



BAXTER CITY COUNCIL AGENDA

Tuesday, July 19, 2016

The regular meeting of the Baxter City Council will be held on Tuesday, July 19, 2016 at 7:00 p.m. at the Baxter City Hall, 13190 Memorywood Dr., Baxter, MN.

1. Call Meeting to Order

2. Roll Call

3. Pledge of Allegiance

4. Guest Presentation: Dan Hegstad, Brainerd Rotary

5. Public Comments

Comments received from the public may be placed on a future meeting agenda for consideration.

6. Consent Agenda

The following items are considered non-controversial by staff and are recommended to be read and passed in one motion. Any council person, staff, citizen, or meeting attendee can request one or more items be pulled from the Consent Agenda and the item will be pulled and addressed immediately after the passage of the Consent Agenda; otherwise, the following items will be passed in one motion:

- A. Approve City Council Minutes from July 5, 2016 (pp. 4-6).
- B. Approve City Council Work Session Minutes from July 5, 2016 (pp. 7-10).
- C. Approve Special Council Minutes from July 7, 2016 (pp. 11-14).
- D. Approve Planning & Zoning Commission Minutes from July 12, 2016 (pp. 15-21).
- E. Approve the Payment of Bills and Finance Report (Addendum A).
- F. Adopt Resolution 2016-064 Accepting Bid for the 2016 Golf Course Drive Improvement Project (pp. 24).
- G. Adopt Resolution 2016-065 Adopting Assessment for the 2016 Golf Course Drive Improvement Project, Municipal Project Number 4110 (pp. 25-26).

- H. Appoint Steve Karels to the Public Works Lead Maintenance Position and Authorize Staff to Commence the Process to Fill the Public Works Maintenance Position (pp. 27).
- I. Appoint Ms. Angela Hart to Utility Billing Specialist Position and Authorize Staff to Commence the Process to Fill the Receptionist/Cashier Position (pp. 28)
- J. Appoint Mr. Michael Karas to the Seasonal Position of Roadside Mower (pp. 29).
- K. Approve Amendment to Section 37 of the Personnel Policy Regarding Insurance Coverage for Terminated or Retired Employees (pp. 30-32).
- L. Accept Utilities Commission Special Meeting Minutes of June 22, 2016 (pp. 33-34).
- M. Accept Utilities Commission Special Meeting Minutes of July 6, 2016 (pp. 35-48).
 - 1. Approve the Chosen Valley Testing and Schultz Engineering 100-Year Stormwater Management Plan for the Vaughans Townhomes Development (pp. 49-68).
 - 2. Approve the Anderson Brothers Partial Pay Estimate No. 1 in the amount of \$106,179.65 for the 2016 Fairview Road Improvements Project (pp. 69-72).
 - 3. Approve the Tri-City Paving Change Order No. 1 for a two week extension request for the 2016 Mill and Overlay, Full Depth Reclamation and Right Turn Lane Construction Project (pp. 73-75).
 - 4. Approve the TDKA Engineering Proposal for Additional Engineering Services for the Water Meter Replacement Project Construction Administration in the estimated amount of \$9,960.00 (pp. 76-80).
 - 5. Approve the Ludenia Project for Appraisal Services for Land Acquisition for the Baxter Water Quality Project for the Whiskey Creek Tributary to the Mississippi River in the lump sum amount of \$3,500.00 (pp. 81).

7. Pulled Agenda Items

8. Other Business

A. Planning and Zoning Actions

- 1. Adopt Resolution 2016-066 approving a preliminary and final plat named “First Addition to Vaughans Lots”, and Resolution 2016-067 approving a Conditional Use Permit to allow two principal structures on a lot for two, 4-unit rental buildings located at the Northwest corner of Baxter Lions Road and Art Ward Drive (pp. 82-85).

2. Adopt Resolution 2016-068 approving Conditional Use Permit to allow a nonconforming structure on a riparian lot to be expanded and Variances to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River for property located southeast of County Road 48 at 12464 Camwood Trail (pp. 86-87).
3. Adopt Resolution 2016-069 denying variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot front yard setback for property located on the south side of Fairfax Court (pp. 88-89).
4. Adopt Resolution 2016-070 approving a Conditional Use Permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive (pp. 90-91).

B. City Administrator Hiring Update (No attachment).

9. Council Comments

- A. Quinn Nystrom
- B. Steve Barrows
- C. Todd Holman
- D. Mark Cross
- E. Darrel Olson

10. City Administrator's Report

11. City Attorney's Report

12. Adjourn to a special council meeting on Thursday, July 28 at 5:15 p.m.

BAXTER CITY COUNCIL MINUTES
July 5, 2016

Mayor Darrel Olson, who led in the pledge to the flag, called the regular meeting of the Baxter City Council to order at 7:00 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Interim City Administrator Kelly Steele, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, Police Chief Jim Exsted, and Public Works Director/City Engineer Trevor Walter.

PUBLIC COMMENTS

No public comments were received.

CONSENT AGENDA

- A. Approve City Council Minutes from June 21, 2016.
- B. Approve City Council Work Session Minutes from June 21, 2016.
- C. Approve City Council Special Minutes from June 29, 2016.
- D. Approve Parks and Trails Commission Minutes from June 27, 2016.
- E. Approve Long Range Planning Commission Minutes from June 27, 2016.
- F. Approve the Payment of Bills and Finance Report.
- G. Approve the \$3,500 Purchase of Night Vision System with Proceeds from the Drug Forfeiture Fund.
- H. Approve the \$4,500 Purchase of Less Lethal Weapons Systems with Proceeds from the Drug Forfeiture Fund.
- I. Approve Appointment Election Judges for the August 9, 2016 Primary Election and November 8, 2016 General Election.
- J. Approve Baxter Park and Rec Joint Powers Budget for 2016-2017.
- K. Accept with Gratitude a \$350 Donation from the Baxter Lions Club for the 2016 Lakes Area Triathlon.
- L. Accept with Gratitude the Donations for the Oscar Kristofferson Park Pavilion Grand Opening Event and Associated Expenditures for the Event.
- M. Adopt Ordinance No. 2016-038 and Summary Ordinance No. 2016-039, An Ordinance Amending Title 8-1-8 of the Baxter City Code Providing for a Radio Read Meter System and an Alternate Meter System Option.
- N. Approve Oscar Kristofferson Park Picnic Pavilion Construction Contract Extension Request.
- O. Approve City staff assisting the Baxter Baseball Association with hosting the 2016 9-U Cal Ripken State Baseball Tournament at Oscar Kristofferson Park at an estimated cost of \$3,152.00 plus equipment and extra trash disposal.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda. Motion carried unanimously.

OTHER BUSINESS

Consider Selecting City Administrator Finalist Candidates and Discuss Interview Process.

David Drown Associates Representative Gary Weirs discussed how the City would like to bring candidates in for final interviews and which components you would like to add into the interview process. Mr. Weirs clarified that tonight's discussion council must use the numbering system provided, it is not appropriate to identify any candidates by name or characteristics.

Mr. Weirs stated that upon being named finalist the candidate's name does become public information, the other applicants' names never become public information. There were 28 applicants for the position and Mr. Weirs selected top candidates and narrowed the selection to the top nine (9) candidates.

Mr. Weiers asked each council member to pick three candidates identified solely by numbers 1 - 9. The candidate numbers were tallied below:

- Candidate No. 1 - 4
- Candidate No. 2 - 0
- Candidate No. 3 - 4
- Candidate No. 4 - 1
- Candidate No. 5 - 0
- Candidate No. 6 - 4
- Candidate No. 7 - 0
- Candidate No. 8 - 0
- Candidate No. 9 - 2

MOTION by Council Member Cross, seconded by Council Member Barrows to interview Candidate No. 1, 3, and 6. Motion carried unanimously.

Mayor Olson inquired if the names became public at this time or do the finalists need to be contacted. Mr. Weirs stated the names would now become public information and he would be contacting the candidates once the meeting was concluded.

Mr. Weirs requested information on how the council would like to proceed with the interviews in regards to meeting individually with candidates or as a group and whether to include engagement with department heads or community members. Mr. Weirs felt a tour of the City should be included with any chosen activities.

Council Member Cross stated he preferred a full council interview of the candidates. Mayor Olson stated in the past there has been a breakfast meeting and department heads provided a tour of the city while interviews were being conducted. Council Member Cross stated he would like to keep interviews to one day.

Council Member Nystrom felt a civic engagement element would be nice in order for city residents to interact with the candidates who will be responsible to them. Mr. Weirs stated this could be set up with a meeting the night before the interviews.

Mayor Olson stated he saw it differently than hiring a school superintendent or a college president because those are far-reaching positions across multiple jurisdictions. Hiring a city administrator is for

the people of Baxter but he wasn't sure how far-reaching that should be. Council Member Holman suggested an expanded lunch meeting with an opportunity for the public and department heads to meet the candidates and still keep the activities in one day. Mr. Weiers said he could accommodate whatever schedule the council wanted but didn't want to combine too many things into one day.

Council Member Cross stated he will be out of town for two weeks starting on Friday, July 29, and if the council didn't make a decision that day on their selection, they may have to wait until the middle of August. Mr. Weiers stated he was confident the council would be in a position to make a decision that Friday.

Consensus of the council was to have a casual meet and great dinner the evening of Thursday, July 28th, interviews by the full council on the morning of Friday, July 29th, with the council meeting in a working lunch as they deliberate. Candidates would also be able to tour the city with staff members that Friday.

Mr. Weiers stated that some cities provide travel expenses, arrange for lodging, put a cap on a reimbursement or go without offering to reimburse candidates. Council Member Barrows said the city may have to look at two days of hotel stays as candidates are involved in activities on Friday. Mr. Weiers said candidates should be concluded with the interviews by noon July 29. The council agreed to pay up to \$500 in expenses to potentially cover the cost of lodging, travel and meals for the three (3) candidates.

COUNCIL COMMENTS

Quinn Nystrom: Great 4th of July and community action did a great job.

Mark Cross: Thanked Brainerd/Baxter residents the wonderful 4th of July celebration and for the local support given since a majority of the donations come from individual fund raising.

CITY ADMINISTRATOR'S REPORT

Interim Administrator Steele inquired if the council will be available for the 2016 Mill & Overlay, Full Depth Reclamation and Turn Lane Improvements Open House scheduled for July 14, 2016 at 6:00 p.m.

Consensus of to the council was to schedule the 2016 Mill & Overlay, Full Depth Reclamation and Turn Lane Improvements Open House scheduled for July 14, 2016 at 6:00 p.m.

ADJOURNMENT

MOTION by Council Member Barrows, seconded by Council Member Holman to adjourn the meeting at 7:38 p.m. to the Golf Course Drive Assessment Hearing Special Meeting on July 7, 2016 at 6:00 p.m. Motion carried unanimously.

Approved by:

Darrel Olson
Mayor

Respectfully submitted,

Mary Haugen
Administrative Assistant

BAXTER CITY COUNCIL MINUTES
Work Session
July 5, 2016

Mayor Darrel Olson called the Work Session to order at 5:30 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson, Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross.

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Assistant City Administrator Kelly Steele, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, Police Chief Jim Exsted, IT/GIS Director Todd DeBoer, Assistant Finance Director Susannah Jensen, and Public Works Director Trevor Walter.

2017 BUDGET GOALS AND PRIORITIES WORK SESSION

Finance Director Vacinek summarized the budget goals and priorities. Mr. Vacinek outlined the factors that might impact the 2017 budget. Currently, there are no significant changes in state aids or taxes at this time and levy limits are not in place for 2017. The omnibus tax bill was vetoed at the end of the session. Property valuations from last year are currently being obtained and will be analyzed and provided to the council when available.

Health insurance rates for 2017 are expected in late August and staff is anticipating at least a modest increase due to continued ACA implementation; last year's health insurance numbers were unusually high. Staff will need to consider changes to the plan in the future because of the legislation and potential taxes and penalties.

There are no PERA rate changes scheduled for 2017; however, labor contracts will expire at the end of 2016. Fire service contract is expected to have slight reduction due to personnel restructuring. The City has not received any funding requests from outside organizations at this time.

Mr. Vacinek reviewed the adopted Capital Improvements Plan (CIP) map. Bolton & Menk has almost completed the plans and consideration of publishing the CIP should be considered so residents can start to plan for upcoming projects. Residents want to know 1-2 years in advance of any special assessment and the maps are a very useful tool. A newsletter article for September should be prepared.

Mr. Vacinek stated there will be more information and discussions prior to the August 30th meeting with the preliminary levy to be adopted on September 20th.

2016 MILL & OVERLAY PROJECT – DISCUSS OPTIONS FOR 90 DEGREE CURVE ON MAPLEWOOD DRIVE

WSN Consulting Engineer Welch reviewed the potential options for the corner on Maplewood Drive. The existing pavement located at the corner is broken up as a result of poor drainage and vehicle traffic cutting the corner and damaging the bituminous edge.

The project plans called for full depth bituminous repair and ditch excavation (swale) but did not include any provisions to keep traffic from cutting the corner. Mr. Welch reviewed the options and estimated costs that are listed below:

Option A – Curb & Gutter with Storm Sewer and Pond \$27,110

This option includes construction of curb and gutter along the east and south sides of the road. The curb would begin approximately 25' before the curve and end approximately 25' past the curve. A shallow storm sewer structure would be placed in the radius to collect stormwater from the curb & gutter. 12" RC pipe would extend north across Maplewood Drive to a stormwater infiltration basin located on the existing 66' right-of-way between the roadway and White Sand Lake. The infiltration basin would be approximately 3' deep and occupy an area 24' x 60'. The basin would be located along the east side of the existing right-of-way to leave room for lake access along the west side of the right-of-way. Construction would require the removal of existing trees between the roadway and lake. WSN may be able to negotiate a better price for the 12" storm sewer pipe to help lower the cost.

Option B – Curb & Gutter with Spillway and Swale \$7,670

This option includes construction of curb and gutter along the east and south sides of the road. The curb would begin approximately 25' before the curve and end approximately 25' past the curve. A shallow swale/ditch would be constructed behind the curb and water would be directed to the swale through a spillway in the curb & gutter. This option would likely require some property acquisition and tree removal to complete the required ditching behind the curb. Costs for property acquisition have been estimated and are included in the cost estimate.

Option C – Swale with Delineators \$2,460

This option includes the construction of swale /ditch and installation of delineators to keep traffic on the roadway surface.

The consensus of the council was to complete Option B and approach property owner to discuss options.

DONATION OF LAND ACROSS FROM CITY HALL

Community Development Director Doty informed the council the City of Baxter had received a request for a land donation on the west side of Memorywood Drive. The parcel is just shy of one acre and the property owner would provide the property without a deed restriction. The property owner thought it could be a simple passive park with a picnic table.

The Park & Trails Commission, at the June 27, 2016 meeting, discussed and recommended the city accept the property. The commission felt the land could support a number of different park uses and there is no public access to Baxter Lake.

Mr. Doty stated it is a unique opportunity to receive land with no up-front land expense; however, there are costs to removing the land from the tax base and maintenance costs of the property at the time of dedication. Memorywood Drive is on the CIP map for full depth reclamation in 2018.

If the City Council provides consensus support for the land donation, then staff would bring this item back at a later City Council meeting on the regular agenda for acceptance.

CONTINUATION OF COUNCIL RETREAT – TRANSPORTATION

Community Development Director Doty continued the transportation discussion from the June 29th Special Meeting. A discussion of parallel corridors to T.H. 371 was held since improvements to these roadways increase traffic efficiency by offering alternative routes for local traffic.

There are a few areas that are not in the CIP which includes the frontage road near Excelsior Road, Cypress Drive towards Woida Road, and section of Forthun Road from Foley Road to Isle Drive.

Mr. Doty reviewed the trail connections throughout the city in relation to the Comprehensive Plan. The majority of the trails are located in roadway right-of-way or parallel to the street. For future planning, advocating for off-road trails or paths parallel to the streets will enhance the community. These types of trails are used extensively and can be less expensive to build and maintain, as they require less material than on a road bike lane.

Council Member Holman said the bike lanes and what was accomplished with Isle Drive extension project was amazing and it seems as though that should be carried all the way to Highway 210 and connecting to Foley Road. Public Works Director/City Engineer Walter said those priorities are the things they need to hear in planning for projects but now Foley Road is not slated to be widened to include bike lanes. Council Member Holman felt they should have paved shoulders all the way.

Mr. Walter noted paved shoulders are not planned throughout and widening the road comes with additional costs, including right of way acquisitions. Council Member Cross noted the trails are cheaper options.

Council Member Holman said he understood they may not be able to commit to estimated numbers until costs are known, but emphasized the public interest in knowing what projects are on the five-year plan. Staff also noted there can be switches when one project is moved ahead of another for a variety of reasons.

Council Member Nystrom suggested inserting upcoming projects for 2017 into the upcoming city newsletter.

Among future projects, Memorywood Drive is slated for 2018 full-depth reclamation in 2018 with 12-foot driving lanes and 5-foot paved shoulders and is expected to look like the Fairview Road project currently underway.

Council Member Holman noted Brainerd's walkable-bikeable commission and felt the City of Baxter would be well-served if something like that was created. The commission could tie all those pieces together in fine detail unless the council thought it should be doing that work. He stated that

commissioning a study hires expertise but civic engagement is an afterthought. Mr. Walter said a focus group was another option.

Council Member Cross noted that right-of-way acquisition and street width have huge ramifications for costs and costs for assessments and the city's taxpayers overall. On a high-level look having complete streets with bike lanes and trails on collector roads was wanted where possible, but the question is if the city can afford it.

Council Member Barrows said they could start at the higher level and dream and then take things out and reduce along with way. Council Member Cross stated it comes down to every single project having fiscal and physical restraints.

Mr. Doty stated it is hard to get to the fine detail without a feasibility study and the city's commissions do not go into all the cost considerations as that has been the council's determination if projects are fiscally viable.

ADJOURNMENT

MOTION by Council Member Barrows, seconded by Council Member Cross to adjourn at 6:55 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Mary Haugen
Administrative Assistant

BAXTER CITY COUNCIL MINUTES
Special Meeting
July7, 2016

Mayor Darrel Olson called the Special City Council Meeting to order at 6:00 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, and Todd Holman.

COUNCIL MEMBERS ABSENT: Council Member Mark Cross

STAFF PRESENT: Interim City Administrator Kelly Steele and Public Works Director/City Engineer Trevor Walter.

2016 Golf Course Drive Assessment Hearing

Bolton & Menk Consulting Engineer Michael Rardin presented the 2016 Golf Course Drive Improvements Project Assessment Hearing. The project history and public improvement process on the proposed improvements, estimated project costs, assessment procedure and calculations and general project information were reviewed.

- Feasibility report was accepted by the Council on April 19, 2016.
- Improvement hearing was held on May 5, 2016
- City Council order project and plans on May 17, 2016
- City Council approved plans and authorized advertisement for bids on June 7, 2016
- Bids were received on July 6, 2016
- Assessment hearing on July 7, 2016
- Adoption of assessments on July 19, 2016
- Construction from August thru September

The project consists of full depth reclamation, street reconstruction and storm sewer reconstruction. Estimated project costs and total project costs are slightly higher (0.03%) than estimated and presented at the Improvement Hearing. Total city costs are estimated to be 23.0% higher than estimated due to increase storm sewer costs. Asphalt prices went down and storm sewer prices went up when reviewing bids which increased city costs significantly.

Full Depth Reclamation (FDR)

- 100% of the FDR costs (up to 44' in roadway width) are assessed to the benefitting properties.
- Area is essentially commercial, medium density residential, or mixed use of varying lot size.
- Front footage assessment method is recommended.

Street Reconstruction - Universal Road to Country Club Estates

- 100% of Street Reconstruction costs (up to 44' in roadway width) are assessed to the benefitting properties.

- Area is essentially commercial, medium density residential, or mixed use of varying lot size.
- Front footage assessment method is recommended.

Storm Sewer - Universal Road to Country Club Estates

- City cost to remove and replace existing storm sewer
- 100% of the cost of new storm sewer to construct street to urban section are assessed to the benefitting properties.
- Front footage assessment method is recommended.

Country Club Estates

- 355 feet of front footage in street reconstruction project. 355 feet of front footage in storm sewer project.
- 335 feet of front footage in FDR project.
- The front footage assessment method is recommended to determine the total assessable cost to Country Club Estates.
- Total assessable cost to be divided evenly amongst 30 properties in the development.

Mr. Rardin reviewed the assessment payment terms. Payments would be collected annually with property taxes for 12 years. Interest free prepayments and partial payments may be paid up to 30-days following the assessment hearing. Assessment balances will be amortized over the assessment term with an interest rate estimated at 4.75%.

Mr. Rardin reviewed assessment deferments for hardship and the guidelines for applying for the deferment. The deadline for applying for the deferment is August 31st of each year.

Anderson Brothers Construction was the apparent low bidder of the five (5) bids received. The Council is tentatively scheduled to adopt the assessment roll on Tuesday, July 19, 2016 and the construction contract could also be awarded July 19th. The improvements would begin in August and completed by middle of October, 2016.

The City of Baxter commissioned a pavement management plan in 2013 to address ongoing maintenance and funding of the city's 85 miles of streets. The study was initiated due to aging of streets and preventative maintenance is significantly less costly than total reconstruction.

Mayor Olson opened the public hearing at 6:23 p.m.

Roy Androli – 14671 Fairway Drive:

Inquired on when the City would be doing starting preventative maintenance? He stated the City hasn't done any in the past 30 years with the exception of patching. Mayor Olson stated the pavement management has been in place since 2013 with the pavement condition evaluated on all City streets to produce a numerical rating from 1 thru 5 and the city is in the third year of sealcoating. Mr. Rardin stated that some streets are too old to seal coat. Golf Course Drive is scheduled for seal coat within the next 3-4 years. The City has spent \$200k per year for the last three years on sealcoating, the city is broken into seven (7) different areas and each area is scheduled for seal coat every seven (7) years.

Mr. Androli stated if traffic load and weather break down streets, than heavily traveled roads may need to be seal coated more often than every seven (7) years. Mr. Rardin stated that in general it is a seven (7) year rotation; the city inspects streets every three years.

Mr. Androli, whose entire comments could not be heard, stated the changes proposed turn around on Excelsior Road will create a traffic mess 4-10 times worse than it is now. He felt there is a need to annex property to get to Cypress Drive to Woida Road. He stated this is going to add traffic noise and requested a fence be installed in front of County Club Estates to quell noise and felt the City of Baxter should be responsible for the installation and cost of this fencing. He also inquired on why a 10 ton road is being constructed on Golf Course Road? Mr. Rardin stated the State of Minnesota imposes requirements on the city in conjunction with state funding. The city receives state aid funding and it must be used on state aid streets and Golf Course Drive falls into that requirement.

Richard Holz – 14660 Par Drive:

Stated the police department has a trailer with speed limit posting which did seem to slow traffic down. If traffic becomes a real problem, could the City install a speed sign similar to one as you approach Merrifield.

Council Member Nystrom explained the speed zone aware signs are owned by the County and are loaned to various locations. Police Chief Exsted would be the person to contact with regards to question on the sign trailer.

Scott Watland – 14430 Dellwood Drive:

Inquired on the front footage assessment process and if it is a fair way to assess. All the local residents use it and not just property owners along the street. Mayor Olson stated the people on Memorywood Drive and Inglewood Drive will say the same thing. Mr. Watland stated the City is hitting us pretty hard. Council Member Barrows stated the City is picking up 37% of the project and it is costly.

Mayor Olson stated that the City tries to be fair and that fairness many not seem to be fair to everyone else and that is why there is a Chapter 429 process. Council Member Holman stated that in 2002 or 2003 the City of Baxter did Mill & Overlay around Mills Fleet Farm on all four sides. Mr. Mills came to the meeting due to being assessed on all 4 sides and Mr. Mills said as long as the City treats everyone the same. The council has been consistent with the assessment policy.

Mayor Olson inquired if there were any other comments? Appeals would need to be submitted at tonight's meeting.

Roy Androli – 14671 Fairway Drive:

Inquired is if they have to hire an attorney to carry the lawsuit forward, can we afford to do this and we have to go before the judge? Mr. Androli also questioned if the storm sewer was necessary and if curb and gutter was needed. He felt the City was putting in a Caddy when we could have a Chevy.

Mr. Androli reiterated the amount of traffic past County Club Estates was going to be excessive and the City of Baxter had better install a noise fence.

Mr. Watland – 14430 Dellwood Drive:

Inquired on the Crow Wing County recently passed a transportation tax? Public Works Director/City Engineer Walter stated the City receives nothing unless it is used on a county road in the city.

Roy Androli – 14671 Fairway Drive:

Inquired on the irrigation lines for watering grass and would it need to be moved? He thought the south side would not be impacted but the north side is right up next to the curb. Mr. Rardin stated someone from Bolton & Menk can come out and check the location. The contractor will move at their expense and has asked the lines be flagged.

An unidentified person from the audience inquired is a bike path on one side or another. Council Member Holman stated there will be a 5' striped and signed bituminous shoulder. An unidentified person from the audience, whose entire comments were not audible, inquired if there will be access into the property? Mr. Rardin stated the contractor will provide notice and will work with you and try to make it work.

Tom Rutske – 14275 Golf Course Drive:

Inquired on irrigation on the Johnson Properties parcel and recommended Rainbow Lawns for the project. Mr. Rardin stated he will pass the information on to the contractor. Mr. Rutske requested that one access to the Johnson Properties building be kept open during the project.

Mayor Olson closed at the public hearing at 6:54 p.m.

Interim Administrator Steele stated that no decision will need be made tonight, but will be addressed at the regular council meeting on Tuesday, July 19, 2016.

MOTION by Council Member Barrows, seconded by Council Member Holman to adjourn at 6:54 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Mary Haugen
Administrative Assistant

PLANNING & ZONING COMMISSION MINUTES
July 12, 2016 - 6:00 p.m.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m.

MEMBERS PRESENT: Chair Bob Kinzel, Commissioners Steve Lund, Howie Oswald, Gwen Carleton, Bob Ryan and Council Liaison Steve Barrows

MEMBERS ABSENT: None

STAFF PRESENT: Community Development (CD) Director Josh Doty and Planner Matthew Gindele

OTHERS PRESENT: Randy Reetz, Dave Petersen, Jim Kramer, Mike Kloss, Julie and Pete Henry

APPROVAL OF MINUTES

MOTION by Commissioner Lund, seconded by Commissioner Oswald to approve the minutes from the June 14, 2016 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
 July 19, 2016 if not tabled, continued or otherwise noted.*

Chair Kinzel stated that this Commission is advisory and the final approval/denial is given at the City Council Meeting on July 19, 2016 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Preliminary and final plat named "Vaughans Lots" and a conditional use permit to allow two principal structures on a single lot. The plat and CUP would allow the development of two, 4-unit rental buildings on property located near the intersection of Baxter Lions Rd. and Art Ward Dr. Legally described as Vaughans Lots Outlot A Section 12, Township 133, Range 29 (City file 16-17)

Requested by: Diversified Construction 1107 South 6th Street, Brainerd, MN 56401

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty stated this is a preliminary and final plat named "Vaughans Lots" and a conditional use permit (CUP) to allow two principal structures on a single lot. The re-plat and CUP would allow the development of two, 4-unit rental buildings on property located near the intersection of Baxter Lions Rd. and Art Ward Dr. He gave history on the first plat, reviewed the site location and site plan, access/traffic concerns, there is no new right of way that is needed, however park fees would be required in the amount of \$14,400.00. CD Director Doty indicated that the Utility Commission had no concerns however,

requested a developers agreement in place prior to a building permit and that the Architectural Review Commission is to review the proposed buildings prior to a building permit being issued.

CD Director Doty stated that the CUP is needed in order for the property to have two principal buildings on one site. He stated that typically with rental units there will be a property management company involved, that is the case on this proposal. It was noted that the rental units and garages will be similar to other rental properties in the area.

CD Director Doty stated that staff is recommending approval of the plat and CUP application with the conditions noted in the two draft resolutions.

Chair Kinzel opened the public hearing.

Mr. Jim Kramer, architect for this project, indicated that this is a straight forward project that is very similar to the applicants last build in Baxter. Chair Kinzel asked if there were any concerns with the conditions, there were none.

Mr. Randy Reetz, 5828 Fairview Rd. stated that he is dead set against more rental units in this area. He has rental units behind his home and has had problems with them. Mr. Reetz stated that someone from the rentals or the rental owners had trees trimmed and the branches and brush were placed on his property. His neighbor to the east had a box spring and mattress placed on his lot. Mr. Reetz indicated that the rentals have been nothing but a pain for property owners. Chair Kinzel asked where Mr. Reetz lives; Reetz indicated that he is east of the house on the corner. He reiterated that he is against the addition of any more rental units. Chair Kinzel explained the zoning of properties dictates what and were different types of housing and buildings can be built. He suggested taking his concerns to City Council on July 19, 2016, as this Commission is an advisory Commission and does not have the final say regarding this approval/denial.

Chair Kinzel closed the public hearing.

Commissioner Carleton questioned if Mr. Reetz voiced a complaint with the rental owner.

Motion by Commissioner Ryan, second by Commissioner Carleton to recommend the City Council approve the preliminary and final plat named "Vaughans Lots" on property located near the intersection of Baxter Lions Rd. and Art Ward Dr.

Prior to the vote, Commissioner Lund asked CD Director Doty if the CUP would not be required if the applicant chose to build one building instead of two. CD Director Doty stated yes, that one building would make elevate CUP not be required.

Motion carried unanimously.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve a conditional use permit to allow two principal structures on a single lot on property located near the intersection of Baxter Lions Rd. and Art Ward Dr. as presented in the draft resolution. Motion carried unanimously.

2. PUBLIC HEARING. Conditional use permit to allow a nonconforming structure on a riparian lot to be expanded and variances to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River for property located southeast of County Road 48 at 12464 Camwood Trail. Legally described as PART OF GL 3 SEC 17 DESC (full legal available at City Hall) Section 17, Township 133, Range 28 (City file 16-18)

Requested by: Peter and Julie Henry 12464 Camwood Trail, Baxter, MN 56425

Chair Kinzel asked Planner Gindele to review the application with the Commission. Planner Gindele stated that the applicant is requesting a conditional use permit (CUP) to allow a nonconforming structure on a riparian lot to be expanded and variances to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River. Planner Gindele gave the history of the house and the previous and current setback requirements, the site location and a partial survey with the Commission. The new deck and 4 season porch are not expanding towards the river, however, it will be larger than the existing deck. The plans call for diamond pier footing which will eliminate the need for erosion control BMPs.

Planner Gindele moved onto the variances for the applicant. The variance is to allow a nonconforming use to be enlarged to occupy a greater area of land within the required 100 foot setback of the Mississippi River. Planner Gindele explained that the existing deck on the home is approximately 82 feet from the OHWL where the shoreland ordinance requires 100 feet; the existing home is 89 feet from the OHWL. The addition of the four-season porch and new deck would not extend any further toward the river than the existing deck but would expand the structural area that lies within the 100-foot setback, thus creating the need for this variance. The new addition would increase the setback of the current deck to the river from approximately 82 feet to 83 feet. The second variance is to allow an encroachment into the setback to the river for the addition to occur. Planner Gindele, on a map, showed the areas that would encroach and pictures of the current deck/house and explained that the current deck is legally non-conforming and that the granting of the 17 foot variance would give a clear title to what is currently there and what is being proposed.

Planner Gindele stated that this property is in an area that is slated for water and sewer in 2017 and will be required to hook up to city services by the end of 2018, if the water/sewer project moves forward in 2017. If the home was currently on city services then the setback would only have to be 75' instead of 100', thus not needing the CUP or variances. CD Director Doty stated that the 5 year CIP plan is a guideline and not confirmed until a separate process takes place and is approved by City Council to move forward.

Planner Gindele stated that staff is recommending approval of the CUP and variances being requested in this application. Chair Kinzel recapped the approval request.

Chair Kinzel opened the public hearing.

Mr. & Mrs. Henry, owner/applicant, approached the podium and stated that they have lived in Baxter for 18 years. They have lived in this house the enter time. They have decided to retire in this home after looking at several different properties. They would like to add a formal dining room to the home and this is the best option, being there are obstacles to the east and west of the property.

Chair Kinzel stated that it is unbelievable how many times this house was legal, was not legal, and in the future could be legal again.

Mr. Mike Kloss asked how the OHWL line and building lines were determined. Planner Gindele indicated the lines were set by a licensed surveyor and that the setback measurement runs perpendicular to the OHWL and not parallel to the property line.

Chair Kinzel closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the conditional use permit to allow a nonconforming structure on a riparian lot to be expanded and variances to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River for property located southeast of County Road 48 at 12464 Camwood Trail as indicated in the draft resolutions. Motion carried unanimously.

Mr. Henry stated that he works in the public and deals with a lot of people and that Planner Gindele is very professional and excellent to work with, the Commission agreed.

3. PUBLIC HEARING. Variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot front yard setback for property located on the south side of Fairfax Court. Legally described as Lot 8, Block 2, 2nd Addn to Paige & Blair Development Section 12, Township 133, Range 29 (City File 16-19)

Requested by: Home Builder Construction & Consulting Inc. 4935 Pine Mountain Beach Road SW, Backus, MN 56435

Chair Kinzel asked Planner Gindele to review the application with the Commission. Planner Gindele stated that the applicant is requesting variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot front yard setback for property located on the south side of Fairfax Court. Planner Gindele provided a map of the area for the Commission to review. He reviewed the setback of 40 feet in the front and 30 feet in the rear yard requirements with the Commission. Planner Gindele reviewed the site, house plan and garage plan. Planner Gindele reviewed the reasons that the variance would or would not be allowed with the Commission.

Planner Gindele stated that the lot conforms to all area and dimensional standards set forth in the zoning code and is currently vacant. Although the lot is a bit shallow, staff finds that the applicant does have the ability to construct a home that is able to fit within the required setbacks. Minnesota Statutes are clear that the uniqueness test relates to the physical characteristics of the particular piece of property and economic considerations alone cannot create practical difficulties. There is an inconvenience to the applicant in that he cannot build the desired home but staff finds that a reasonable home can be built on site in compliance with the ordinance. The variance would not be in harmony with the general purposes and intent of the ordinance because it would allow a structure setback inconsistent with the zoning ordinance when the opportunity to construct a home within the required setbacks exists.

Planner Gindele then stated that staff is recommending denial of this application based on the findings.

Chair Kinzel opened the public hearing.

Mr. Mike Kloss, builder for this lot, stated that his investor Mr. Chad Schwendeman purchased this lot as an investment. He stated that it is not easy to change plans once the plans are picked. However, he went back to his plan portfolio looking for a different set of plans that would work on this lot. He stated that all of the house plans were 50 feet or deeper. He never had this problem when he previously built in Baxter. Mr. Kloss stated that he is not asking for a large amount of the setback to be removed and that it will not be noticeable from the street. He further stated that they would like to build more of this type of home, as this house is a good selling house for them. He reviewed the map with the Commission of other homes in that court that do not fit correctly.

Chair Kinzel asked why Mr. Kloss couldn't stretch the house towards the side yards and not lose any square footage. Mr. Kloss stated he was open for any options. Mr. Kloss stated that he has never had to ask for a variance for depth, usually it is the side yard setback. Commissioner Carleton asked CD Director Doty for his opinion on this application. CD Director Doty indicated that most lots are deeper, narrower and usually oversize, therefore staff doesn't see a lot of these situations. He stated that this is a shallow lot that is a conforming city lot; it can be built on meeting the setbacks.

Mr. Kloss stated that this is the last house on the court and no one will ever notice the difference when looking down this street. Chair Kinzel asked if Mr. Kloss was indicating that he could not build a house on that lot. Mr. Kloss stated he is trying to put the bestselling house on that lot and none of them were under 50 feet. He indicated that he has spoken to the neighbors while he was walking the lot and they were glad to know that it was going to be cleared and were approving of this request. Mr. Kloss explained the layout of the house to the Commission.

Commissioner Lund asked if there was going to be a deck. Mr. Kloss said yes, it will but that falls into a difference ordinance. Planner Gindele stated that an attached deck would only require a 10' setback. Mr. Kloss asked how many builders have come in and asked for a variance for this situation. Chair Kinzel said that he was the first one to come forward with an empty lot looking to build a new house that doesn't fit. Typically a variance is for a home that has been previously built looking to expand.

Commissioner Ryan stated that the facts are that the lot is a conforming lot and a house can be built on that lot. He indicated that Mr. Kloss may not be able to build the house with the best financial return on this lot, but a house can be built. Commissioner Ryan stated that the rule book should just be thrown out if variances are going to be given for homes that are not even built yet. He further stated that Mr. Schwendeman has even advised Mr. Kloss to find a home that would fit; Commissioner Ryan suggested that he listen to his investor.

Mr. Kloss attempted to change the requested setbacks; Commissioner Ryan and Chair Kinzel indicated that is not an option at this point in time and that Mr. Kloss needs to take his case to City Council on July 19, 2016.

Chair Kinzel closed the public hearing.

Motion by Commissioner Ryan, second by Commissioner Oswald to recommend the City Council deny the variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot

front yard setback for property located on the south side of Fairfax Court. Motion carried unanimously.

4. PUBLIC HEARING. Conditional use permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive. Legally described as Outlot A, Perch Lake Estates Section 7, Township 133, Range 28 (City File 16-20)

Requested by: Mike O'Donnell 11697 E Laketowne Drive, Albertville, MN 55301

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty stated the applicant is requesting a conditional use permit for a forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive. CD Director Doty gave the Commission a location map explaining the layout of the area. Currently the property is R-1, however is going to be rezoned to OS. Currently FEMA is in the process of updating the FEMA maps. With the current FEMA map there is no floodplain on the lot, however the new FEMA map does have floodplain on the majority of the lot. The applicant and staff have been in contact with FEMA representatives regarding this lot. FEMA is in support of clearing and filling this lot prior to the new maps taking affect.

CD Director Doty stated that the forestland conversion is allowing the clearing of live trees for a future zoning change; however it does require a CUP to complete the process according to Baxter code. The applicant is proposing to leave a 20 foot buffer of trees along the west and east property lines and a 10 foot buffer along the south and along Isle Drive with a larger buffer around the wetland.

CD Director Doty stated that staff is recommending approval of this application based on the conditions in the draft resolution.

Chair Kinzel opened the public hearing.

Chair Kinzel asked if the trees were all Jack Pine, CD Director Doty stated that he believes there is a mix of trees on that lot. Commissioner Lund asked how they are going to retain the trees and the buffer, CD Director Doty stated that they are going to have to taper down to the trees.

Mr. Jim Kramer, representing Mr. Mike O'Donnell the land owner, stated that the revised FEMA maps have been going around since 2011, it's just the City hasn't adopted it yet. CD Director Doty stated he will clarify that later. Mr. Kramer explained the floodplain map and how it can affect property owners and flood insurance. He stated that it is easier to market a property that does not have any flood plain on it. In this case, by removing trees and raising the lot roughly 1.5-2 feet will achieve that goal of not having floodplain.

From the audience a question was asked if there was wetland being filled, CD Director Doty stated there is not going to be any wetland filling. The hashed area is the proposed flood plain. CD Director Doty also clarified the FEMA map process to the Commission.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Ryan to recommend the City Council approve the conditional use permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive based on the conditions in the resolution. Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Oswald, seconded by Commissioner Ryan to adjourn the meeting at 7:18 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Administrative Assistant

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-064**

**RESOLUTION ACCEPTING BID FOR THE 2016 GOLF COURSE DRIVE
IMPROVEMENT PROJECT**

WHEREAS, pursuant to an advertisement for bids for Municipal Improvement No. 4110, for the proposed improvement of Golf Course Drive from approximately Excelsior Road to Woida Road bids were received, opened, and tabulated according to the law, and the following bids were received complying with the advertisement:

Anderson Brothers Const. Co. of Brainerd, LLC	\$1,090,108.01
J.R. Ferche, Inc.	\$1,131,196.05
Larson Excavating Contractors, Inc.	\$1,302,451.48
Northdale Construction Co., Inc.	\$1,196,176.26
RL Larson Excavating, Inc.	\$1,215,568.38

AND WHEREAS, it appears that Anderson Brothers Const. Co. of Brainerd, LLC of Brainerd, Minnesota is the lowest responsible bidder.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BAXTER, MINNESOTA:

1. The mayor and clerk are hereby authorized and directed to enter into a contract with Anderson Brothers Const. Co. of Brainerd, LLC in the name of the City of Baxter for the improvement of Golf Course Drive from Excelsior Road to Woida Road according to the plans and specifications therefor approved by the city council and on file in the office of the city clerk.
2. The city clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-065**

**RESOLUTION ADOPTING ASSESSMENT FOR THE 2016 GOLF COURSE DRIVE
IMPROVEMENT PROJECT, MUNICIPAL PROJECT NUMBER 4110**

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and heard and passed upon all objections to the proposed assessment for Municipal Project Number 4110, a street and storm sewer improvement of Golf Course Drive from Excelsior Road to Woida Road.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BAXTER, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of twelve years, the first of the installments to be payable on or before the first Monday in January 2017, and shall bear interest at the rate of 4.75% per annum from the date of the adoption of this assessment resolution. To the assessment balance shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the city treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year. Partial prepayment of assessments may be made within 30 days from adoption of this resolution.
4. The clerk shall forthwith transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal

REQUEST FOR COUNCIL ACTION

July 19, 2016

Department Origination: Administration and Public Works **Agenda Section:** Consent

Agenda Item: Appoint Steve Karels to the Public Works Lead Maintenance Position and Authorize Staff to Commence the Process to Fill the Public Works Maintenance Position

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

Due to a recent retirement in the Public Works Department, the public works lead maintenance position became available. The AFSCME position opening was posted internally. Administration and Public Works reviewed the application received and recommend the appointment of Steve Karels, currently a public works maintenance employee, to the public works lead maintenance position. Mr. Karels meets the job description qualifications of the public works lead maintenance position.

With Mr. Karels' appointment to the public works lead maintenance position, a public works maintenance position will become vacant. After council approval of this appointment, staff will begin the process to fill the public works maintenance position.

FINANCIAL IMPLICATIONS

There are no additional financial implications with the public works lead maintenance appointment. The position was included previously in the 2016 budget.

STAFF RECOMMENDATIONS

Assistant Administrator Steele and Public Works Director Walter recommend the appointment of Ms. Steve Karels to the public works lead maintenance position at Step 9 of the AFSCME pay grade schedule. It is further recommended to authorize staff to commence the process to fill the now vacant public works maintenance position.

COUNCIL ACTION REQUESTED

Motion to appoint Mr. Steve Karels to the public works lead maintenance position and authorize staff to commence the process to fill the public works maintenance position.

REQUEST FOR COUNCIL ACTION

07/19/16

Department Approval: Finance and Administration **Agenda Section:** Consent
 Finance Director Vacinek 

Approval Required: Simple Majority Vote of the Council

Item Description: Appoint Ms. Angela Hart to Utility Billing Specialist Position and Authorize Staff to Commence the Process to Fill the Receptionist/Cashier Position

BACKGROUND

Due to a retirement in the Finance Department, an internal filling of the finance specialist position occurred earlier, resulting in the utility billing position becoming vacant. This AFSCME position opening initially was posted internally, per the requirements of the AFSCME labor agreement. Administration and Finance reviewed the application received and based upon the labor agreement it is recommended to appoint Angela Hart, currently the receptionist/cashier, to the utility billing specialist position. Ms. Hart meets the job description qualifications of the utility billing specialist position.

With Ms. Hart's appointment to the utility billing specialist position, the receptionist/cashier position will become vacant. After council approval of this appointment, staff will begin the process to fill the receptionist/cashier position.

FINANCIAL IMPLICATIONS

There are no additional financial implications with the utility billing specialist appointment. The position was included previously in the 2016 budget.

STAFF RECOMMENDATIONS

Assistant Administrator Steele and Finance Director Vacinek recommend the appointment of Ms. Angela Hart to the utility billing specialist position at step 7, grade 4 of the AFSCME pay schedule. It is further recommended to authorize staff to commence the process to fill the now vacant receptionist/cashier position.

COUNCIL ACTION REQUESTED

Motion to appoint Ms. Angela Hart to the utility billing specialist position and authorize staff to commence the process to fill the receptionist/cashier position.

REQUEST FOR COUNCIL ACTION

July 19, 2016

Department Origination: Administration

Agenda Section: Consent

Agenda Item: Appoint Mr. Michael Karas to the Seasonal Position of Roadside Mower

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

An interview and background check have been completed on the recommended appointment to fill the position of roadside mower. The seasonal roadside mower position is responsible for mowing various right-of-ways on city, county, and state roadways. The position works under the direction of the public works maintenance supervisor.

FINANCIAL IMPLICATIONS

The seasonal roadside mower position is accounted for in the budget at \$12.00 per hour.

STAFF RECOMMENDATIONS

Staff recommends the appointment of Michael Karas for the position of seasonal roadside mower.

COUNCIL ACTION REQUESTED

Motion to approve the appointment of Michael Karas for the position of seasonal roadside mower at \$12.00 per hour.

REQUEST FOR COUNCIL ACTION

July 19, 2016

Department Origination: Administration**Agenda Section:** Consent

Agenda Item: Approve Amendment to Section 37 of the Personnel Policy Regarding Insurance Coverage for Terminated or Retired Employees

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

At the June 21, 2016, work session the council discussed the ability of former employees' to elect changes health or dental coverage upon termination or retirement. Specifically to allow a former employee to add coverage for a spouse or child(ren) that was not originally covered on City's insurance prior to termination or retirement.

COBRA contains very specific terms regulating the ability of an employee to continue insurance coverage upon termination or retirement. Employees electing COBRA coverage must pay 100% of the insurance premium. Terminated employees can be subject to a 3% administrative fee collected by the city to offset the expense of administering the former employee's insurance coverage. COBRA specifically prohibits employers from charging an administrative fee to retiring employees. Terminated employees can continue coverage on the City's insurance for up to 18 months. Qualified retired employees can remain on the City's insurance indefinitely. The ability to allow a terminated or retired employee the ability to add coverage for a spouse or child(ren) not originally covered by the City's insurance prior to termination or retirement is not addressed in COBRA and is a policy decision of the City.

Though not a direct cost to the City to allow a former employee to add insurance coverage for spouse or child(ren), there are many unknowns associated with allowing this. Increasing the number of people participating in the City's insurance pool could affect future rates paid by both the City and current employees.

The proposed amendment would allow employees the ability to reduce the level of health or dental coverage they have in place (family coverage to single coverage) at the time of retirement or termination, but would not allow an employee the ability to increase (single coverage to family coverage) health or dental coverage at the time of retirement or termination.

FINANCIAL IMPLICATIONS

There are no financial implications with the adoption of the Personnel Policy amendment.

STAFF RECOMMENDATIONS

Staff recommends council adopt the proposed amendment to Section 37 Insurance of the Personnel Policy.

COUNCIL ACTION REQUESTED

Motion to approve the amendment to Section 37 Insurance of the Personnel Policy.

ATTACHMENT:

1. Personnel Policy Amendment

CITY OF BAXTER
Personnel Policy Amendment

SECTION 37. The text of Section 37 (Insurance) of the Baxter Personnel Policy is hereby amended by the stricken material and adding the underlined material as follows:

Retirement or Termination of Employment: Upon retirement or termination of employment, employees can elect to continue health or dental insurance coverage as permitted under the Consolidated Omnibus Budget Reconciliation Act (COBRA) and Minnesota continuation coverage laws.

Upon electing to continue health or dental coverage, the employee can:

1. Continue with the coverage level of health or dental insurance in place at the time of retirement or termination; or
2. Elect to change coverage from family health to single health or family dental to single dental.

At the time of retirement or termination, an employee is not allowed to change from single health or single dental coverage to family health or family dental coverage.

Whereupon, said Policy is hereby declared adopted on this 19th day of July, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

UTILITIES COMMISSION
June 22, 2016

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

MEMBERS PRESENT: Commissioner Shawn Crochet, Doug Wolf and Acting Chairman Dave Franzen.

MEMBERS ABSENT: Commissioner Jack Christofferson, Chairman Rock Yliniemi and Council Liaison Mark Cross.

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 Bolton & Menk Consulting Engineers Mike Rardin and Bryan Drown.

APPROVAL OF MINUTES

MOTION by Commissioner Crochet, seconded by Commissioner Wolf to approve the Utilities Commission minutes of June 8, 2016. Motion carried unanimously.

ELDER DRIVE AND GLORY ROAD IMPROVEMENTS FEASIBILITY STUDY

WSB Consulting Engineer Rickart reviewed the Elder Drive and Glory Road feasibility report with the commission.

Mr. Rickart gave a brief power point presentation of the history of the proposed project, existing conditions, reviewed the site locations and site plans adjustments that were made to accommodate truck traffic and turning lanes.

Estimated project costs were reviewed and the costs will be assessed to the developer once the project has been completed in the fall of 2016.

MOTION by Commissioner Wolf, seconded by Commissioner Crochet to recommend City Council approve the WSB Elder Drive and Glory Road Feasibility Report for the HJ Junior Box and Multi-Tenant Developments. Motion carried unanimously.

2016 ELDER DRIVE AND GLORY ROAD IMPROVEMENTS PROJECT
ENGINEERING REQUEST FOR PROPOSALS

Public Works Director/City Engineer Walter reviewed the request for proposals that were submitted for the 2016 Elder Drive and Glory Road Improvements Project.

Staff had requested proposal's from the four local engineering firms. Bolton & Menk submitted a letter stating that based on our evaluation of the project scope in conjunction with their current

UTILITIES COMMISSION – 06/22/16

commitments and staffing, they regretfully declined to submit a proposal at this time. Bolton & Menk requested the City continue to consider Bolton & Menk for future projects.

- SEH, Inc. \$58,302.00
- WSB \$42,800.00
- WSN \$58,227.00

Public Works Director/City Engineer Walter recommended approval of the WSB proposal since they were low quoter of engineering services, are very familiar with the development site location, traffic flow and have completed the feasibility report.

MOTION by Commissioner Crochet, seconded by Commissioner Wolf to recommend City Council award the professional engineering and related services contract for the 2016 Elder Drive and Glory Road Improvements Project to WSB in the not to exceed amount of \$42,800.00. Motion carried unanimously.

ADJOURNMENT

MOTION by Commissioner Wolf, seconded by Commissioner Crochet to adjourn the meeting at 6:00 p.m. Motion carried unanimously.

Approved by:

Submitted by,

Dave Franzen
Acting Chairman

Mary Haugen
Administrative Assistant

UTILITIES COMMISSION
July 6, 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, Shawn Crochet, Doug Wolf, Chairman Rock Yliniemi and Council Liaison Mark Cross.

MEMBERS ABSENT: Commissioner Dave Franzen.

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

OTHERS PRESENT: WSN Consulting Engineer Aric Welch, WSN Electrical Engineer Jim Szustek, SEH Consulting Engineer Scott Hedlund, WSB Consulting Engineer Chuck Rickart and Bolton & Menk Consulting Engineers Mike Rardin and Bryan Drown.

APPROVAL OF MINUTES

MOTION by Commissioner Wolf, seconded by Commissioner Crochet to approve the Utilities Commission minutes of June 22, 2016. Motion carried unanimously.

VARIANCE FOR NEW HOME ON FAIRFAX COURT

Public Works Director/City Engineer Walter reviewed the variance request for a new home on Fairfax Court. The commission had no concerns with this request since it does not impact sanitary sewer system, storm sewer system, water system, roadway or right-of-way and does not infringe on the 10 foot and five foot utility and drainage easements that are dedicated on the plat.

MOTION by Commissioner Crochet, seconded by Commissioner Wolf to advise the Planning and Zoning Commission that the Utilities Commission has no concerns with the Fairfax Court Variance request since it does not impact sanitary sewer system, storm sewer system, water system, roadway or right-of-way and does not infringe on the 10 foot and five foot utility and drainage easements that are dedicated on the plat. Motion carried unanimously.

PRELIMINARY & FINAL PLAT FOR VAUGHANS LOTS

Public Works Director/City Engineer Walter reviewed the preliminary and final plat for Vaughans Lots. He had no concerns with the plat since all sanitary sewer and water easements were shown on the plat and the 10 foot and five foot utility and drainage easements are dedicated on the plat as per City ordinance.

MOTION by Commissioner Christofferson, seconded by Commissioner Crochet to advise the Planning and Zoning Commission that the Utilities Commission has no concerns with the Vaughans Lots Preliminary & Final Plat contingent on a development agreement be in place before a building permit is issued. Motion carried unanimously.

VAUGHANS TOWNHOMES 100-YEAR STORMWATER PLAN

UTILITIES COMMISSION – 07/06/16

Public Works Director/City Engineer Walter reviewed the 100-year stormwater plan for the proposed townhomes. All stormwater will be retained on site with a 100-year stormwater pond.

MOTION by Commissioner Crochet, seconded by Commissioner Wolf to recommend City Council approve the Chosen Valley Testing and Schultz Engineering 100-Year Stormwater Management Plan for the Vaughans Townhomes Development. Motion carried unanimously.

FOREST LAND CONVERSION CONDITIONAL USE PERMIT AND GRADING PERMIT FOR PROPERTY LOCATED ON ISLE DRIVE

Public Works Director/City Engineer Walter reviewed the forest land conversion conditional use permit and grading permit for property owned by Michael O'Donnell on Isle Drive. The property, which has no structures on it, is currently up for sale with several interested parties.

Mr. O'Donnell would like to raise the level of the lot to remove it from the flood plain. A buffer of trees will be maintained and a stormwater pollution prevention plan will be in place. The property has already been reviewed by the U.S. Army Corps of Engineers with regards to the Northern Long-Eared Bats. The U.S Army Corps of Engineers and Board of Water and Soil Resources (BWSR) have reviewed all wetland delineations on the property.

MOTION by Commissioner Wolf, seconded by Commissioner Crochet to advise the Planning & Zoning Commission that the Utilities Commission has no concerns with the Forest Land Conversion Conditional Use Permit and Grading Permit for property on Isle Drive contingent on the following:

1. A formal Stormwater Pollution Prevention Plan is submitted to the City of Baxter.
2. A formal grading permit be submitted to the City of Baxter and pay all associated fees.

Motion carried unanimously.

2015 MILL & OVERLAY PROJECT UPDATE

Summary of Work Completed Since Last Update

Construction:

- Other than miscellaneous punch list/warranty work, construction on the project is complete.
- Final paperwork and post construction services remain.
- Application for Payment No. 6 is planned for approval by the Utilities Commission/City Council in August/September.

Budget:

- Final costs are anticipated to come in under the total project budget of \$2.5M certified at the assessment hearing.

Consultant Budget:

UTILITIES COMMISSION – 07/06/16

- There are no unapproved scope changes at this time.

2016 FAIRVIEW ROAD IMPROVEMENTS PROJECT MONTHLY UPDATE

The following is an update on the status of the various work tasks on the project:

Permits:

- The necessary wetland permits have been secured.
- The necessary MnDOT right-of-way 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 two easements are temporary easements for driveway resloping. 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 was 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.
- Construction started June 13th.
- The following work has been completed:
 - Reclaimed the Fairview Road pavement west from Art Ward Drive (Phase 1).
 - Storm sewer and pond has been installed at the gas station site.

UTILITIES COMMISSION – 07/06/16

- Part of the gas station island and the east entrance concrete has been poured.
- Much of the road widening grading/fill on the north side of Fairview Road along the wetland west of Inglewood Drive has been completed.
- Completed water main insulating.
- Started road widening and grading on Phase 1.
- Planned work:
 - Ongoing road widening and grading.
 - Paving the first lift on Phase 1 could occur as soon as the week of July 11th.
 - In order to facilitate Centerpoint Energy’s removal of the existing gas main, reclaiming of Fairview Drive east of Art Ward Drive (Phase 2) will likely need to occur prior to Phase 1 being paved.
 1. Reclaiming Phase 2 is tentatively planned for the end of the week of July 4th.

Utility Relocation Work

- Centerpoint Energy gas main and service relocation/upgrade work has been ongoing and is planned to be completed by mid-July.
- The new facility work is complete.
 - Planning to start removal of the old gas main on 6/30/16.
 1. Gas main removal will be accomplished by open cut methods and will temporarily disturb the north side of Fairview Road throughout the project including across Memorywood Drive.

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 to be presented at the Assessment Hearing is \$1.3M.

Consultant budget:

- There are no unapproved scope changes at this time.

2016 FAIRVIEW ROAD IMPROVEMENTS PROJECT PARTIAL PAY ESTIMATE NO.**1**

SEH Consulting Engineer Scott Hedlund reviewed Partial Pay Estimate No. 1 for the 2016 Fairview Road Improvements Project with the commission. SEH Consulting Engineer had 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 \$106,179.65 for the 2016 Fairview Road Improvements Project. Motion carried unanimously.

2016 CITY OF BAXTER CHIP SEALING PROJECT MONTHLY UPDATE

Summary of Work Completed Since Last Update

During mid-June the Contractor hauled street and trail sealcoat aggregates to the City's north water tower site. Subsequent gradations show neither material meets specification requirements and is unacceptable for use. This was communicated to the Contractor on June 24th and the City is waiting to hear how the Contractor intends to proceed.

On June 22nd, the contractor requested an early construction start which was denied due to lack of notice. A contract start date (after July 4th) was requested by the City on June 23rd. No response has been provided by the Contractor as of this time; five working days' advance notice to start work is required by the City so property owners can be notified of the pending work.

Project Schedule and Completion

The project is currently on schedule with no delays anticipated. The following schedule and completion requirements were incorporated into this project:

1. Construction operations are not to be started prior to Tuesday, July 5, 2016, except stockpiling of aggregate materials.
2. The contractor is to notify the City of their proposed work schedule at least five (5) working days in advance of beginning work.
3. 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.
4. 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.

2016 CITY OF BAXTER GOLF COURSE DRIVE PROJECT MONTHLY UPDATE

Summary of Work Completed Since Last Update

Final plans and specifications were completed on June 9, 2016. Advertisement for bids was placed in the Brainerd Daily Dispatch, Finance & Commerce, and on the QuestCDN

UTILITIES COMMISSION – 07/06/16

website during June. Bids are to be received at 9:00 am on Wednesday, July 6, 2016. No project or plan concerns have been noted to date.

Assessment Hearing notices were mailed on Thursday, June 16, 2016 and notices were published Friday, June 17, 2016.

A bid tabulation, assessment review, and contract award recommendation are planned to be presented to the Utility Commission at the July 6th meeting.

Project Schedule

The project has been delayed approximately four (4) weeks due to considering the possible relocation of the storm sewers on the Mill's site. However, the project is still on schedule for 2016 construction. Assuming bids are reasonable and assessment hearing results are acceptable; Council will be in a position to consider adopting assessments and awarding a contract for this project on July 19, 2016. Construction of this proposed project is estimated to take approximately six to eight weeks.

Completion Dates

The revised schedule attached allows for project completion during the first half of October. Further delays to the project will likely cause construction to be delayed to 2017. It is estimated that it will take approximately six to eight weeks to construct this project.

Easements

No easements or right of way acquisition are anticipated for this project as it is currently proposed.

Costs

The City should be aware that the work associated with the possible sewer relocations has resulted in extra 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 near future.

Other work on the project has been continuing as agreed to according to the existing "Not to Exceed" contract.

2016 GOLF COURSE DRIVE BID REVIEW

Bolton & Menk Consulting Engineer Michael Rardin reviewed the bids for the 2016 Golf Course Drive Improvements Project. A total of five bids were received. All bids conformed to the plan, specifications and advertisement requirements.

UTILITIES COMMISSION – 07/06/16

1. Anderson Brothers Construction	\$1,090,108.01
2. J. R. Ferche, Inc.	\$1,131,196.05
3. Northdale Construction Co.	\$1,196,176.26
4. RL Larson Excavating	\$1,215,568.38
5. Larson Excavating Contractors	\$1,302,451.48
Engineer's Estimate	\$1,041,037.75

Total project costs are slightly higher (0.03%) than estimated and presented at the Improvement Hearing. Total city costs are estimated to be 23.0% higher than estimated due to increase storm sewer costs.

MOTION by Commissioner Wolf, seconded by Commissioner Crochet to recommend City Council award the contract to Anderson Brothers Construction in the amount of \$1,090,108.01 for the 2016 Golf Course Drive Improvements Project. Motion carried unanimously.

EXCELSIOR ROAD, FAIRVIEW ROAD AND EDGEWOOD DRIVE IMPROVEMENTS FEASIBILITY REPORT

WSN Consulting Engineer Welch and WSB Consulting Engineer Rickart presented the final review of the feasibility report and traffic analysis.

MOTION by Commissioner Wolf, seconded by Commissioner Crochet to recommend City Council approve the Excelsior Road, Fairview Road and Edgewood Drive Improvements Feasibility Report. Motion carried unanimously.

WATER TREATMENT PLANT EMERGENCY GENERATOR FOR 2017 BUDGETING PURPOSES

WSN Electrical Engineer Jim Szustek reviewed the emergency generator memo with the commission.

On Friday June 24th a measure of the amp draw from the existing 480 volt, 3 phase service from the Crow Wing Power 750 kVA electrical transformer was completed. The measurement was taken when the water plant was backwashing one of the four filters with two well pumps in operation supplying 1,400 gpm to the other three filters. In addition, two of the high service pumps were placed in operation sending water into the distribution system and filling of the water towers. This scenario was run to simulate the electrical demand an electrical generator would need to meet during a prolonged power outage that required backwashing of the filters while supplying water to the system.

The average amp draw measured by Holden Electric during this operational scenario was 332 amps. Typical maintenance facility and water plant ancillary power demand (lighting, controls, HVAC, etc.) is included in the 332-amp measurement. Allowing for a possible peak operational

demand (aeration blower, compressor, third high service pump (or well pump), and winter operation of heating systems, the total draw is estimated at 500 amps.

Option A – 1,000 kW Diesel Generator: \$456,000

This option is for a 1,000 kW diesel generator per the original specification, except as noted above. The out of a 1,000 kW generator is estimated at 1,500 amps. The equipment cost estimate of \$223,000 is the weighted average between the budget figures provided by Cat and Generac. This option is being presented for comparison purposes only and is not recommended based on the required future electrical demands outlined above.

Option B – 750 kW Diesel Generator: \$378,000

A 750 kW diesel generator has an output of 1,130 amps. This option will meet current and anticipated future demands. The electrical generator estimated cost is \$170,000.

Option C – 500 kW Diesel Generator: \$285,000

A 500 kW electrical generator has an estimated output of 752 amps, which would meet the estimated current 500-amp maximum operational demand for both facilities. This option will not meet the future anticipated demand of 760 amps as outlined above. The electrical generator cost is \$85,000. An MPS system can be added for an additional \$13,000 which is included in the \$285,000 estimated cost. This would allow the City to add parallel generator in the future as demand requires. For example, a 250 kW generator could be added to bring the total output up to 1,125 amps, which would meet anticipated future demands. The estimated cost to add a 250 kw diesel generator is \$130,000 bringing the total future cost of this option to \$415,000.

Public Works Director/City Engineer Walter stated part of the concern is that the State of Minnesota’s Department of Health annual inspection has red tagged the City for not having an emergency generator for essential services that last two years in their report. He explained the generator was part of the original plan which was scaled back in order to make budget. The generator should be sized large enough to run the entire facility in case of an emergency so that all City Departments could function out of the Public Works Facility including the Police Department.

Commissioner Crochet stated the generator is a crucial part of an essential service the City provides and we should do the right thing for the City and plan for the future. The generator should be large enough to handle some expansion of the facility in the next 20-30 years.

MOTION by Commissioner Christofferson, seconded by Commissioner Crochet to recommend City Council look at incorporating Option B - 750 kW Diesel Generator into the 2017 Budget and 5 year Capital Improvements Plan for the Water Department. Motion carried unanimously.

2016 MILL AND OVERLAY, FULL DEPTH RECLAMATION AND RIGHT TURN LAND CONSTRUCTION MONTHLY UPDATE

UTILITIES COMMISSION – 07/06/16

Summary of Work Completed Since Last Update

The Assessment Hearing was held on Monday, June 13, 2016. Approximately 30-40 residents were in attendance.

A preliminary utility meeting was held for the College Road and Cypress Drive turn lane project on Thursday, June 16th. The location of the proposed improvements and city supplied utility easement was discussed with each facility owner along with relocation requirements. The tentative plan agreed to by all present was to relocate facilities running parallel to College Road in a joint trench located along the south edge of the utility easement.

The Council passed motions to award the construction contract to Try-City Paving, Inc. and to adopt the assessment rolls on Tuesday, June 21, 2016.

On Friday, June 24, 2016 a pre-construction meeting was held. The meeting began at the College Road and Cypress Drive turn lane project to review the utility relocation plan. Attendees included representatives from the City, Try-City Paving, sub-contractors, WSN, Crow Wing Power, Charter Communications, Xcel Energy, CTC and CenturyLink.

Contractor documents have been reviewed by the City Attorney and WSN anticipate the City will sign the agreement and issue the Notice to Proceed on Wednesday, June 29, 2016.

Project Schedule

Week of June 27th: Removals along College Road necessary for utility relocation work, sanitary sewer and water service work on College Road.

Week of July 4th: Curb along west side of School and Private site work along south side of College Road.

Week of July 11th: Utility relocation work along College Road. Project open house at City Hall.

A detailed schedule was requested from the Contractor at the pre-construction meeting but was unavailable to be included with the memo.

Changes

John Street

- A culvert will be added to the project under the driveway along the south side of John Street.

UTILITIES COMMISSION – 07/06/16

Maplewood Drive

- The City has requested possible curb and gutter and storm sewer to address drainage and traffic issues on the corner of Maplewood Drive. An exhibit and cost estimate will be prepared and discussed with the Council at next weeks' Council workshop.

Contract Time Extension Request

- The Contractor has submitted a contract time extension request to move the substantial completion date back two weeks to August 26, 2016 and the final completion date back one week to September 2, 2106. See Change Order No. 2 documentation for additional information.

Utility Relocation Issues

Xcel Energy submitted an email on June 27th stating they do not plan on relocating the existing gas main in contrary to what was agreed to at the preliminary utility meeting and preconstruction meeting. WSN issued a response to the email on June 27th requesting the gas main be relocated based on health/safety concerns, city ordinance 7-4-22 and State Statute 7819.31000. A copy of the WSN letter and supporting documentation was attached for the commission.

2016 MILL AND OVERLAY, FULL DEPTH RECLAMATION AND RIGHT TURN LAND CONSTRUCTION PROJECT – MAPLEWOOD DRIVE CORNER OPTIONS

WSN Consulting Engineer Welch reviewed the potential options for the corner on Maplewood Drive. The existing pavement located at the corner is broken up as a result of poor drainage and vehicle traffic cutting the corner and damaging the bituminous edge.

The project plans called for full depth bituminous repair and ditch excavation (swale) but did not include any provisions to keep traffic from cutting the corner. Mr. Welch reviewed the options and estimated costs that are listed below:

Option A – Curb & Gutter with Storm Sewer and Pond \$27,110

This option includes construction of curb and gutter along the east and south sides of the road. The curb would begin approximately 25' before the curve and end approximately 25' past the curve. A shallow storm sewer structure would be placed in the radius to collect stormwater from the curb & gutter. 12" RC pipe would extend north across Maplewood Drive to a stormwater infiltration basin located on the existing 66' right-of-way between the roadway and White Sand Lake. The infiltration basin would be approximately 3' deep and occupy an area 24' x 60'. The basin would be located along the east side of the existing right-of-way to leave room for lake access along the west side of the right-of-way. Construction would require the removal of existing trees between the roadway and lake. WSN may be able to negotiate a better price for the 12" storm sewer pipe to help lower the cost.

UTILITIES COMMISSION – 07/06/16Option B – Curb & Gutter with Spillway and Swale \$7,670

This option includes construction of curb and gutter along the east and south sides of the road. The curb would begin approximately 25' before the curve and end approximately 25' past the curve. A shallow swale/ditch would be constructed behind the curb and water would be directed to the swale through a spillway in the curb & gutter. This option would likely require some property acquisition and tree removal to complete the required ditching behind the curb. Costs for property acquisition have been estimated and are included in the cost estimate.

Option C – Swale with Delineators \$2,460

This option includes the construction of swale /ditch and installation of delineators to keep traffic on the roadway surface.

The consensus of the council was to complete Option B and approach property owner to discuss the option.

2016 MILL AND OVERLAY, FULL DEPTH RECLAMATION AND RIGHT TURN LAND CONSTRUCTION PROJECT CHANGE ORDER NO. 1

WSN Consulting Engineer Aric Welch reviewed Change Order No. 1 for the 2016 Mill and Overlay, Full Depth Reclamation and Right Turn Lane Construction Project. Tri-City Paving has requested the substantial completion date be changed from August 12th to August 26th with final completion from August 26 to September 2nd.

Mr. Welch has no concerns with this request and recommends approval based on the following:

1. Additional time will be necessary to allow utility companies to relocate their facilities on College Road and Cypress Drive. The existing facilities will be located under the proposed right-turn lane and trail and need to be relocated into the utility easement provided by the City.
2. The extension will allow more time for DeChantal Excavating, Inc. to complete the reconstruction of Lift Station No. 8. This will avoid conflicts during construction and possible marring of the new bituminous pavement surface as a result of lift station construction work.
3. The Golf Course Drive project has been delayed and conflicts with this project are not anticipated with the time extension.

MOTION by Commissioner Wolf, seconded by Commissioner Christofferson to recommend City Council approve the Tri-City Paving Change Order No. 1 for a two week extension request

for the 2016 Mill and 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 MONTHLY UPDATE

Work Completed Since Last Update

The contractor has completed work on all major punch list items. There are still some outstanding warranty issues that need to be addressed including turf establishment along Inglewood Drive. One resident has complained of weeds and poor growth. WSN has notified the Contractor and will continue to monitor the project to determine if additional action is required.

Project Schedule

Address warrant items as needed.

Completion Dates

The Contractor reached substantial completion on May 26, 2016 and the Certificate of Substantial Completion was issued initiating the start of the one-year warranty period. In accordance with the Contract documents, the project was to be complete and ready for final payment on June 9, 2016. To date all items necessary to reach final completion have not been satisfied including the submittal of IC-134's.

Easements

Two roadway easements remain to be signed. John Tanner has indicated he intends to sign the easement document when his wife returns from out of town. Additional informational has been supplied to Wicklund as requested and WSN is waiting for a response. WSN has been reaching out to both parties on a weekly basis.

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

When the Tanner's have signed off on the easement and agreement documents, WSN will work with the City to schedule a vacation hearing for the Positive Realty, General Rental and Tanner properties.

Changes

The Contractor has submitted a substantial change order request. The request was submitted too late for WSN to provide a complete response and recommendation prior to the June Utilities Commission meeting. WSN is in the process of scheduling a meeting to review the change request with the Contractor and will issue our formal action as soon as possible.

UTILITIES COMMISSION – 07/06/16

Potential Law Suit

WSN is aware of a potential law suit between the Contractor and sub-contractor regarding the directional drilled pipe between Novotny Road and Audubon Way. The sub-contractor has been in contact with WSN and has requested a copy of the Contractors bonding information. This will likely hold up final completion of the project because final payment cannot be made until all sub- contractors have been paid and IC-134's have been supplied by the Contractor.

LIFT STATION NO. 8 RECONSTRUCTION PROJECT MONTHLY UPDATE

Summary of work completed since last update.

Shop drawing reviews are complete and the concrete structures are in production. The contractor has scheduled a utility meet for Thursday, June 30th.

Project schedule

A utility meeting and pre-construction conference is scheduled for Thursday, June 30, 2016. The contractor will be delivering supplies to the site the week of July 4th and work will likely begin the week of July 11th. Work should be complete by the end of July prior to the planned mill and overlay work.

TKDA ENGINEERING PROPOSAL FOR ADDITIONAL ENGINEERING SERVICES FOR THE WATER METER REPLACEMENT PROJECT

Public Works Director/City Engineer Walter reviewed the TKDA Engineering Proposal. The commission held an extensive discussion on the water replacement project which has been delayed by approximately 30 days. The financial software the City currently uses has been sold to another company which has caused a delay in the software integration for the water meters.

MOTION by Commissioner Wolf, seconded by Commissioner Christofferson to recommend City Council approve the TDKA Engineering Proposal for Additional Engineering Services for the Water Meter Replacement Project Construction Administration in the estimated amount of \$9,960.00. Motion carried unanimously.

CERTIFICATE OF SURVEY FOR GOLF COURSE DRIVE

WSB Consulting Engineer Chuck Rickart gave a brief review of the certificate of survey for Golf Course Drive. The survey contains the data necessary to start the appraisal process and then the negotiations with the property owner.

PROPOSAL FOR APPRAISAL SERVICES FOR LAND ACQUISITION FOR THE BAXTER WATER QUALITY PROJECT FOR THE WHISKEY CREEK TRIBUTARY

Public Works Director/City Engineer Walter informed the commission that Ludenia Appraisals submitted a proposal to complete a before and after narrative appraisal report for the property required for the Baxter Water Quality Project for the Whiskey Creek Tributary to the Mississippi River in the lump sum amount of \$3,500.00.

UTILITIES COMMISSION – 07/06/16

MOTION by Commissioner Crochet, seconded by Commissioner Christofferson to recommend City Council approve the Ludenia Proposal for Appraisal Services for Land Acquisition for the Baxter Water Quality Project for the Whiskey Creek Tributary to the Mississippi River in the lump sum amount of \$3,500.00. Motion carried unanimously.

ADJOURNMENT

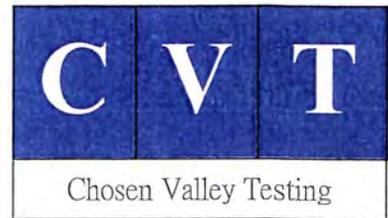
MOTION by Commissioner Wolf, seconded by Commissioner Crochet to adjourn the meeting at 8:15 p.m. Motion carried unanimously.

Approved by:

Submitted by,

Rock Yliniemi
Chairman

Mary Haugen
Administrative Assistant



Design Phase Geotechnical Report:

Vaughn Townhomes
NE Quadrant of Art Ward Drive & Baxter Lions Road
Baxter, Minnesota

Prepared for:

Mr. Brian Schultz
Schultz Engineering

June 13, 2016
9396.16.MNS



Chosen Valley Testing, Inc.

Geotechnical Engineering and Testing, 31 1st Avenue SE, PO Box 66, Rice, Minnesota 56367 (320) 393-3306 fax (320) 393-3309

Mr. Brian Schultz, PE
Schultz Engineering & Site Design
18 South Riverside Avenue
Suite 230
Sartell, MN 56377
schultzeng@live.com

June 13, 2016

**Re: Design Phase Geotechnical Evaluation
Vaughn Townhomes
Baxter, Minnesota
CVT Project #9396.16.MNS**

Dear Mr. Schultz,

As authorized, we have completed the geotechnical evaluation for the proposed Vaughn Townhome project in Baxter, Minnesota. This letter briefly summarizes the findings in the attached report.

Summary of Boring Results

At the surface, the borings initially met around 12 to 16 inches of topsoil. The topsoil primarily consisted of slightly organic silty clayey sand and contained trace amounts of roots and other organic matter.

Below the topsoil, the borings were dominated by glacial sands. All of the soil borings terminated in the sands at a depth of 16 feet.

Water was not observed in any of the soil borings drilled on site. We would expect groundwater levels to fluctuate similarly to nearby lakes and rivers, along with local weather patterns.

Summary of Analysis and Recommendations

Based on the borings, the conditions at the site generally consist of about 1 foot of topsoil underlain by rather clean sands. The topsoil is not suitable for building support and should be stripped and removed from below the building and paved areas. The natural sands appear suitable for reuse as bulk fill in these areas.

Footings are expected to bear on natural sands or possibly a small amount of engineered compacted fill over the natural sands. Based on the assumed loads and implementation of the earthwork recommendations, we are of the opinion that foundations may be designed to exert pressures of up to 3,000 psf. This allowable bearing pressure includes a safety factor of at least 3 against shear failure. Total post-construction settlement are expected to be on the order of 1 inch or less, while differential settlements are expected to be on the order of ½ an inch or less.

Vaughn Townhomes
Project: 9396.16.MNS

June 13, 2016
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Remarks

We appreciate the opportunity to serve you. The attached report provides more details of our analysis. If you have any questions about our report, please feel free to contact us at (320) 393-3306.

Sincerely,
Chosen Valley Testing, Inc.



Colby T. Verdegan, PE
Sr. Geotechnical/Materials Engineer

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BORING LOCATION SKETCH
LOG OF BORING # 1-4
LEGEND TO SOIL DESCRIPTION

**Design Phase Geotechnical Report
Vaughn Townhomes
NE Quadrant of Art Ward Drive and Baxter Lions Road
Baxter, Minnesota**

CVT Project Number: 9396.16.MNS
Date: June 13, 2016

A. Introduction

The intent of this report is to present our findings to the client in the same logical sequence that led us to arrive at the opinions and recommendations expressed. Since our services often must be completed before the design is finished, assumptions are often needed to prepare a proper scope and to analyze the data. A complete and thorough review of the entire document, including its assumptions and its appendices, should be undertaken immediately upon receipt.

A.1. Purpose

This geotechnical report was prepared to aid in the design and construction of the proposed Vaughn Townhome project in Baxter, Minnesota. Our services were authorized by Mr. Brian Schultz of Schultz Engineering.

A.2. Scope

To obtain data for analysis, four penetration test borings were requested. Due to access constraints (heavy tree cover), manual borings were drilled instead. The borings were drilled to a depth of 15 feet. Our engineering scope consisted of providing geotechnical recommendations for the proposed building and pavement sections.

A.3. Boring Locations and Elevations

The desired boring locations were provided on a site plan from Schultz Engineering. The sketch in the Appendix of this report shows the approximate boring locations, based on superposing the plan provided onto a satellite view of the project using Google Earth software.

Because of the heavy tree cover, ground surface elevations were not measured.

A.4. Geologic Background

A geotechnical report is based on subsurface data collected for the specific structure or problem. Available geologic data from the region can help interpretation of the data and is briefly summarized in this section.

Geologic maps indicate that the dominant soils in the area primarily consist of glacial lake deposits of sand. The uppermost bedrock is indicated to be more than 150 feet below the surface.

B. Subsurface Data

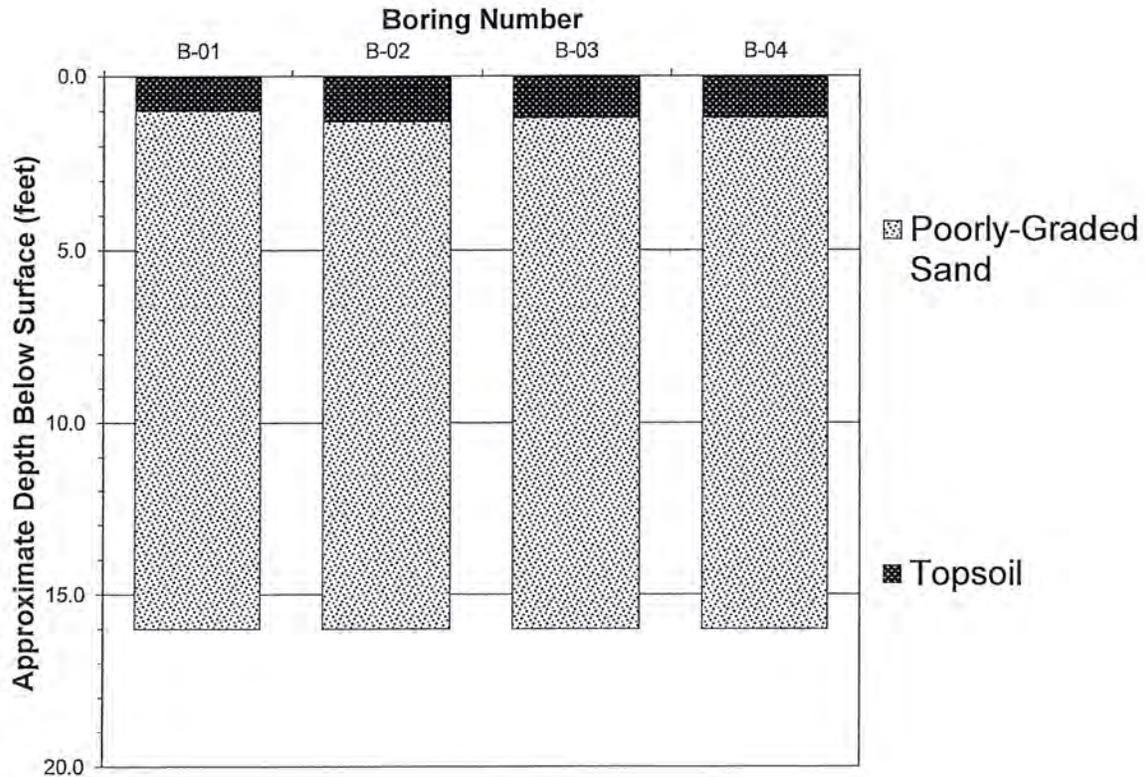
Procedures: The borings were performed in general accordance with penetration test procedures (Method of Test D1586 of the American Society for Testing and Materials). This procedure allows for the extraction of intact soil specimen from deep in the ground. With this method, a bucket was drilled to the desired sampling depth. A 2-inch OD sampling tube was then screwed onto the end of a sampling rod, inserted into the hole, and then driven into the soil with a manual post-pole pounder. The sampler was driven 18 inches into the soil. The samples were generally taken at 2½ to 5-foot intervals. The core of soil obtained was classified and logged by the driller on site and a representative portion was then sealed and delivered to the geotechnical engineer for further review.

B.1. Stratification

At the surface, the borings initially met around 12 to 16 inches of topsoil. The topsoil primarily consisted of slightly organic silty clayey sand and contained trace amounts of roots and other organic matter.

Below the topsoil, the borings were dominated by glacial sands. All of the soil borings terminated in the sands at a depth of 16 feet.

For the reader's convenience, we have summarized the soil boring data on the cross-section which follows. The reader is referred to the log sheets in the Appendix for more detailed information.



B.2. Groundwater Data

During drilling, the drillers may note the presence of moisture on the sampler, in the cuttings, or in the borehole itself. These findings are reported on the boring logs. Because water levels vary with weather, time of year, and other factors, the presence or lack of water during exploration is subject to interpretation and is not always conclusive.

Water was not observed in any of the borings drilled on site. We would expect groundwater levels to fluctuate similarly to nearby lakes and rivers, along with local weather patterns.

C. Design Data

Because each structure has a different loading configuration and intensity, different grades, and different structural or performance tolerances, the results of a geotechnical exploration will mean different things for different facilities. If the facility changes, Chosen Valley Testing should be contacted to discuss possible implications of the changes. Without a chance to review such changes, the recommendations of the soils engineer may no longer be valid or appropriate.

The project consists of constructing a two townhouse buildings and associated garages. The townhomes are assumed to be one or two-story, wood-framed buildings. Maximum footing loads are assumed to be on the order of 3,000 pounds per linear foot of wall, while maximum column loads are assumed to be on the order of 40 kips. We assume that less than 5 feet of cutting and filling will be needed to reach the final grades.

Parking and drive areas will be constructed to the west of the townhomes. All areas are expected to experience light vehicle traffic.

D. Analysis

Based on the borings, the conditions at the site generally consist of about 1 foot of topsoil underlain by rather clean sands. The topsoil is not suitable for building support and should be stripped and removed from below the building and paved areas. The natural sands appear suitable for reuse as bulk fill in these areas.

Footings are expected to bear on natural sands or possibly a small amount of engineered compacted fill over the natural sands. Based on the assumed loads and implementation of the earthwork recommendations, we are of the opinion that foundations may be designed to exert pressures of up to 3,000 psf. This allowable bearing pressure includes a safety factor of at least 3 against shear failure. Total post-construction settlement are expected to be on the order of 1 inch or less, while differential settlements are expected to be on the order of ½ an inch or less.

The remainder of the report provides more details of our recommendations.

E. Building Recommendations

E.1. Grading Recommendations

E.1.a. Stripping and Excavation: We recommend stripping and removing the existing topsoil, along with any other otherwise unsuitable soils that may be encountered during construction. At the boring locations explored, the topsoil thickness was less than 1 ½-foot thick at the locations explored.

E.1.b. Subgrade Evaluation: The soils at the bottom of the excavations should be evaluated by qualified geotechnical personnel before placing fill or foundations. Any unsuitable materials observed should be removed and replaced with engineered fill. We recommend that Chosen Valley Testing be retained to evaluate the bearing soils and the overall earthwork operation with regard to the findings in this report and our assumptions.

E.1.c. Oversizing: Any stripping or corrective excavations should be oversized at least 1 foot beyond the foundations for each foot of fill needed below footing grade. This oversizing can be reduced by up to 50% if rather precise staking is present during grading.

E.1.d. Fill Placement and Compaction: For ease in construction, we recommend using clean sands or gravels having less than 12% particles passing a #200 sieve, where fill is needed below the foundations. The natural sands appeared to be suitable for reuse as structural fill in all areas.

New fill placed on site should be placed in lifts adjusted to the compactor being used and the material being compacted. We recommend limiting lifts to no more than 1 foot. This assumes large, self-propelled or tow-behind compactors are used. All materials below the building, in the oversized areas, or used as backfill for walls should be compacted to a minimum of 95% of its maximum standard Proctor density (ASTM D 698).

E.2. Building Design

E.2.a. Foundation Depth: We recommend placing foundations at least 60 inches below the exposed ground surface for frost protection. Interior foundations in heated areas may be placed directly below slabs.

E.2.b. Bearing Capacity: Based on the assumed loads and implementation of the earthwork recommendations, we are of the opinion that foundations may be designed to exert pressures of up to 3,000 psf. This allowable bearing pressure includes a safety factor of at least 3 against shear failure.

E.2.c. Settlement: Based on a bearing pressure of 3,000 psf, total post-construction settlements are expected to be on the order of 1 inch or less. Differential settlement between similarly loaded footings is expected to be on the order of ½ inch or less.

E.2.d. Vapor Barrier: If the slab will receive coverings that are less permeable than concrete, a vapor barrier should be placed below the slab. Some contractors prefer to place this barrier below the sand, to limit the potential for curling.

E.2.e. Slab Design: The completed slab subgrade is expected to consist of small amounts of engineered fill over natural sands. We recommend using a modulus of subgrade reaction of no more than 200 pounds per cubic inch for these conditions.

In addition, we recommend placing a layer of clean sand, having less than 5% particles passing the number 200 sieve, as fill in the upper 4 to 6 inches of the subgrade (just below slabs).

F. Pavement Recommendations

F.1. Stripping and Grading

We recommend stripping the topsoil or otherwise unsuitable soils from below all paved areas to a depth of 3 feet. The near-surface soils should then be scarified to encourage uniformity and compacted as needed to pass a test roll.

F.2. Fill Placement and Compaction

If new fill is needed in paved areas, it should consist of a uniform soil type similar to the near-surface soils already present – which were primarily silty sands.

Fill placed in the upper 3 feet of the subgrade should be compacted to at least 100% of its maximum standard Proctor density. Below 3 feet, compaction to 95% is recommended. The completed pavement subgrade should be able to pass a test roll. Areas not passing the test roll should be reworked and stabilized with additional aggregate base or other means, as needed to pass the test roll.

F.3. Pavement Design

After stripping and grading, the soils present at subgrade elevation are expected to be clean poorly graded sand. The sands would be expected to have an R-value of around 50 to 70. In the absence of traffic loading data, we suggest a flexible pavement section consisting of at least 6 inches of aggregate base and 3 inches of bituminous. The pavement section should be considered preliminary, subject to review by the project engineering consultant, and subject to their experience with pavement design and performance in the area of the project.

G. Construction Testing and Documentation

G.1. Excavation

Stripping can likely be performed with a variety of equipment, though rubber tired equipment will likely have difficulty driving on the sands.

G.2. Sideslopes

The contractor will be required to slope or shore the excavations as needed to meet OSHA requirements for safety. The poorly-graded sand with silt are expected to classify as Type C soils.

G.3. Cold Weather

If the excavation occurs during freezing temperatures, good winter construction practices should be used. Frozen fill should be thawed before placing and filling should not be placed on frozen ground. Slab areas should be completely thawed prior to placing concrete.

G.4. Construction Testing and Documentation

The bottom of the excavations should be evaluated and documented by qualified geotechnical personnel to assess the soils at bearing depth. Any fill placed below building areas should be evaluated for conformance to the project gradation recommendations and should be tested for compaction. If filling proceeds during periods of freezing weather, full-time testing should be considered to help confirm that imported fill is thawed prior to and during compaction, and that all snow has been removed before placement of the fill.

Although our firm offers testing services relating to civil and structural components of the structure (such as concrete testing, reinforcement observations, etc.), specification of such services are beyond our work scope and the designer should be consulted as to such requirements.

H. Level of Care

The services provided for this project have been conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in this area, under similar budget and time constraints. This is our professional responsibility. No other warranty, expressed or implied, is made.

I. Certification

I hereby certify that this report was prepared by me or under my direct supervision, and that I am a duly licensed engineer under the laws of the State of Minnesota.

J. Certification

 <p>A circular seal for Colby T. Verdegan, a Licensed Professional Engineer in the State of Minnesota. The seal contains the text: COLBY T. VERDEGAN, LICENSED PROFESSIONAL ENGINEER, 18983, and STATE OF MINNESOTA.</p>	<p>I hereby certify that this report was prepared by me or under my direct supervision, and that I am a duly registered engineer under the laws of the State of Minnesota.</p> <p><i>Colby T. Verdegan</i></p> <p>Colby T. Verdegan, PE Geotechnical Engineer Registration Number 18983 Date: June 13, 2016</p>
---	---

Appendix

- Boring Location Sketch**
- Log of Boring # 1-4**
- Legend to Soil Description**



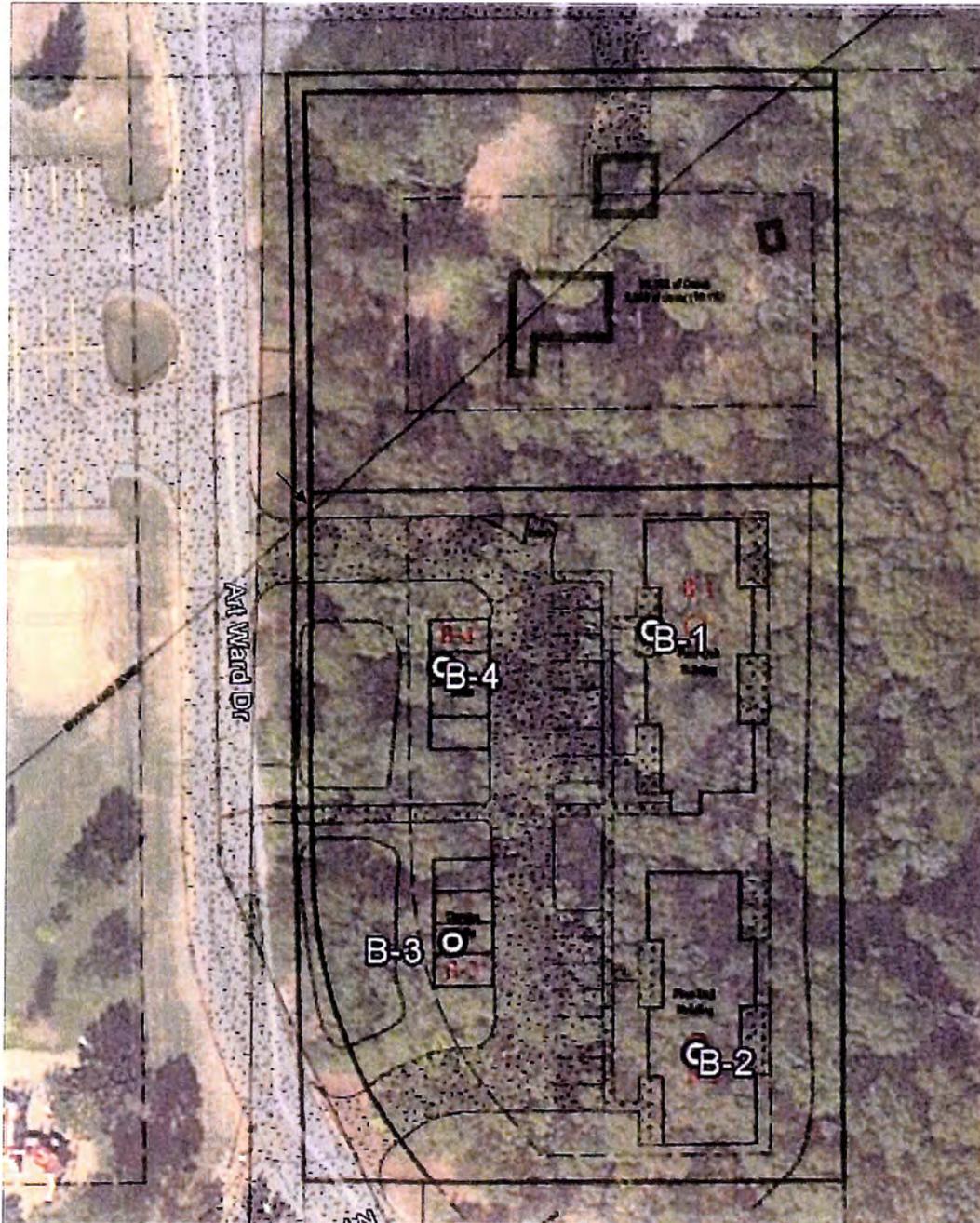
Legend

⊙ Boring Location



Soil Boring Location Sketch

Proposed Vaughn Townhomes
 NE Quad. Art Ward Dr & Baxter Lions Rd
 Baxter, Minnesota
 CVT Project No. 9396.16.MNS



LOG OF BORING

CHOSEN VALLEY TESTING



Chosen Valley Testing, Inc.

PROJECT: 9396.16.MNS Design Phase Geotechnical Evaluation Vaughn Townhomes NE Quad Art Ward Drive and Baxter Lions Road Baxter, Minnesota	BORING: B-1	
	LOCATION: See attached sketch	
	DATE: 6/3/2016	SCALE: 1" = 3'

Elev.	Depth 0.0	USCS Symbol	Description of Materials (ASTM D 2487/2488)	BPF	WL	Tests and Notes
	1.0	OL	<u>TOPSOIL</u> , fine grained, Slightly Organic Silty Clayey Sand, trace roots, black, moist to wet.			
		SP	<u>POORLY GRADED SAND</u> , mostly fine grained, brown, moist. (Glacial Outwash)			
	16.0		End of boring Water not observed. Boring backfilled.			

CVT STANDARD 9396.16.MNS(VAUGHN - BAXTER).GPJ LOG A.GN06.GDT 6/13/16



PROJECT: 9396.16.MNS Design Phase Geotechnical Evaluation Vaughn Townhomes NE Quad Art Ward Drive and Baxter Lions Road Baxter, Minnesota	BORING: B-2 LOCATION: See attached sketch <hr/> DATE: 6/3/2016 SCALE: 1" = 3'
---	--

Elev.	Depth 0.0	USCS Symbol	Description of Materials (ASTM D 2487/2488)	BPF	WL	Tests and Notes
	1.3	OL	<u>TOPSOIL</u> , fine grained, Slightly Organic Silty Clayey Sand, trace roots, black, moist to wet.			
		SP	<u>POORLY GRADED SAND</u> , mostly fine grained, brown, moist. (Glacial Outwash)			
	16.0		End of boring Water not observed. Boring backfilled.			

CVT STANDARD 9396.16.MNS(VAUGHN - BAXTER).GPJ LOG A GNN08.GDT 6/13/16

LOG OF BORING

CHOSEN VALLEY TESTING



Chosen Valley Testing, Inc.

PROJECT: 9396.16.MNS Design Phase Geotechnical Evaluation Vaughn Townhomes NE Quad Art Ward Drive and Baxter Lions Road Baxter, Minnesota	BORING: B-3	
	LOCATION: See attached sketch	
	DATE: 6/3/2016	SCALE: 1" = 3'

Elev.	Depth 0.0	USCS Symbol	Description of Materials (ASTM D 2487/2488)	BPF	WL	Tests and Notes
	1.2	OL	TOPSOIL , fine grained, Slightly Organic Silty Clayey Sand, trace roots, black, moist to wet.			
		SP	POORLY GRADED SAND , mostly fine grained, brown, moist. (Glacial Outwash)			
	16.0		End of boring Water not observed. Boring backfilled.			

CVT STANDARD 9396.16.MNS(VAUGHN - BAXTER).GPJ LOG A.GN06.GDT 6/13/16

-29-LOG OF BORING

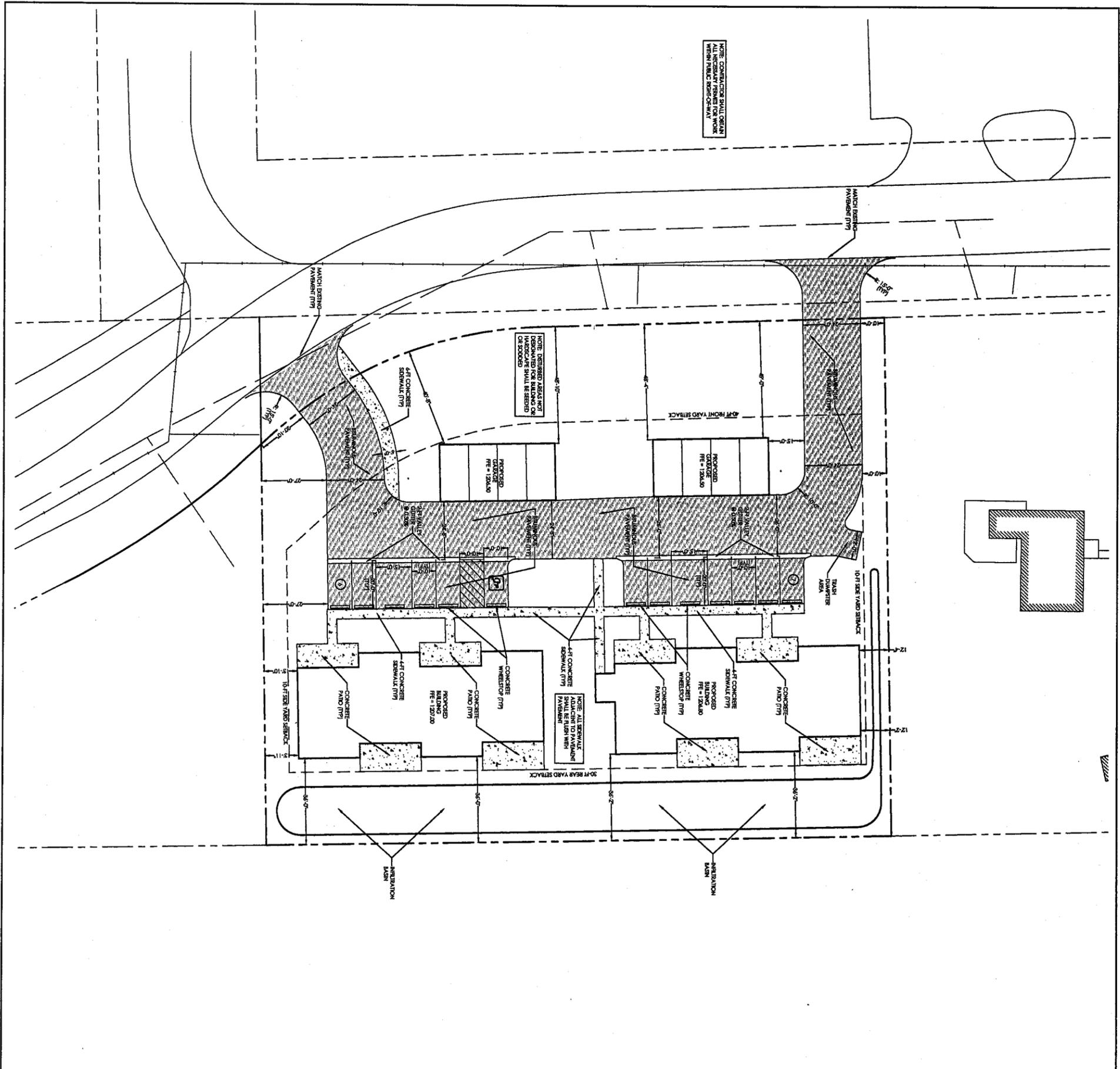
CHOSEN VALLEY TESTING



PROJECT: 9396.16.MNS Design Phase Geotechnical Evaluation Vaughn Townhomes NE Quad Art Ward Drive and Baxter Lions Road Baxter, Minnesota	BORING: B-4	
	LOCATION: See attached sketch	
	DATE: 6/3/2016	SCALE: 1" = 3'

Elev.	Depth 0.0	USCS Symbol	Description of Materials (ASTM D 2487/2488)	BPF	WL	Tests and Notes
	1.2	OL	TOPSOIL , fine grained, Slightly Organic Silty Clayey Sand, trace roots, black, moist to wet.			
		SP	POORLY GRADED SAND , mostly fine grained, brown, moist. (Glacial Outwash)			
	16.0		End of boring Water not observed. Boring backfilled.			

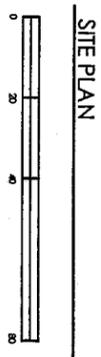
CVT STANDARD 9396.16.MNS(VAUGHN - BAXTER).GPJ LOG A GNN06.GDT 6/13/16



ZONING: R2 MEDIUM DENSITY RESIDENTIAL

SETBACKS
 FRONT YARD = 40-FT
 SIDE YARD (INTERIOR) = 10-FT
 REAR YARD = 30-FT
COVERAGES
 CITY ORDINANCE
 MAXIMUM IMPERVIOUS COVERAGE = 50%
 ACTUAL COVERAGE
 PROPOSED IMPERVIOUS AREA = 25,400 SF
 TOTAL LOT AREA = 54,300 SF
 ACTUAL IMPERVIOUS COVERAGE = 25,400 / 54,300 = **46.8%**

PARKING CALCULATION
 CITY ORDINANCE
 1 SPACES PER UNIT
 REQUIRED SPACES
 TOTAL NUMBER OF UNITS = 8
 TOTAL REQUIRED PARKING SPACES = 8 X 2 = **16 SPACES**
PROVIDED SPACES
 DETACHED GARAGE SPACES = 8 SPACES
 EXTERIOR PARKING SPACES = 13 SPACES
 TOTAL PROVIDED PARKING SPACES = **21 SPACES**



SITE PLAN

16026Site.dwg

VAUGHAN TOWNHOMES
 BAXTER, MINNESOTA

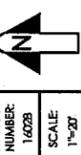
REVISIONS		
NO.	DATE	DESCRIPTION
1	06/27/2016	REVISIONS PER 06/23/2016 CITY COMMENT
2		
3		
4		

SCHULTZ ENGINEERING & SITE DESIGN
 18 South Riverside Avenue
 Suite 230
 Bartell, MN 56377
 www.schultzengineeringdesign.com

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Engineer under the laws of the state of Minnesota

[Signature]
 Brian U. Schultz, PE
 Date: 06/20/2016 License No.: 43129

PROJECT NUMBER: 16026
 SCALE: 1"=20'
 CS1 OF 1



VAUGHAN TOWNHOMES

BAXTER, MINNESOTA

NO.	DATE	DESCRIPTION
1	06/27/2016	REVISIONS PER 04/23/2016 CITY COMMENT
2		
3		
4		

SCHULTZ ENGINEERING & SITE DESIGN



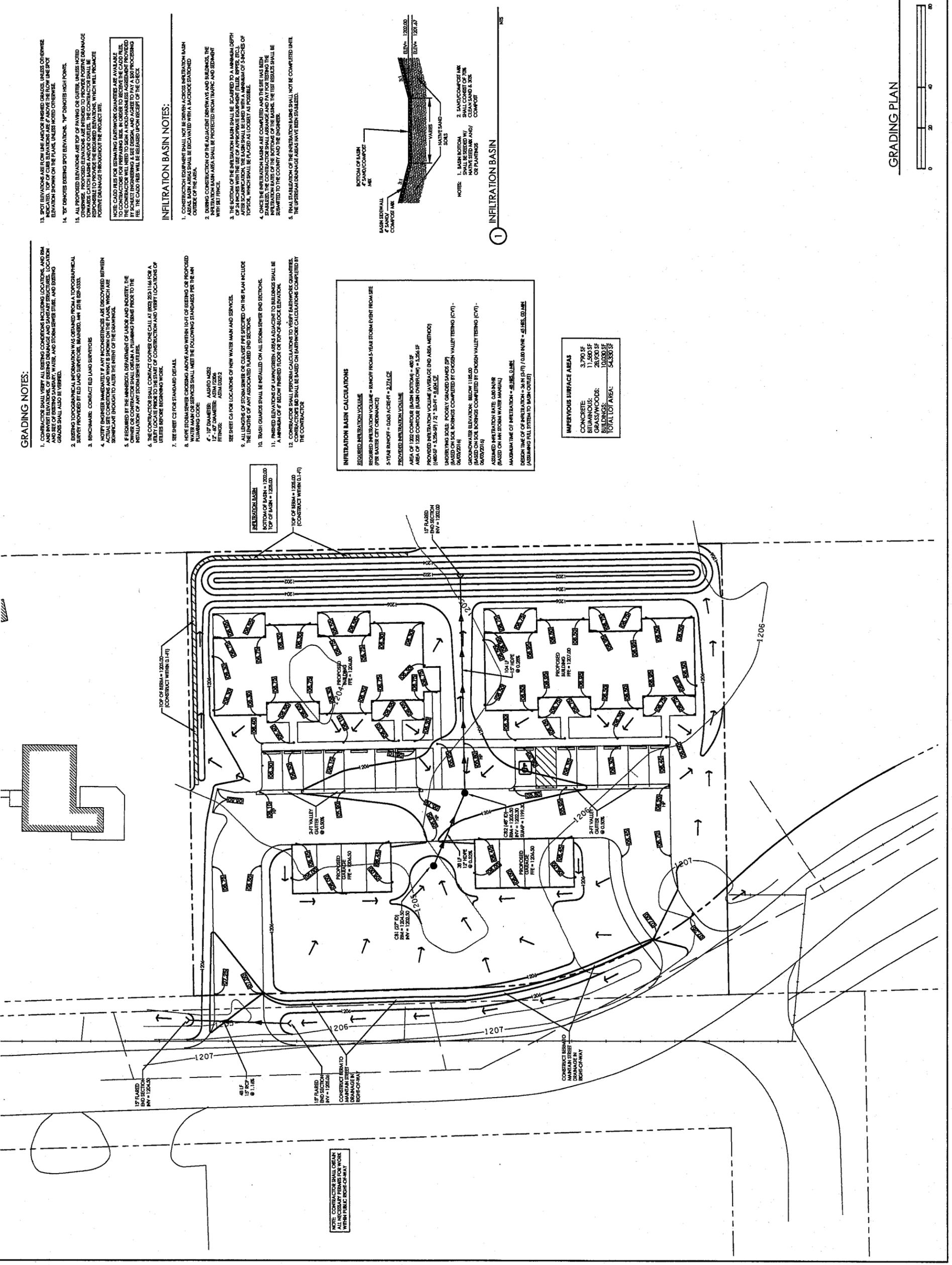
18 South Riverside Avenue
Suite 230
Bartell, MN 56477
Ph: (202) 330-0699
F: (866) 633-1830
eschultzeng@live.com
www.schultzengrdesign.com

Blair L. Schultz, PE
Date: 06/20/2016
License No.: 43129

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Engineer under the laws of the State of Minnesota.

160220grading.dwg

GRADING PLAN



INFILTRATION BASIN CALCULATIONS

REQUIRED INFILTRATION VOLUME
 REQUIRED INFILTRATION VOLUME = RAINFALL FROM 5-YEAR STORM EVENT FROM SITE PER FACTOR CITY ORDINANCE
 5-YEAR RAINFALL = 0.663 AC-FT @ 2.71%
 PROVIDED INFILTRATION VOLUME
 AREA OF 120' CONTOUR (BASIN BOTTOM) = 407 SF
 AREA OF 125' CONTOUR (BASIN OVERFLOW) = 5,246 SF
 ((407 SF * 5.246 SF) / 2) * 30" FT * 6.61%
 UNDESIRING SOILS: POORLY GRADED SANDS (S7) (04/03/2014)
 GROUNDWATER BEHAVIOR: BELOW 118.00 (BASED ON SOIL BORINGS COMPLETED BY CHOSEN VALLEY TERRING (CVT) 04/03/2014)
 ASSUMED INFILTRATION RATE: 0.00 IN/HR (BASED ON MN STORM WATER MANUAL)
 MAXIMUM TIME OF INFILTRATION = 48 HRS. 0.0 MIN (ASSUMING FULL SYSTEM TO BASIN OUTLET)

IMPERVIOUS SURFACE AREAS

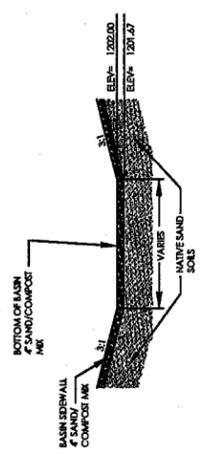
CONCRETE:	3,700 SF
BITUMINOUS:	11,500 SF
GRASS/WOODS:	28,900 SF
BUILDINGS:	10,000 SF
TOTAL LOT AREA:	54,300 SF

GRADING NOTES:

- CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS INCLUDING LOCATIONS, AND RM AND INVERT ELEVATIONS OF EXISTING DRAINAGE AND SANITARY STRUCTURES. LOCATION OF EXISTING WATER, AND STORM SEWER STUBS, AND EXISTING GRADES SHALL ALSO BE VERIFIED.
- EXISTING TOPOGRAPHICAL INFORMATION WAS OBTAINED FROM A TOPOGRAPHICAL SURVEY PROVIDED BY EID LAND SURVEYORS, BURNED, MN. (218) 625-5333.
- BENCHMARK: CONTACT EID LAND SURVEYORS
- UTILITY LOCATIONS: ANY UTILITY LOCATIONS ARE RECORDED BETWEEN ACTUAL SITE CONDITIONS AND WHAT IS SHOWN ON THE PLANS, WHICH ARE SIGNIFICANT ENOUGH TO ALTER THE MEAN OF THE DRAWINGS.
- AS SHOWN BY THE MANHOLE, SEPARATORS, CATCH BASINS AND INVERTS, THE OWNER OR CONTRACTOR SHALL OBTAIN A UTILITY PERMIT PRIOR TO THE INSTALLATION OF ANY STORM SEWER UTILITIES.
- THE CONTRACTOR SHALL CONTACT GORNER CHECKLIST AT (800) 253-1146 FOR A UTILITY LOCATE PRIOR TO THE START OF CONSTRUCTION AND VERIFY LOCATIONS OF UTILITIES BEFORE BEGINNING WORK.
- SEE SHEET C2 FOR STANDARD DETAIL.
- NOTE: STORM SEWER CROSSING ABOVE AND WITHIN 10'-FT OF EXISTING OR PROPOSED WATER MAIN OR SERVICE SHALL MEET THE FOLLOWING STANDARDS PER THE MN PLUMBING CODE:
 F. 12" DIAMETER: AUSTRO M202
 G. 18" DIAMETER: ASTRO M202
 H. 24" DIAMETER: ASTRO M202
 FITTINGS: ASTM 120212
 SEE SHEET C3 FOR LOCATIONS OF NEW WATER MAIN AND SERVICE.
 9. ALL LENGTHS OF STORM SEWER OR CULVERT PPE SPECIFIED ON THE PLAN INCLUDE THE LENGTH OF ANY ASSOCIATED FLARED END SECTIONS.
 10. TRASH GUARDS SHALL BE INSTALLED ON ALL STORM SEWER END SECTIONS.
 11. FINISHED ELEVATIONS OF LAWNS/GREEN AREAS ADJACENT TO BUILDINGS SHALL BE A MINIMUM OF 6" BELOW FINISHED FLOOR OR TOP-OF-BLOCK ELEVATION.
 12. CONTRACTOR SHALL PERFORM CALCULATIONS TO VERIFY EARTHWORK QUANTITIES. CONTRACTOR'S BID SHALL BE BASED ON EARTHWORK CALCULATIONS COMPLETED BY THE CONTRACTOR.

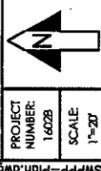
INFILTRATION BASIN NOTES:

- CONSTRUCTION SHALL NOT BE DONE IN AN INFILTRATION BASIN UNTIL THE BASIN IS FULLY COVERED WITH A SURFACE FINISH.
- DURING CONSTRUCTION OF THE INFILTRATION BASIN, THE INFILTRATION BASIN AREA SHALL BE PROTECTED FROM TRAFFIC AND SEDIMENT WITH BERT FENCE.
- THE BOTTOM OF THE INFILTRATION BASIN SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 12" BELOW THE FINISHED FLOOR OR TOP-OF-BLOCK ELEVATION. AFTER SCARIFICATION, THE BASIN SHALL BE LINED WITH A MINIMUM OF 3-INCHES OF TOPSOIL, WHICH SHALL BE PLACED AS LOOSELY AS POSSIBLE.
- ONCE THE INFILTRATION BASIN IS COMPLETED AND THE SITE HAS BEEN STABILIZED, THE CONTRACTOR SHALL ARRANGE AND PAY FOR TESTING THE INFILTRATION RATE OF THE BOTTOM OF THE BASIN. THE TEST RESULTS SHALL BE SUBMITTED TO THE COUNTY AND THE ENGINEER.
- FINAL STABILIZATION OF THE INFILTRATION BASIN SHALL NOT BE COMPLETED UNTIL THE UPRISER/DRAINAGE AREAS HAVE BEEN STABILIZED.



NOTE: 1. BASIN BOTTOM SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 12\"/>

1 INFILTRATION BASIN

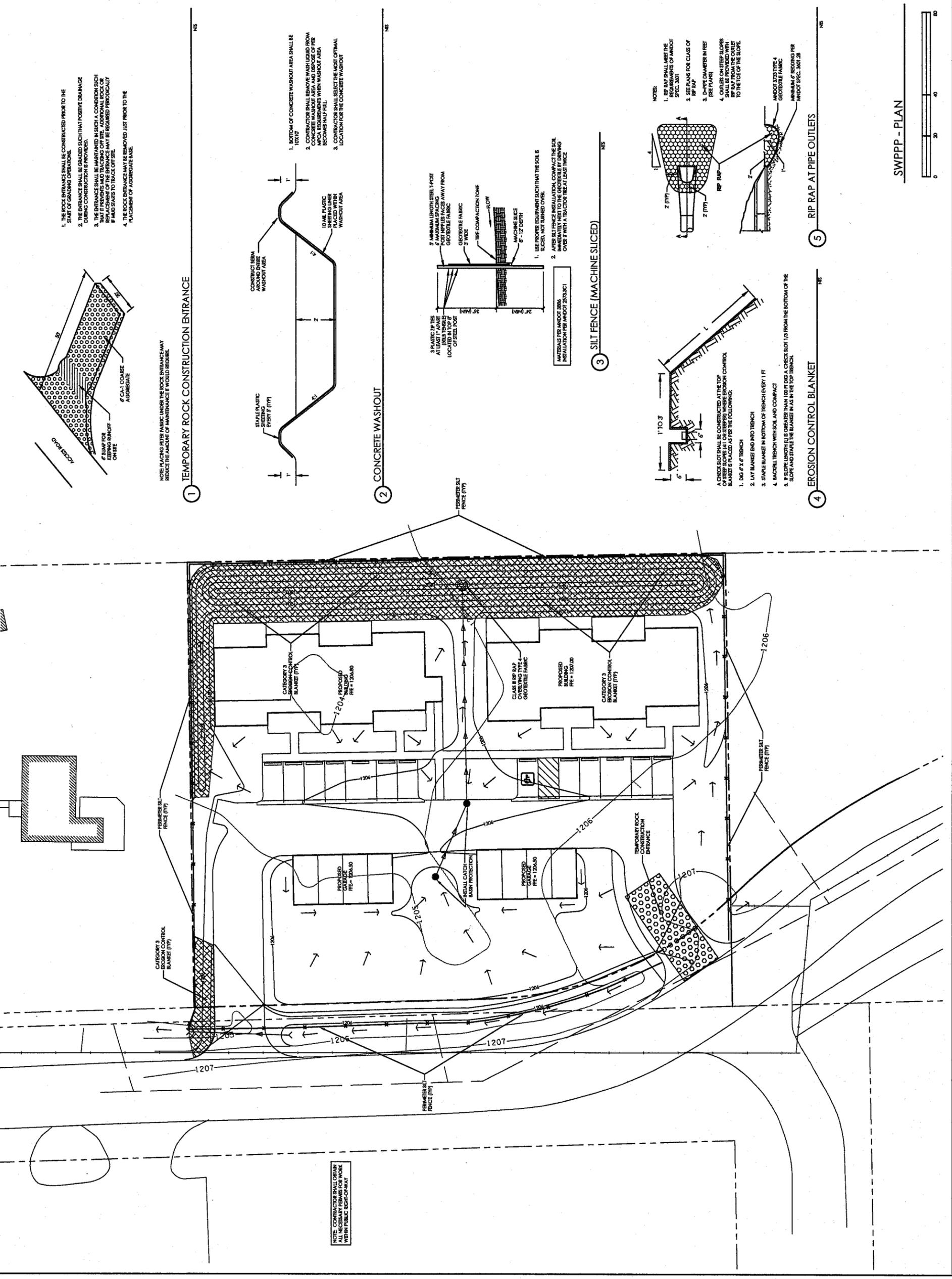


VAUGHAN TOWNHOMES
 PROJECT NUMBER: 1602B
 SCALE: 1"=20'
 BAXTER, MINNESOTA

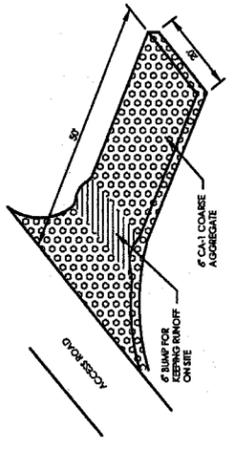
NO.	DATE	DESCRIPTION
1	04/27/2016	REVISIONS PER 04/23/2016 CITY COMMENT
2		
3		
4		

SCHULTZ ENGINEERING & SITE DESIGN
 18 South Riverside Avenue
 Suite 230
 St. Paul, MN 55477
 P: (651) 339-0669
 F: (651) 638-1890
 schultzeng@live.com
 www.schultzengineeringdesign.com

18028SWPP-Plan.dwg
 Brian Schultz, PE
 Date: 06/20/2016
 License No.: 43129

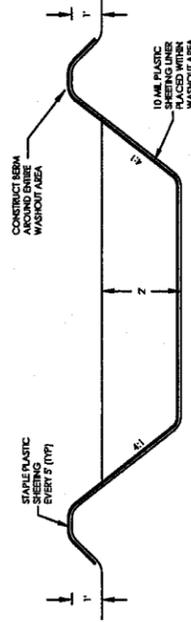


1. THE ROCK ENTRANCE SHALL BE CONSTRUCTED PRIOR TO THE START OF GRADING OPERATIONS.
2. THE ENTRANCE SHALL BE GRADED SUCH THAT POSITIVE DRAINAGE DURING CONSTRUCTION IS PROVIDED.
3. THE ENTRANCE SHALL BE MAINTAINED IN SUCH A CONDITION SUCH THAT IT DOES NOT CAUSE EROSION OR SEDIMENTATION. REPLACEMENT OF THE ENTRANCE MAY BE REQUIRED PERIODICALLY IF FLOOD STAINS TO TRACK OFF SITE.
4. THE ROCK ENTRANCE MAY BE REMOVED JUST PRIOR TO THE PLACEMENT OF AGGREGATE BASE.

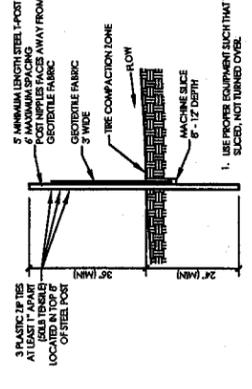


NOTE: PLACING RIP RAP UNDER THE ROCK ENTRANCE MAY REDUCE THE AMOUNT OF MAINTENANCE IT WOULD REQUIRE.

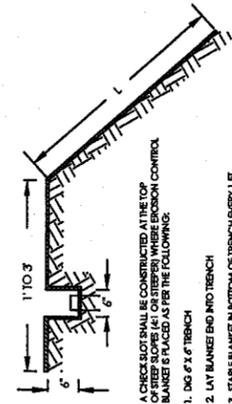
1 TEMPORARY ROCK CONSTRUCTION ENTRANCE



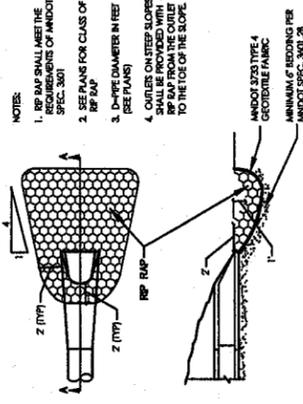
2 CONCRETE WASHOUT



3 SILT FENCE (MACHINE SLICED)



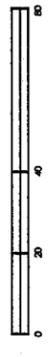
4 EROSION CONTROL BLANKET



5 RIP RAP AT PIPE OUTLETS

- NOTES:
1. RIP RAP SHALL MEET THE REQUIREMENTS OF MNDOT SPEC. 301
 2. SEE PLANS FOR CLASS OF RIP RAP
 3. D-PIPE DIAMETER IN FEET (SEE PLANS)
 4. OUTLET ON STEEP SLOPES SHALL BE PROVIDED WITH RIP RAP TO THE TOP OF THE SLOPE.

SWPPP - PLAN





Building a Better World
for All of Us®

June 28, 2016

RE: City of Baxter, Minnesota
2016 Fairview Road Improvements
City No. 4113
SEH No. BAXTE 133676 14.00

Honorable Mayor, City Council, and Utilities Commission
c/o Mr. Trevor Walter, City Engineer
City of Baxter
13190 Memorywood Drive
PO Box 2626
Baxter, MN 56425-2626

Dear Mayor, Members of the City Council, and Utilities Commission:

Enclosed please find Application for Payment No. 1 for this project.

We reviewed this application and it appears to be in order. When payment is made, sign all copies and distribute as follows:

Anderson Brothers Construction Company of Brainerd, LLC
SEH
City of Baxter
Utilities Commission

Please feel free contact me if you have any questions.

Sincerely,

Scott Hedlund, PE
Project Manager

mrh

Enclosure

c: Kelly Steele, City of Baxter
Jeremy Vacinek, City of Baxter

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APPLICATION FOR PAYMENT NO. 1

CONTRACTOR FOR: 2016 FAIRVIEW ROAD IMPROVEMENTS

PROJECT NO. BAXTE 133676
CITY NO. 4113
OWNER CITY OF BAXTER, MN
CONTRACTOR ANDERSON BROTHERS CONSTRUCTION CO.

AGREEMENT DATE: 6/7/2016

FOR WORK ACCOMPLISHED THROUGH: 6/21/2016

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
FULL DEPTH RECLAMATION									
1	MOBILIZATION	LUMP SUM	\$49,606.60	1.00	\$49,606.60	0.50	\$24,803.30	0.50	\$24,803.30
2	TRAFFIC CONTROL	LUMP SUM	\$4,500.00	1.00	\$4,500.00	0.15	\$675.00	0.15	\$675.00
3	TEMPORARY MAIL BOX BANK SYSTEM	LUMP SUM	\$275.00	1.00	\$275.00		\$0.00	0.00	\$0.00
4	SALVAGE & INSTALL SWING AWAY MAIL BOX	EACH	\$140.00	3.00	\$420.00		\$0.00	0.00	\$0.00
5	SALVAGE MAIL BOX	EACH	\$22.00	30.00	\$660.00		\$0.00	0.00	\$0.00
6	SWING AWAY MAIL BOX SUPPORT	EACH	\$110.00	30.00	\$3,300.00		\$0.00	0.00	\$0.00
7	CLEARING	ACRE	\$4,150.00	0.08	\$332.00	0.08	\$332.00	0.08	\$332.00
8	CLEARING	TREE	\$165.00	21.00	\$3,465.00	14.00	\$2,310.00	14.00	\$2,310.00
9	GRUBBING	ACRE	\$4,150.00	0.08	\$332.00	0.08	\$332.00	0.08	\$332.00
10	GRUBBING	TREE	\$165.00	27.00	\$4,455.00	14.00	\$2,310.00	14.00	\$2,310.00
11	CLEAN EXISTING STORM POND (BAXTER ELEMENTARY)	LUMP SUM	\$850.00	1.00	\$850.00	1.00	\$850.00	1.00	\$850.00
12	CLEAN EXISTING STORM SEWER SYSTEM (BAXTER ELEMENTARY)	LUMP SUM	\$3,500.00	1.00	\$3,500.00	1.00	\$3,500.00	1.00	\$3,500.00
13	CLEAN EXISTING CULVERT AND APRON ENDS	LUMP SUM	\$1,100.00	4.00	\$4,400.00	2.00	\$2,200.00	2.00	\$2,200.00
14	REMOVE PIPE CULVERTS	LIN FT	\$13.25	50.00	\$662.50		\$0.00	0.00	\$0.00
15	REMOVE CURB AND GUTTER	LIN FT	\$6.00	840.00	\$5,040.00	840.00	\$5,040.00	840.00	\$5,040.00
16	REMOVE CONCRETE MEDIAN	SQ FT	\$8.25	1,260.00	\$10,395.00	1,050.00	\$8,662.50	1,050.00	\$8,662.50
17	REMOVE CONCRETE WALK	SQ FT	\$5.25	108.00	\$567.00		\$0.00	0.00	\$0.00
18	REMOVE & REPLACE CONCRETE CURB AND GUTTER	LIN FT	\$28.75	30.00	\$862.50		\$0.00	0.00	\$0.00
19	REMOVE CONCRETE DRIVEWAY PAVEMENT	SQ YD	\$5.25	100.00	\$525.00	80.00	\$420.00	80.00	\$420.00
20	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SQ YD	\$2.75	2,400.00	\$6,600.00	1,066.00	\$2,931.50	1,066.00	\$2,931.50
21	SAWING BITUMINOUS PAVEMENT	LIN FT	\$1.65	1,400.00	\$2,310.00		\$0.00	0.00	\$0.00
22	SAWING CONCRETE PAVEMENT	LIN FT	\$5.50	80.00	\$440.00		\$0.00	0.00	\$0.00
23	SALVAGE 911 SIGN	EACH	\$11.00	32.00	\$352.00		\$0.00	0.00	\$0.00
24	SALVAGE SIGN PANEL TYPE C	EACH	\$28.00	50.00	\$1,400.00	42.00	\$1,176.00	42.00	\$1,176.00
25	SALVAGE & INSTALL PERMANENT BARRICADES	EACH	\$195.00	2.00	\$390.00		\$0.00	0.00	\$0.00
26	SALVAGE & INSTALL PIPE APRON	EACH	\$530.00	1.00	\$530.00		\$0.00	0.00	\$0.00
27	SALVAGE & INSTALL LANDSCAPING (SUPER AMERICA)	LUMP SUM	\$2,500.00	1.00	\$2,500.00	0.50	\$1,250.00	0.50	\$1,250.00
28	SALVAGE & INSTALL LANDSCAPING (5418 FAIRVIEW RD)	LUMP SUM	\$1,000.00	1.00	\$1,000.00		\$0.00	0.00	\$0.00
29	SALVAGE & INSTALL CHAIN LINK FENCE (ELEMENATARY SCHOOL POND)	LIN FT	\$5.00	40.00	\$200.00	20.00	\$100.00	20.00	\$100.00
30	SALVAGE & INSTALL WOOD SPLIT RAIL FENCE (LAKEWOOD CHURCH)	LIN FT	\$10.00	50.00	\$500.00		\$0.00	0.00	\$0.00
31	REMOVE WOOD RAIL FENCE (6072 FAIRVIEW RD)	LIN FT	\$5.00	30.00	\$150.00		\$0.00	0.00	\$0.00
32	CONIFEROUS TREE (COLORADO BLUE SPRUCE, 6 FT)	TREE	\$775.00	1.00	\$775.00		\$0.00	0.00	\$0.00
33	DECIDUOUS TREE (RIVER BIRCH, 2-INCH, B&B)	TREE	\$775.00	1.00	\$775.00		\$0.00	0.00	\$0.00
34	ORNAMENTAL TREE (CRAB APPLE, 1.5-INCH, CONTAINER)	TREE	\$775.00	1.00	\$775.00		\$0.00	0.00	\$0.00
35	DECIDUOUS SHRUB (COMMON LILAC, CONTAINER)	SHRUB	\$105.00	1.00	\$105.00		\$0.00	0.00	\$0.00
36	TRANSPLANT TREE (TREE SPADE)	TREE	\$1,650.00	3.00	\$4,950.00		\$0.00	0.00	\$0.00
37	TRANSPLANT SHRUB	SHRUB	\$105.00	5.00	\$525.00	1.00	\$105.00	1.00	\$105.00
38	COMMON EXCAVATION	CU YD	\$13.05	3,504.00	\$45,727.20		\$0.00	0.00	\$0.00
39	SUBGRADE EXCAVATION	CU YD	\$13.75	1,300.00	\$17,875.00		\$0.00	0.00	\$0.00
40	RECLAIMED AGGREGATE BASE PREPARATION	ROAD STA	\$200.00	79.00	\$15,800.00		\$0.00	0.00	\$0.00
41	STREET SWEEPER (WITH PICKUP BROOM)	hour	\$125.00	20.00	\$2,500.00	2.00	\$250.00	2.00	\$250.00
42	WATER	MGAL	\$43.50	500.00	\$21,750.00	16.00	\$696.00	16.00	\$696.00
43	AGGREGATE BASE, CL 5 (CV)	CU YD	\$22.65	465.00	\$10,532.25		\$0.00	0.00	\$0.00
44	AGGREGATE SURFACING, CL1 (CV)	CU YD	\$38.00	212.00	\$8,056.00		\$0.00	0.00	\$0.00

APPLICATION FOR PAYMENT NO. 1

CONTRACTOR FOR: 2016 FAIRVIEW ROAD IMPROVEMENTS

PROJECT NO. BAXTE 133676
CITY NO. 4113
OWNER CITY OF BAXTER, MN
CONTRACTOR ANDERSON BROTHERS CONSTRUCTION CO.

AGREEMENT DATE: 6/7/2016

FOR WORK ACCOMPLISHED THROUGH: 6/21/2016

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
45	AGGREGATE DRIVEWAY RESTORATION, CLASS 5	SQ YD	\$10.00	55.00	\$550.00		\$0.00	0.00	\$0.00
46	BITUMINOUS PAVEMENT RECLAMATION	SQ YD	\$1.00	22,633.00	\$22,633.00	10,133.00	\$10,133.00	10,133.00	\$10,133.00
47	MILL BITUMINOUS SURFACE 1.5"	SQ YD	\$7.50	990.00	\$7,425.00		\$0.00	0.00	\$0.00
48	TYPE SP 9.5 WEARING COURSE MIXTURE (2,C)	TON	\$46.00	2,963.00	\$136,298.00		\$0.00	0.00	\$0.00
49	TYPE SP 12.5 WEARING COURSE MIXTURE (2,C)	TON	\$47.00	3,788.00	\$178,036.00		\$0.00	0.00	\$0.00
50	TYPE SP 9.5 WEARING COURSE MIXTURE (2,C) - TRAIL	TON	\$70.00	40.00	\$2,800.00		\$0.00	0.00	\$0.00
51	BITUMINOUS MATERIAL FOR TACK COAT	GAL	\$2.00	1,630.00	\$3,260.00		\$0.00	0.00	\$0.00
52	RESIDENTIAL BITUMINOUS DRIVEWAY RESTORATION	SQ YD	\$29.00	1,090.00	\$31,610.00		\$0.00	0.00	\$0.00
53	COMMERCIAL BITUMINOUS DRIVEWAY RESTORATION	SQ YD	\$24.00	687.00	\$16,488.00		\$0.00	0.00	\$0.00
54	ADJUST SANITARY SEWER CLEAN-OUT (NEW CASTING)	EACH	\$225.00	48.00	\$10,800.00		\$0.00	0.00	\$0.00
55	ADJUST CURB BOX	EACH	\$150.00	40.00	\$6,000.00		\$0.00	0.00	\$0.00
56	ADJUST VALVE BOX	EACH	\$250.00	27.00	\$6,750.00		\$0.00	0.00	\$0.00
57	INSULATION	SQ YD	\$46.00	700.00	\$32,200.00	7.00	\$322.00	7.00	\$322.00
58	CONCRETE WALK, 4"	SQ FT	\$8.25	120.00	\$990.00		\$0.00	0.00	\$0.00
59	CONCRETE WALK, 6"	SQ FT	\$8.00	700.00	\$5,600.00		\$0.00	0.00	\$0.00
60	CONCRETE CURB & GUTTER, DESIGN B612	LIN FT	\$17.75	512.00	\$9,088.00		\$0.00	0.00	\$0.00
61	24" RIBBON CURB	LIN FT	\$16.50	147.00	\$2,425.50		\$0.00	0.00	\$0.00
62	CONCRETE VALLEY GUTTER	LIN FT	\$47.00	80.00	\$3,760.00		\$0.00	0.00	\$0.00
63	6" CONCRETE DRIVEWAY PAVEMENT RESTORATION	SQ YD	\$73.00	65.00	\$4,745.00		\$0.00	0.00	\$0.00
64	PEDESTRIAN RAMP W/ TRUNCATED DOMES	EACH	\$800.00	4.00	\$3,200.00		\$0.00	0.00	\$0.00
65	ADJUST FRAME & RING CASTING (SANITARY)	EACH	\$500.00	28.00	\$14,000.00		\$0.00	0.00	\$0.00
66	SIGN PANELS TYPE C	SQ FT	\$25.00	105.00	\$2,625.00		\$0.00	0.00	\$0.00
67	INSTALL 911 SIGN	EACH	\$22.00	38.00	\$836.00		\$0.00	0.00	\$0.00
68	INSTALL SIGN PANEL TYPE C	EACH	\$133.00	68.00	\$9,044.00		\$0.00	0.00	\$0.00
69	OBJECT MARKER/DELINEATOR	EACH	\$140.00	1.00	\$140.00		\$0.00	0.00	\$0.00
70	SILT FENCE, TYPE MS	LIN FT	\$2.75	730.00	\$2,007.50	733.00	\$2,015.75	733.00	\$2,015.75
71	SEDIMENT CONTROL LOG TYPE STRAW	LIN FT	\$5.00	1,750.00	\$8,750.00	730.00	\$3,650.00	730.00	\$3,650.00
72	ROCK CONSTRUCTION EXIT	EACH	\$550.00	6.00	\$3,300.00		\$0.00	0.00	\$0.00
73	TOPSOIL BORROW	CU YD	\$31.50	800.00	\$25,200.00		\$0.00	0.00	\$0.00
74	TURF ESTABLISHMENT (INCLUDES SEEDING, SEED MIX, FERTILIZER, AND HYDRAULIC MATRIX TYPE FRM)	SQ YD	\$2.75	21,000.00	\$57,750.00		\$0.00	0.00	\$0.00
75	TEMPORARY SEEDING (INCLUDES SEEDING, SEED MIX, AND MULCH)	SQ YD	\$0.40	15,000.00	\$6,000.00		\$0.00	0.00	\$0.00
76	PAVEMENT MESSAGE PAINT - LT ARROW	SQ FT	\$5.00	15.00	\$75.00		\$0.00	0.00	\$0.00
77	PAVEMENT MESSAGE PAINT - RT ARROW	SQ FT	\$5.00	15.00	\$75.00		\$0.00	0.00	\$0.00
78	PAVEMENT MESSAGE WHITE - BIKE SYMBOL - POLY PREFORM (GROUND IN)	SQ FT	\$75.00	35.00	\$2,625.00		\$0.00	0.00	\$0.00
79	8" SOLID WHITE LINE, POLY PREFORM (GROUND IN)	LIN FT	\$8.25	1,000.00	\$8,250.00		\$0.00	0.00	\$0.00
80	8" DOTTED WHITE LINE, POLY PREFORM (GROUND IN)	LIN FT	\$8.25	76.00	\$627.00		\$0.00	0.00	\$0.00
81	4" SOLID WHITE LINE, PAINT	LIN FT	\$0.10	295.00	\$29.50		\$0.00	0.00	\$0.00
82	8" SOLID WHITE LINE, PAINT	LIN FT	\$0.15	14,148.00	\$2,122.20		\$0.00	0.00	\$0.00
83	12" SOLID WHITE LINE, PAINT	LIN FT	\$2.75	143.00	\$393.25		\$0.00	0.00	\$0.00
84	12" SOLID YELLOW LINE, PAINT	LIN FT	\$3.00	63.00	\$189.00		\$0.00	0.00	\$0.00
85	STOP BAR, 24" WHITE PAINT	LIN FT	\$3.30	290.00	\$957.00		\$0.00	0.00	\$0.00
86	4" BROKEN YELLOW LINE, PAINT	LIN FT	\$0.10	860.00	\$86.00		\$0.00	0.00	\$0.00

OWNER
CONTRACTOR
SEH

APPLICATION FOR PAYMENT NO. 1

CONTRACTOR FOR: 2016 FAIRVIEW ROAD IMPROVEMENTS

PROJECT NO. BAXTE 133676

AGREEMENT DATE: 6/7/2016

CITY NO. 4113

OWNER CITY OF BAXTER, MN

FOR WORK ACCOMPLISHED THROUGH: 6/21/2016

CONTRACTOR ANDERSON BROTHERS CONSTRUCTION CO.

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE		
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
87	4" DOUBLE SOLID YELLOW LINE, PAINT	LIN FT	\$0.20	3,575.00	\$715.00		\$0.00	0.00	\$0.00	
STORM SEWER										
88	COMMON EXCAVATION (SUPER AMERICA POND)	CU YD	\$10.00	892.00	\$8,920.00	892.00	\$8,920.00	892.00	\$8,920.00	
89	EXCAVATE AND DISPOSE OF CONTAMINATED MATERIAL	CU YD	\$50.00	350.00	\$17,500.00		\$0.00	0.00	\$0.00	
90	REMOVE CHAIN LINK FENCE	LIN FT	\$5.00	30.00	\$150.00		\$0.00	0.00	\$0.00	
91	REPAIR CHAIN LINK FENCE	LIN FT	\$10.00	100.00	\$1,000.00		\$0.00	0.00	\$0.00	
92	60" CHAIN LINK FENCE	LIN FT	\$14.00	220.00	\$3,080.00		\$0.00	0.00	\$0.00	
93	60" CHAIN LINK VEHICULAR GATE	EACH	\$825.00	1.00	\$825.00		\$0.00	0.00	\$0.00	
94	RANDOM RIPRAP, CLASS III	CU YD	\$65.00	31.00	\$2,015.00		\$0.00	0.00	\$0.00	
95	CONSTRUCT DRAINAGE STRUCTURE DESIGN H	EACH	\$1,350.00	1.00	\$1,350.00		\$0.00	0.00	\$0.00	
96	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-2024	EACH	\$1,700.00	1.00	\$1,700.00	1.00	\$1,700.00	1.00	\$1,700.00	
97	CONSTRUCT DRAINAGE STRUCTURE DES 48-4020	EACH	\$3,500.00	2.00	\$7,000.00	1.00	\$3,500.00	1.00	\$3,500.00	
98	12" CM PIPE CULVERT	LIN FT	\$27.00	96.00	\$2,592.00		\$0.00	0.00	\$0.00	
99	15" RCP PIPE SEWER DESIGN 3006, CL V	LIN FT	\$53.00	50.00	\$2,650.00		\$0.00	0.00	\$0.00	
100	18" RC PIPE SEWER DES 3006, CL V	LIN FT	\$51.00	443.00	\$22,593.00	434.00	\$22,134.00	434.00	\$22,134.00	
101	12" CS PIPE APRON	EACH	\$145.00	4.00	\$580.00		\$0.00	0.00	\$0.00	
102	15" RCP APRON W/TRASH GUARD	EACH	\$1,100.00	1.00	\$1,100.00		\$0.00	0.00	\$0.00	
103	18" RCP APRON W/TRASH GUARD	EACH	\$1,450.00	1.00	\$1,450.00	1.00	\$1,450.00	1.00	\$1,450.00	
TOTAL ITEMS BID						\$945,625.00		\$111,768.05		\$111,768.05
SUMMARY										
TOTAL ITEMS BID						\$945,625.00		\$111,768.05		\$111,768.05
CHANGE ORDER										
TOTAL						\$945,625.00		\$111,768.05		\$111,768.05

The undersigned Contractor certifies that all previous payments received from the Owner for work done under this contract have been applied to discharge in full all obligations the Contractor incurred in connection with the work covered by said progress payments. The undersigned Contractor agrees to pay all subcontractors within 10 days of receipt of payment from the municipality for undisputed services provided by the subcontractor. The Contractor agrees to pay interest as described under Minnesota state statute. In accordance with Minnesota Uniform Transaction Act, an electronic signature on this document is binding and afforded the same effect as if the document was signed by hand.

Gross Amount Due \$111,768.05
 Less Retainage (5%) \$5,588.40
 Amount Eligible to Date \$106,179.65
 Less Previous Payments \$0.00
Amount Due This Application \$106,179.65

SUBMITTED ANDERSON BROTHERS CONSTRUCTION CO. O
 PO BOX 668
 BRAINERD, MN 56401-0668

BY: *Al Knowlton* DATE: 6/28/16

RECOMMENDED SEH
 416 S 6TH ST STE 200
 BRAINERD, MN 56401

BY: *Scott D. Pedlow* DATE: 6-28-16

APPROVED CITY OF BAXTER
 PO BOX 2626
 BAXTER, MN 56425-2626

BY: _____
 Kelly Steele, Asst. City Administrator/Clerk

DATE: _____

APPROVED CITY OF BAXTER
 PO BOX 2626
 BAXTER, MN 56425-2626

BY: _____
 Darrel Olson, Mayor

DATE: _____

APPROVED CITY OF BAXTER - UTILITIES COMMISSION
 PO BOX 2626
 BAXTER, MN 56425-2626

BY: _____

DATE: _____

Date of Issuance:	Effective Date:	Council Approval
Owner: City of Baxter	Owner's Contract No.:	4416
Contractor: Tri-City Paving, Inc.	Contractor's Project No.:	
Engineer: Widseth Smith Nolting	Engineer's Project No.:	0102B0379.000
Project: 2016 Mill & Overlay, Full Depth Reclamation and Turn Lane Improvements	Contract Name:	Municipal Project Numbers 4416

The Contract is modified as follows upon execution of this Change Order:

Description: Change In Contract Time

Attachments: Tri-City Paving, Inc. Letter dated June 24, 2016 and WSN Memo dated June 28, 2016.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: <u>\$806,167.45</u>	Original Contract Times: Substantial Completion: <u>August 12, 2016</u> Ready for Final Payment: <u>August 26, 2016</u> days or dates
[Increase] [Decrease] from previously approved Change Orders: <u>\$ 0</u>	Increase from previously approved Change Orders: Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u>
Contract Price prior to this Change Order: <u>\$806,167.45</u>	Contract Times prior to this Change Order: Substantial Completion: <u>August 12, 2016</u> Ready for Final Payment: <u>August 26, 2016</u> days or dates
[Increase] [Decrease] of this Change Order: <u>\$ 0</u>	Increase of this Change Order: Substantial Completion: <u>August 26, 2016</u> Ready for Final Payment: <u>September 2, 2016</u> days or dates
Contract Price incorporating this Change Order: <u>\$ 806,167.45</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>August 26, 2016</u> Ready for Final Payment: <u>September 2, 2016</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: _____	Title _____	Title _____
Date: _____	Date _____	Date _____



June 28, 2016

Tim Otremba
Tri-City Paving, Inc.
13504 Haven Road
PO Box 326
Little Falls, MN 56345

Brainerd/Baxter
7804 Industrial Park Road
PO Box 2720
Baxter, MN 56425-2720

218.829.5117 
218.829.2517 

Brainerd@wsn.us.com 

WidsethSmithNolting.com

Re: Contract Time Extension Request
2016 Mill & Overlay, Full Depth Reclamation and Turn Lane Improvements
Municipal Project Numbers 4416
Baxter, Minnesota
WSN Job No. 0102B0379.000

Dear Mr. Otremba:

This letter is written in response to the letter received by email on June 24, 2016 regarding a contract time extension request (see attached). This letter will be copied to the City and serve as the Engineer's recommendation and formal action regarding the received written request.

Our review and recommendation is to approve the request based on the following:

1. Additional time will be necessary to allow utility companies to relocate their facilities on College Road and Cypress Drive. The existing facilities will be located under the proposed right-turn lane and trail and need to be relocated south into the utility easement provide by the City.
2. The extension will allow more time for Dechantal Excavating, Inc. to complete the reconstruction of Lift Station No. 8. This will avoid conflicts during construction and possible marring of the new bituminous pavement surface as a result of lift station construction work.
3. The Golf Course Drive project has been delayed and conflicts with this project are not anticipated with the time extension.

The time extension will result in the following revised completion dates:

Substantial Completion:	August 26, 2016
Final Completion:	September 2, 2016

This letter will serve as the Engineer's recommendation on the attached correspondence and a change order will be prepared reflecting the decisions outlined above. In accordance with the General Conditions, the Engineer's decision is final and binding. If the City or Contractor are not in agreement with the Engineer's determination, please refer to General Conditions Article 12.

Please feel free to give me a call if you have any questions regarding our review and recommendations as presented.

Sincerely,

Widseth Smith Nolting & Associates, Inc.

Aric Welch, P.E.

Enc.

Cc: Trevor Walter, City of Baxter



444 Cedar Street, Suite 1500
 Saint Paul, MN 55101
 651.292.4400
 tkda.com

June 15, 2016

Via Email Only: trevor.walter@ci.baxter.mn.us

Mr. Trevor Walter, PE
 Public Works Director/City Engineer
 City of Baxter
 13190 Memorywood Drive
 Baxter, Minnesota 56425

Re: Proposal for Additional Engineering Services
 Water Meter Replacement Project Construction Administration
 TKDA Project No. 16035.000

Dear Mr. Walter:

In response to your request, we propose to provide Additional Construction Administration Services for the Water Meter Replacement Project for the City of Baxter. Our services will be provided in the manner described in this Proposal subject to the terms and conditions set forth in the attached "General Provisions of Engineer-Architect Agreement" dated July 2009.

I. PROJECT DESCRIPTION

TKDA worked with the City of Baxter to obtain competitive bids for replacing 2,900 water meters in the service area and the original contract had a limited amount of Construction Administration included to process pay requests and change orders. This proposal is for additional Construction Administration items that we can provide.

II. SERVICES TO BE PROVIDED BY TKDA

We propose to provide the following Additional Construction Administration Services:

- A. Coordinate weekly construction progress meetings with attendance via a conference call.
- B. Process monthly contractor pay applications and change orders as required.
- C. Other coordination between the contractor and the City.
- D. Project closeout including contractor final payment with consent of surety, MN IC 134 form, and lien releases as specified.

III. ADDITIONAL SERVICES

- A. Attend onsite Project meetings including time and mileage, if required by the CLIENT.
- B. Additional construction phase assistance beyond that included in SECTION II.
- C. Observations during the guarantee period and related services.

Mr. Trevor Walter, PE
City of Baxter
Proposal for Additional Services - Water Meter Replacement Project Construction Administration
June 15, 2016
Page 2

IV. CLIENT'S RESPONSIBILITIES

These responsibilities include, but are not limited to, the following:

- A. Designate one individual to act as a representative with respect to the work to be performed, and such person shall have complete authority to transmit instructions, receive information, interpret and define policies, and make decisions with respect to critical elements pertinent to the Project. This individual shall be identified in the signature block area of this Proposal.
- B. Provide local onsite support as needed for the project.

V. PERIOD OF SERVICE

The schedule for services is anticipated to begin immediately and will be completed by November 30, 2016. If additional time is required due to meter installations not being completed by October 31, 2016, then additional time and compensation may be requested.

VI. COMPENSATION

Compensation to TKDA for services provided as described shall be on an Hourly Time and Materials basis in the estimated amount of \$10,000.

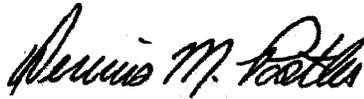
VII. CONTRACTUAL INTENT

We thank you for the opportunity to submit this Proposal. We agree that this letter and attachments constitute a contract between us upon its signature by an authorized official of the City of Baxter and the return of a signed copy to us. This Proposal will be open for acceptance for 30 days, unless the provisions herein are changed by us in writing prior to that time.

Sincerely,



Matthew R. Ellingson, PE
Project Engineer



Dennis M. Postler, PE
Vice President, Municipal Services

MRE:DMP:prd
ATTACHMENTS: PROJECT FEE ESTIMATE
GENERAL PROVISIONS

ACCEPTED FOR THE CITY OF BAXTER, MINNESOTA

By: _____
(signature) Printed Name/Title Date

CLIENT'S DESIGNATED REPRESENTATIVE:

Name/Title Phone Email





Project Fee Estimate

Client:		City of Baxter, Minnesota		Date:		6/14/2016	
Project:		Water Meter Replacement Project Construction Administration		Prepared By:		MRE	
Task No.	Task Description	Estimated Person Hours Required		Total Hours	Total Dollars	Major Section Dollars	
		Jacobsen Sr Reg	Ellingson Reg				
1	Weekly Construction Progress Meetings		20	20	\$ 1,660		
2	Process Pay Applications and Change Orders		15	15	\$ 1,245		
3	Coordination with Contractor and City		40	40	\$ 3,320		
4	Project Closeout Documents		10	10	\$ 830		
5	Project Management	10	15	25	\$ 2,905		
Total Person Hours		10	100	110			
Billing Rate/Hr x Multiplier		\$ 166	\$ 83				
Total Billable for Charged Time		\$ 1,660	\$ 8,300			\$ 9,960	
Expenses:							
Travel & Subsistence (TS)							
Miscellaneous (MI)							
Reproduction & Reprographics (RR)							
Total Project Fees						\$ 9,960	
ROUNDED TO ESTIMATED AMOUNT OF						\$ 10,000	

TOLTZ, KING, DUVALL, ANDERSON AND ASSOCIATES, INCORPORATED

General Provisions of Engineer-Architect Agreement

ARTICLE 1. GENERAL

These General Provisions supplement and become part of the Agreement between Toltz, King, Duvall, Anderson and Associates, Incorporated, a Minnesota Corporation, hereinafter referred to as TKDA, and the other Party to the Agreement, hereinafter referred to as CLIENT, wherein the CLIENT engages TKDA to provide certain Engineering, Architectural, and/or Planning services. Either Party to this Agreement may be referred to as a "Party" or collectively as "Parties."

As used herein, the term "Agreement" refers to (1) TKDA's original Engagement Letter or proposal (the "Engagement Letter") which forms the basis for the Agreement; (2) these General Provisions, and (3) any attached Exhibits, as if they were part of one and the same document. With respect to the order of precedence, any attached Exhibits shall govern over these General Provisions and the Engagement Letter shall govern over any attached Exhibits and these General Provisions.

ARTICLE 2. PERIOD OF SERVICE

The term of this Agreement for the performance of services hereunder shall be as set forth in TKDA's Engagement Letter. Any lump sum or estimated maximum payment amounts set forth in the Engagement Letter have been established in anticipation of the orderly and continuous progress of the project in accordance with the schedule set forth in the Engagement Letter or any Exhibits attached thereto.

ARTICLE 3. COMPENSATION TO TKDA

A. Compensation to TKDA for services shall be as designated in the Engagement Letter. The CLIENT shall make monthly payments to TKDA within 30 days of date of invoice.

B. The CLIENT will pay the balance stated on the invoice unless CLIENT notifies TKDA in writing of the particular item that is alleged to be incorrect within 15 days from the date of invoice, in which case all undisputed items shall be paid and amounts in dispute shall become due upon an adjudicated resolution or upon agreement of the parties. All accounts unpaid after 30 days from the date of original invoice shall be subject to a service charge of 1-1/2% per month, or the maximum amount authorized by law, whichever is less. TKDA shall be entitled to recover all reasonable costs and disbursements, including reasonable attorneys' fees, incurred in connection with collecting amounts owed by CLIENT. In addition, TKDA may, after giving seven days' written notice to the CLIENT, suspend services under this Agreement until TKDA has been paid in full for all amounts then due for services, expenses and charges. CLIENT agrees that it shall waive any and all claims against TKDA and that TKDA shall not be responsible for any claims arising from suspension of services hereunder.

ARTICLE 4. EXTRA WORK

If TKDA is of the opinion that any work it has been directed to perform is beyond the Scope of this Agreement, or that the level of effort required exceeds that estimated due to changed conditions and thereby constitutes extra work, it shall notify the CLIENT of that fact. Upon written notification to CLIENT, TKDA shall be entitled to additional compensation for same, and to an extension of time for completion absent timely written objection by CLIENT to additional services.

ARTICLE 5. ABANDONMENT, CHANGE OF PLAN AND TERMINATION

Either Party has the right to terminate this Agreement upon seven days' written notice for convenience of either CLIENT or TKDA. In addition, the CLIENT may at any time reduce the scope of this Agreement. Such reduction in scope shall be set forth in a written notice from the CLIENT to TKDA. In the event of unresolved dispute over change in scope or changed conditions, this Agreement may also be terminated upon seven days' written notice as provided above.

In the event of a termination or reduction in scope of the project work, TKDA shall be paid for the work performed and expenses incurred on the project work and for any completed and abandoned work for which payment has not been made, computed in accordance with the provisions of the Engagement Letter and payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with TKDA's subconsultants, costs of producing copies of file materials and other related close-out costs.

ARTICLE 6. DISPOSITION OF PLANS, REPORTS AND OTHER DATA

All documents, including reports, drawings, calculations, specifications, CADD materials, computer software or hardware or other work product prepared by TKDA pursuant to this Agreement are TKDA's Instruments of Service and TKDA retains all ownership interests in said Instruments of Service, including copyrights. Any use or reuse of such Instruments of Service, except for the specific purpose intended, by the CLIENT or others without written consent, verification, or adaptation by TKDA will be at the CLIENT's risk and full legal responsibility. In this regard, the CLIENT will indemnify and hold harmless TKDA from any and all suits or claims of third parties arising out of such use or reuse which is not specifically verified, adapted, or authorized by TKDA.

Copies of documents that may be relied upon by the CLIENT are limited to the printed copies (also known as hard copies) that are signed or sealed by TKDA's Engineer or Architect. Files in electronic format furnished to the CLIENT are only for convenience of the CLIENT. Any conclusion or information obtained or derived from such electronic files

will be at the user's sole risk. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern. In the event electronic copies of documents are made available to the CLIENT, the CLIENT acknowledges that the useful life of electronic media may be limited because of deterioration of the media, obsolescence of the computer hardware and/or software systems or other causes outside of TKDA's control. Therefore, TKDA makes no representation that such media will be fully usable beyond 30 days from date of delivery to CLIENT.

If requested, at the time of completion or termination of the work, TKDA shall make available to the CLIENT at CLIENT's expense copies of the Instruments of Service upon (i) payment of amounts due and owing for work performed and expenses incurred under this Agreement, and (ii) fulfillment of the CLIENT's obligations under this Agreement.

ARTICLE 7. CLIENT'S ACCEPTANCE BY PURCHASE ORDER

In lieu of or in addition to execution of the Engagement Letter, the CLIENT may authorize TKDA to commence services by issuing a purchase order by a duly authorized representative. Such authority to commence services or purchase order shall incorporate by reference the terms and conditions of this Agreement. In the event the terms and conditions of this Agreement conflict with those contained in the CLIENT's purchase order, the terms and conditions of this Agreement shall govern. Notwithstanding any purchase order provisions to the contrary, no warranties, express or implied, are made by TKDA. In order to implement the intent of Parties to this Agreement, the Parties agree that the Engagement Letter, these General Provisions, and any Exhibits constitute the entire Agreement between them. The Parties further agree that the preprinted terms and conditions of any CLIENT-generated purchase order issued to request work pursuant to this Agreement will not apply to the work, regardless of whether TKDA executes the purchase order in acceptance of the work.

ARTICLE 8. CLIENT'S RESPONSIBILITIES

A. To permit TKDA to perform the services required hereunder, the CLIENT shall supply, in proper time and sequence, the following at no expense to TKDA:

1. All necessary information regarding its requirements as necessary for orderly progress of the work.
2. Designate in writing a person to act as CLIENT's representative with respect to the services to be rendered under this Agreement. Such person shall have authority to transmit instructions, receive instructions, receive information, and interpret and define CLIENT's policies with respect to TKDA's services.
3. Furnish, as required for performance of TKDA's services (except to the extent provided otherwise in the Engagement Letter or any Exhibits attached thereto), data prepared by or services of others, including without limitation, soil borings, probing and subsurface explorations, hydrographic and geohydrologic surveys, laboratory tests and inspections of samples, materials and equipment; appropriate professional interpretations of all of the foregoing; environmental assessment and impact statements; property, boundary, easement, right-of-way, topographic and utility surveys; property descriptions; zoning, deed and other land use restriction; and other special data not covered in the Engagement Letter or any Exhibits attached thereto.
4. Provide access to, and make all provisions for TKDA to enter upon publicly or privately owned property as required to perform the work.
5. Act as liaison with other agencies or involved parties to carry out necessary coordination and negotiations; furnish approvals and permits from all governmental authorities having jurisdiction over the project and such approvals and consents from others as may be necessary for completion of the project.
6. Examine all reports, sketches, drawings, specifications and other documents prepared and presented by TKDA, obtain advice of an attorney, insurance counselor or others as CLIENT deems necessary for such examination, and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of TKDA.
7. Give prompt written notice to TKDA whenever the CLIENT observes or otherwise becomes aware of any development that affects the scope or timing of TKDA's services or any defect in the work of Construction Contractor(s), subconsultants or TKDA.
8. Initiate action, where appropriate, to identify and investigate the nature and extent of asbestos, petroleum and/or pollution in the project and to abate and/or remove the same as may be required by federal, state or local statute, ordinance, code, rule, or regulation now existing or hereinafter enacted or amended. For purposes of this Agreement, "pollution" and "pollutant" shall mean any solid, liquid, gaseous or thermal irritant or contaminant, including petroleum, smoke, vapor, soot, alkalis, chemicals and hazardous or toxic waste. Hazardous Materials means any substance, waste, pollutant or contaminant (including petroleum) now or hereafter included within such terms under any federal, state or local statute, ordinance, code, rule or regulation now existing or hereinafter enacted or amended. Waste further includes materials to be recycled, reconditioned or reclaimed. CLIENT further agrees it

will, where appropriate, endeavor to identify, remove and/or encapsulate asbestos products, petroleum, pollutants or Hazardous Materials located in the project area prior to accomplishment by TKDA of any work on the project.

If TKDA encounters, or reasonably suspects that it has encountered, asbestos or pollution in the project, TKDA shall cease activity on the project and promptly notify the CLIENT, who shall proceed as set forth above. Unless otherwise specifically provided in the Engagement Letter, the services to be provided by TKDA do not include identification of asbestos or pollution, and TKDA has no duty to identify or attempt to identify the same within the area of the project.

With respect to the foregoing, CLIENT acknowledges and agrees that TKDA is not a user, handler, generator, operator, treater, storer, transporter or disposer of asbestos, petroleum, Pollutant, or other Hazardous Materials which may be encountered by TKDA on the project. CLIENT agrees to hold harmless, indemnify and defend TKDA and TKDA's officers, subconsultant(s), subcontractor(s), employees and agents from and against any and all claims, lawsuits, damages, liability and costs, including, but not limited to, costs of defense, arising out of or in any way connected with the presence, discharge, release, or escape of asbestos, petroleum or other Hazardous Materials or waste on the site. This indemnification is intended to apply only to existing conditions present at the site prior to TKDA's commencement of services, and does not apply to conditions that arise subsequent to TKDA's commencement of services that are caused or created by TKDA.

9. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the project, such legal services as the CLIENT may require or TKDA may reasonably request with regard to legal issues pertaining to the project including any that may be raised by contractor(s), such auditing service as CLIENT may require to ascertain how or for what purpose any contractor has used the monies paid under the construction contract, and such inspection services as CLIENT may require to ascertain that contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.
10. Provide "record" drawings and specifications for all existing physical plants or facilities which are pertinent to the project.
11. Act promptly to approve all pay requests, Supplemental Agreements, or requests for information by TKDA as set forth herein.
12. Require all Utilities with facilities in the CLIENT's right-of-way to locate and mark said utilities upon request, relocate and/or protect said utilities as determined necessary to accommodate work of the project, submit a schedule of the necessary relocation/protection activities to the CLIENT for review and comply with agreed upon schedule.
13. Provide other services, materials, or data as may be set forth in the Engagement Letter or any Exhibits attached thereto.

B. TKDA shall be entitled to rely on the accuracy and completeness of information furnished by the CLIENT. If TKDA finds that any information furnished by the CLIENT is in error or is inadequate for its purpose, TKDA shall promptly notify the CLIENT.

ARTICLE 9. OPINIONS OF COST

Opinions of probable project cost, construction cost, financial evaluations, feasibility studies, economic analyses of alternate solutions and utilitarian considerations of operations and maintenance costs provided for in the Engagement Letter or any Exhibits attached thereto, are made on the basis of TKDA's experience and qualifications and represent TKDA's judgment as an experienced and qualified design professional. It is recognized that TKDA does not have control over the cost of labor, material, equipment or services furnished by others or over market conditions or contractors' methods of determining their prices, and that any evaluation of any facility to be constructed, or acquired, or work to be performed on the basis of TKDA's cost opinions, must of necessity, be speculative until completion of construction or acquisition. Accordingly, TKDA does not guarantee that proposals, bids or actual costs will not substantially vary from opinions, evaluations or studies submitted by TKDA to CLIENT hereunder. TKDA assumes no responsibility for the accuracy of opinions of probable project costs or construction costs, and provides these estimates for the sole convenience of the CLIENT for the purposes of general project budgeting.

ARTICLE 10. CONSTRUCTION PHASE SERVICES

CLIENT acknowledges that it is customary for the Architect or Engineer who is responsible for the preparation and furnishing of Drawings and Specifications and other construction-related documents to be employed to provide professional services during the Construction Phases of the project, (1) to interpret and clarify the documentation so furnished and to modify the same as circumstances revealed during bidding and construction may dictate, (2) in connection with acceptance of substitute of or-equal items of materials and equipment proposed by bidders and contractor(s), (3) in connection with review of shop drawings and sample submittals, and (4) as a result of and in response to TKDA's detecting in advance of performance of affected work inconsistencies or irregularities in such documentation. CLIENT agrees that if TKDA is not employed to provide such professional services during the Construction Phases of the project, TKDA will not be responsible for, and CLIENT shall indemnify and hold TKDA (and TKDA's professional associates and consultants) harmless from, all claims,

damages, losses and expenses including attorneys' fees arising out of, or resulting from, any interpretation, clarification, substitution acceptance, shop drawing or sample approval or modification of such documentation issued or carried out by CLIENT or others. Nothing contained in this paragraph shall be construed to release TKDA (or TKDA's professional associates or consultants) from liability for failure to perform in accordance with professional standards any duty or responsibility which TKDA has undertaken or assumed under this Agreement.

ARTICLE 11. INSURANCE

TKDA shall procure and maintain insurance for protection from claims against it under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees, and from claims against it for damages because of injury to or destruction of property.

Also, TKDA shall procure and maintain professional liability insurance for protection from claims arising out of performance of professional services caused by any negligent act, error, or omission for which TKDA is legally liable.

Certificates of insurance will be provided to the CLIENT upon request.

ARTICLE 12. ASSIGNMENT

This Agreement, being intended to secure the personal service of the individuals employed by and through whom TKDA performs work hereunder, shall not be assigned, sublet or transferred without the written consent of TKDA and the CLIENT. Any assignment of the Agreement, or claims arising under or relating to the Agreement without the written consent of both Parties shall be null and void.

ARTICLE 13. CONTROLLING LAW

This Agreement is to be governed by the laws of the State of Minnesota.

ARTICLE 14. SEVERABILITY

Any provision or portion thereof in this Agreement which is held to be void or unenforceable under any law shall be deemed stricken, and all remaining provisions shall continue to be valid and binding between CLIENT and TKDA.

ARTICLE 15. WAIVER OF CONSEQUENTIAL DAMAGES

CLIENT and TKDA waive consequential damages for claims, disputes or other matters in question arising out of or relating to TKDA's services under this Agreement. This mutual waiver of consequential damages applies and survives termination of this Agreement.

ARTICLE 16. LIMITATION OF LIABILITY

In recognition of the relative risks of CLIENT and TKDA relating to the work, CLIENT agrees, to the extent permitted by law, that TKDA's liability to the CLIENT or anyone claiming through CLIENT for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes including, but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract, or warranty express or implied, of TKDA or its officers, directors, partners, employees, agents, or consultants, or any of them, shall not exceed the total insurance proceeds paid or available on behalf of or to TKDA by its insurers in settlement or satisfaction of CLIENT's claims against TKDA under the terms and conditions of TKDA's insurance policies applicable thereto.

ARTICLE 17. CONFLICT RESOLUTION

In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the CLIENT and TKDA agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation as a precondition to any formal legal proceedings.

ARTICLE 18. CONFIDENTIALITY

TKDA agrees to keep confidential and not to disclose to any person or entity, other than TKDA's employees, subconsultants and the general contractor and subcontractors, if appropriate, any data and information furnished to TKDA and marked CONFIDENTIAL by the CLIENT. These provisions shall not apply to information in whatever form that comes into the public domain, nor shall it restrict TKDA from giving notices required by law or complying with an order to provide information or data when such order is issued by a court, administrative agency or other authority with proper jurisdiction, or if it is reasonably necessary for TKDA to complete services under the Agreement or defend itself from any suit or claim.

ARTICLE 19. UNDERGROUND UTILITIES

If authorized in the Engagement Letter, TKDA and/or its authorized subconsultant will conduct the research that in its professional opinion is necessary and will prepare a plan indicating the locations intended for subsurface penetrations with respect to assumed locations of underground improvements. Such services by TKDA or its subconsultant will be performed in a manner consistent with the ordinary standard of care. The CLIENT recognizes that the research may not identify all underground improvements and that the information upon which TKDA relies may contain errors or may not be complete.

The CLIENT agrees, to the fullest extent permitted by law, to waive all claims and causes of action against TKDA and anyone for whom TKDA may be legally liable, for claims by CLIENT or its contractors for delay or additional compensation relating to the identification, removal, relocation, or restoration of utilities, or damages to underground improvements resulting from subsurface penetration locations established by TKDA.

PROPOSAL FOR APPRAISAL SERVICES

To: City of Baxter

Subject Property: Baxter Town Center

Owner: Evangelical Lutheran Good Samaritan

My quote to complete a before and after, narrative appraisal report, for the above captioned property is:

\$3,500.00

Following completion of the appraisal, if called upon to provide trial preparation, and/or any court appearance, additional fees would be incurred.

Bill Ludenia
Bill Ludenia Appraisals, Inc.
21196 Moody Lane
Brainerd, MN 56401
218.851.3612
Ludenia@brainerd.net

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-066**

**RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT NAMED “FIRST ADDTION
TO VAUGHANS LOTS” TO REPLAT AN OUTLOT INTO A BUILDABLE LOT FOR
DEVELOPMENT OF TWO, FOUR UNIT RENTAL BUILDINGS LOCATED AT THE
NORTHEAST CORNER OF BAXTER LIONS DRIVE AND ART WARD DRIVE
(City File # 2016-017)**

WHEREAS, Diversified Construction (“the applicant”) has requested approval of a preliminary and final plat on property located at the Northeast corner of Baxter Lions Drive and Art Ward Drive, legally described as follows:

OUTLOT A, VAUGHANS LOTS, CROW WING COUNTY, MINNESOTA

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on July 12, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 2016 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request to approve a preliminary and final plat, based on the finding that the standards in Title 11 of the Baxter Subdivision Ordinance are met. Specifically:

1. The subdivision does not landlock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
2. The subdivision does not fall within the corridors of planned or proposed street as shown upon the official map or approved area plans; and
3. The subdivision does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

FURTHER BE IT RESOLVED that the following conditions of approval shall be met:

1. The approval of the preliminary and final plat is based on the application and plans received June 20, 2016 and revised plans received on June 29, 2016, except as may be amended by this resolution.
2. **Prior to recording the plat**, the applicant shall:
 - a. Submit plat recording checklist items as reviewed and approved by city staff.
 - b. Pay the required park dedication fee at the City’s rate at the time of payment. The City’s current park dedication fee for the 8-unit development is \$14,400.

3. A building permit is required prior to beginning any new construction.
4. No building permits shall be issued until the final plat, agreements, and easements are filed and recorded with Crow Wing County.
5. **Prior to issuance of a building permit for the office building**, the applicant shall:
 - a. Enter into and record an approved development agreement.
 - b. Provide a plan for an fully opaque trash enclosure to be reviewed and approved by City staff.
 - c. Provide a landscape plan in compliance with the City's landscape requirements.
 - d. Submit and receive approval of an architectural review application for the buildings and garages.
 - e. Provide compliance with zoning review items related to the development plan.
6. Silt fence shall be installed as needed to prevent erosion from entering streets.
7. All ground and rooftop mechanical equipment shall be fully screened from adjacent properties or right-of-way.
8. The final plat approval shall expire two years from of the date of this approval unless the applicant has recorded the plat or requested an extension in writing.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-067**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW TWO PRINCIPAL
BUILDINGS ON ONE LOT TO CONSTRUCT TWO, FOUR UNIT RENTAL BUILDINGS
LOCATED AT THE NORTHEAST CORNER OF BAXTER LIONS DRIVE AND ART WARD
DRIVE (CITY FILE 16-017)**

WHEREAS, Diversified Construction ("the applicant") has requested approval of conditional use permit on property legally described as follows:

OUTLOT A, VAUGHANS LOTS, CROW WING COUNTY, MINNESOTA

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on July 12, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 2016 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request for a conditional use permit to allow two principal structures on one lot for two, four unit rental buildings.

FURTHER BE IT RESOLVED, that the following conditions of approval shall be met:

1. The conditional use permit is for two principal structures on one lot is based on the application and plans received on June 20, 2016 and revised plans received on June 29, 2016, except as amended by this resolution and based on the finding that all applicable conditional use permit standards have been met.
2. This conditional use permit is contingent on approval separate approval of the preliminary and final plat to replat the outlot into a buildable lot.
3. A conditional use permit amendment and re-plat of the subject property is required for any of the units to change from rental to owner-occupied units.
4. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use to complete the required improvements.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-068**

RESOLUTION APPROVING CONDITIONAL USE PERMIT TO ALLOW A NONCONFORMING STRUCTURE ON A RIPARIAN LOT TO BE ENLARGED AND VARIANCES TO ALLOW A NONCONFORMING USE TO BE ENLARGED TO OCCUPY A GREATER AREA OF LAND WITHIN THE REQUIRED 100-FOOT SETBACK AND TO ALLOW AN ADDITION TO ENCROACH 17 FEET INTO THE 100-FOOT SETBACK TO THE MISSISSIPPI RIVER FOR PROPRTY LOCATED AT 12464 CAMWOOD TRAIL (CITY FILE NUMBER 16-19)

WHEREAS, Peter and Julie Henry (“the applicant”) have requested approval of a conditional use permit and variances for property legally described as follows:

PART OF GL 3 SEC 17 DESC AS FOL: COMM AT THE NW COR OF SD GL 3 THEN N 87D 16'38" E ASSM BEAR 682.16FT ALG THE N LINE OF SD GL 3 TO THE E LINE OF THE W 16FT OF THE E 1/2 OF SENW OF SD SEC 17 THEN S 0D 18'3" E 80FT ALG THE S'LY EXT OF SD E LINE THEN SW'LY 99.34FT ALG A TANG CURVE CONCAVE TO THE NW C/A 41D 56'4" RAD 135.74FT THEN S 41D 38'1" W ALG TANG 371.44FT THEN SW'LY 230FT ALG A TANG CURVE CONCAVE TO THE NW C/A 22D 27'13" RAD 586.9FT TO THE POB OF THE TRACT TO BE DESC THEN SW'LY 115FT CONT ALG SD CURVE C/A 11D 13'36" RAD 586.9FT THEN S 6D 14'57" E NOT TANG TO LAST DESC CURVE 371FT M/O/L TO THE SHORE OF THE MISSISSIPPI RIVER THEN NE'LY ALG SD SHORE TO THE LINE BEAR S 13D 59'39" E FROM THE POB THEN N 13D 59'39" W 336FT M/O/L TO THE POB. WITH AN ESMNT OF REC.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on July 12, 2016 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 2016 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request for a conditional use permit and variances, subject to the following findings and conditions:

1. The conditional use permit allows for a legal nonconforming structure on a riparian lot to be enlarged, in accordance with the application and plans received by the city on June 20, 2016, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.
2. The variance allows a nonconforming use to be enlarged to occupy a greater area of land within the required 100 foot setback to the Mississippi River, in accordance with the

application received by the city on June 20, 2016, except as may be amended by this resolution, based on the finding that all applicable variance standards have been met.

3. The variance allows a four-season porch addition to be constructed in place of the current deck within the required setback to the Mississippi River. The variance allows the addition to encroach 17 feet into the 100-foot setback to be 83 feet from the Ordinary High Water Level, in accordance with the application and plans received by the city on June 20, 2016, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.
4. The exterior building materials for the addition shall match the exterior building materials of the existing home.
5. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use and completes the required improvements.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July, 2016

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-069**

**RESOLUTION DENYING VARIANCE REQUESTS FOR FRONT YARD AND REAR YARD
SETBACKS FOR A NEW HOME ON A VACANT LOT LEGALLY DESCRIBED AS LOT 8,
BLOCK 2, 2ND ADDN TO PAIGE & BLAIR DEVELOPMENT**

WHEREAS, Mike Kloss has requested approval of variances to allow a 3.3 foot reduction from the front yard setback from Fairfax Court and a 3 foot reduction from the rear yard setback on property legally described as follows:

Lot 8, Block 2, 2nd Addition to Paige & Blair Development, Baxter, Minnesota

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on July 12, 2016 and recommends denial, and;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does deny the request for variances, based on the finding that the variance in Minnesota Statutes §462.357. Subd. 6.2 are not met. Specifically:

1. There are no practical difficulties as defined by the statute and does not meet all three needed factors of practical difficulty (reasonableness, uniqueness and essential character). There are no topographic conditions that necessitate the variance and conditions were created by the applicant. Furthermore, the lot is large enough to allow construction of a home without a variance.
2. The conditions are not unique to the parcel of the land. The applicant cannot meet the statutory requirement that the uniqueness test is based on the physical characteristics of the particular piece of property and economic considerations alone cannot create practical difficulties. There is an inconvenience to the homeowner in that he cannot build the desired home. Staff finds that a reasonable home can be built on site in compliance with the ordinance.
3. The variance would not be in harmony with the general purposes and intent of the ordinance because it would allow a structure setback inconsistent with the zoning ordinance when the opportunity to construct a home within the required setbacks exists.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-070**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR FORESLAND
CONVERSION TO ALLOW TREE CLEARING ON PROPERTY LOCATED BETWEEN
HOMESTEAD DRIVE AND ISLE DRIVE (CITY FILE 16-020)**

WHEREAS, Michael O'Donnell ("the applicant") has requested approval of conditional use permit on property legally described as follows:

OUTLOT A, PERCH LAKE ESTATES, CROW WING COUNTY, MINNESOTA

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on July 12, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 2016 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request for a conditional use permit for Forestland Conversion to allow tree clearing.

FURTHER BE IT RESOLVED, that the following conditions of approval shall be met:

1. The conditional use permit allows tree clearing based on the application received by the City on July 5, 2016 and plans received by the City on June 29, 2016, except as amended by this resolution and based on the finding that all applicable conditional use permit standards have been met.
2. A grading permit is required prior to any work on site.
3. **Prior to the issuance of a grading permit, the applicant shall:**
 - a. Submit and receive approval of a formal Stormwater Pollution Prevention Plan.
 - b. Submit and receive approval of permits from BSWR and the Corp. of Engineers for wetlands.
4. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use to complete the required improvements.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal