Order No. 1 for additional site work including graveling, grading and bituminous driveway in the increased amount of \$3,575.50 for the Lift Station No. 8 Reconstruction Project. Motion carried unanimously.

LIFT STATON NO. 8 RECONSTRUCTION PROJECT FINAL PAY ESTIMATE NO. 2

WSN Consulting Engineer Welch reviewed Final Pay Estimate No. 2 for the Lift Station No. 8 Reconstruction Project with the commission. WSN Consulting Engineer Welch had no concerns with Final Pay Estimate No. 2 and recommends approval.

MOTION by Commissioner Franzen, seconded by Commissioner Christofferson to recommend City Council approve the DeChantal Excavating Final Pay Estimate No. 2 in the amount of \$31,016.50 for the Lift Station No. 8 Reconstruction Project. Motion carried unanimously.

WASTEWATER TREATMENT PLAN CHARGES FOR JULY

The Brainerd Public Utilities Wastewater Plant Charges for July 2016 was submitted to the commission as information only.

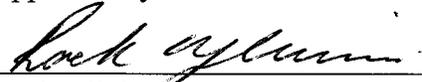
OTHER BUSINESS

Public Works Director/City Engineer Walter inquired how many of the commissioners have the new meter system installed as he would like to spot check several already installed new meters in the system. Commissioner Christofferson has had the new meter installed and could be inspected by the City.

ADJOURNMENT

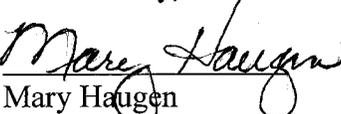
MOTION by Commissioner Franzen, seconded by Commissioner Christofferson to adjourn the meeting at 8:00 p.m. Motion carried unanimously.

Approved by:



Rock Yliniemi
Chairman

Submitted by,



Mary Haugen
Administrative Assistant