



## ITEM REPORT CITY COUNCIL

Agenda Date: 8/20/2024  
Agenda Section: Consent Agenda

**Department Origination:** Public Works

**Agenda Item:** Approve the BNSF Invoice 90271495 in the amount of \$2,362.50 for the 2022 TH 210 and Inglewood Drive Improvements Project, City Improvement No. 4121

**Approval Required:** Simple Majority Vote

### **BACKGROUND**

As part of the 2022 TH 210 and Inglewood Drive Improvements Project the City of Baxter and BNSF Railway Company entered into a Grade Crossing Construction and Maintenance (C & M) Agreement that is effective as of June 1, 2022. The C & M Agreement covers railway crossing improvements to be constructed by BNSF and billed to the City of Baxter.

The C & M agreement includes cost estimates for the material and labor BNSF will provide for the surface crossing and the railway signal. The surface crossing is estimated to cost \$104,918 and the railway signal \$453,259.

Invoice 90271495 includes shipping cost of construction crossing material related to the surface crossing. BNSF has indicated due to supply chain issues they utilized crossing top material on hand and their supplier has now provided that material identified for the Inglewood Drive project to replenish their stock.

Article 1-5 of the C & M Agreement states:

During the construction of the Project, BNSF will send Agency progressive invoices detailing the costs of the railroad work performed by BNSF under this Agreement. Agency must reimburse BNSF for completed force-account work within thirty (30) days of the date of the invoice for such work. Upon completion of the Project, BNSF will send Agency a detailed invoice of final costs, segregated as to labor and materials for each item in the recapitulation shown on Exhibit D.

BNSF Invoice 90271495 is presented in the amount of \$2,362.50. The city previously approved invoice 90244560, 90246233, and 90266369 in the amount of \$112,431.02 related to the Inglewood Drive surface crossing. Invoice 90271495 will bring the surface crossing cost to a total of \$114,793.52 or 109% of the estimated surface crossing cost of \$104,918. The surface crossing cost estimate consists of a labor component, material component, and miscellaneous cost.

### **FINANCIAL IMPLICATIONS**

BNSF Invoice 90271495 is presented in the amount of \$2,362.50. Further broken down the invoice includes the following relative to the estimate labor, material, and miscellaneous costs.

	Invoice 90271495	Invoices to Date (Surface Crossing)	C & M Agreement Estimate	% Of C & M Estimate
Labor Cost	\$0.00	\$49,905.27	\$36,843	135%
Material Cost	\$0.00	\$59,464.41	\$58,635	101%
Misc. Cost	\$2,362.50	\$5,423.84	\$9,440	57%
<b>Total:</b>	<b>\$2,362.50</b>	<b>\$114,793.52</b>	<b>\$104,918.00</b>	<b>109%</b>

**STAFF RECOMMENDATIONS**

The Utilities Commission and Staff have no concerns with the work completed and recommend payment of BNSF Invoice 90271495 in the amount of \$2,362.50 for the 2022 TH 210 and Inglewood Drive Improvements Project, City Improvement No. 4121

**COUNCIL ACTION REQUESTED**

**MOTION** to approve the BNSF Invoice 90271495 in the amount of \$2,362.50 for the 2022 TH 210 and Inglewood Drive Improvements Project, City Improvement No. 4121.