



CITY COUNCIL MEETING MINUTES

Tuesday, March 19, 2024 at 7:00 PM

Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

CALL TO ORDER

Mayor Olson called the meeting to order at 7:00 p.m.

ROLL CALL

Mayor Darrel Olson and Council Members Connie Lyscio, Zach Tabatt, Jeff Phillips, and Mark Cross were present.

City Administrator Brad Chapulis, Assistant City Administrator Kelly Steele, Public Works Director Trevor Walter, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, and Police Chief Jim Exsted were present.

PLEDGE OF ALLEGIANCE

All joined Mayor Olson in reciting the Pledge of Allegiance

PRESENTATIONS

None.

ADDITIONS OR CHANGES TO THE AGENDA

None.

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

None.

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:*

1. Approve City Council Work Session Minutes from March 6, 2024
2. Approve City Council Minutes from March 6, 2024
3. Approve the Payment of Bills and Finance Report (Addendum A)
4. Approve Appointment to the Seasonal Position of Park Attendant
5. Approve Temporary Liquor License Amendment to Jack Pine Brewery for Four Events to be Held in 2024
6. Accept the Utilities Commission Minutes from March 7, 2024

7. Accept the Modified Quote from MNL, Inc. in the Amount of \$119,342.30 for the Whiskey Creek Planting Plans Project
8. Approve the HR Green, Inc. Contract Amendment in the amount of \$14,410.00 for the Whiskey Creek Stormwater Improvements Project, Municipal Project Number 200292 in the not to exceed total contract amount of \$446,379.00.
9. Approve JR Ferche Inc. Change Order No. 5 in the Increased Amount of \$212,493.37 for the Whiskey Creek Stormwater Improvements Project and amend the Whiskey Creek stormwater budget in the Stormwater Enterprise Fund for the additional amount of \$214,103.57.
10. Accept the ASTECH Corporation bid in the amount of \$567,128.49 for the 2024 Micro Surfacing Project and Amend the Budget in the Increased Amount of \$105,128.49 for a Total Revised Budget of \$605,128.49
11. Approve the BNSF Invoice No. 90264191 in the amount of \$128.74 for the 2023 Commercial and Residential Full Depth Reclamation and Quiet Zone Improvements project
12. Approve the Anderson Brothers Construction Change Order No. 4 in the increased amount of \$112,568.63 and Amend the Project Budget by the Increased Amount of \$125,949.63 for the 2023 Commercial and Residential Full Depth Reclamation and Quiet Zone Improvements Project
13. Approve SEH Fee Amendment No. 1 in the Not To Exceed Amount of \$128,731.00 for Additional Design Phase and Right of Way Support Services for the 2024 South Forestview Improvements Project
14. Approve the SEH Construction Phase Services Contract in the Not to Exceed Amount of \$800,000.00 for the 2024 South Forestview Improvements project
15. Approve Shawn Fletcher Trucking, Inc. Invoice No. 35088 in the amount of \$17,040.00 for Winter Tree Clearing related to the 2024 South Forestview Area Improvements
16. Accept Quality Flow Equipment Proposal for Lift Station 15 Control Panel, Pumps, Accessories and Hatches in the amount of \$57,400.
17. Approve Plans and Specifications and Authorize Advertisement for Bids for the Lift Station No. 15 Reconstruction Project
18. Approve plans and authorize obtaining quotes for the Whiskey Creek Pedestrian Bridge Rehabilitation Project
19. Move the Clearwater Road Utility and Roadway Improvements from 2025 to 2026 and Combine the Project with the 2026 North Lynndale Area Improvements Project.
20. Approve the Crow Wing County Construction Cost Share Agreement for Roadway Pavement Markings on Various City of Baxter Streets – Project No. CP 18-200-143 in the Estimated Amount of \$40,892.08
21. Approve the WiDSETH Agreement for Professional Engineering Services for the 2024 Whipple Beach Recreational Area CAMP in the Not to Exceed Amount of \$15,500 and Amend the 2024 Capital Park Improvements Expenditure

22. Approve the WiDSETH Agreement for Professional Engineering Services for the 2024 Oscar Kristofferson and Loren Thompson Parks Updated CAMP in the Not to Exceed Amount of \$3,000.00
23. Approve Permit for Retail Sales of Fireworks for Cub Foods, Target, and Walmart for the period of May 1, 2024 through April 30, 2025.
24. Accept the March 12, 2024 Planning Commission Meeting Minutes
25. Adopt Resolution 2024-023 approving a rear yard setback for property located at 14467 Blackberry Court

MOTION by Council Member Tabatt, seconded by Council Member Lyscio to approve the Consent Agenda. Motion carried unanimously.

PULLED AGENDA ITEMS

Council Member Tabatt asked to pull item 18 Approve plans and authorize obtaining quotes for the Whiskey Creek Pedestrian Bridge Rehabilitation Project to look further into the agenda item as the council discussed the cost overruns for the Whiskey Creek project during the work session.

Public Works Director Walter explained during the construction of the Whiskey Creek project it was noticed the bridge was in need of repairs. Widseth reviewed the bridge and determined new concrete abutments and a deck would be needed. City staff can repair the bridge deck, but we would need to contract out the concrete work. The repairs were not budgeted this year, so staff would like to get quotes for the work be considered for the 2025 budget.

Council Member Tabatt inquired if the pedestrian bridge is needed for the Whiskey Creek project.

Public Works Director Walter explained the bridge is for the perimeter of the maintenance road that goes around the new wetland and that the bridge serves an important purpose to the overall goals of the project.

MOTION by Council Member Tabatt, seconded by Council Member Phillips to Approve plans and authorize obtaining quotes for the Whiskey Creek Pedestrian Bridge Rehabilitation Project. Motion carried unanimously.

OTHER BUSINESS

26. Adopt Resolution 2024-025 Adopting Assessment for the 2024 South Forestview Area Improvements Project, Municipal Project No. 4138

Council Member Cross inquired if the council should hold off on taking action until the assessment committee makes a recommendation.

Public Works Director Walter explained the assessment roll is in the packet and bids were opened and bids were very favorable, the assessment hearing was held last week, and three property owners submitted objections. The committee met last week to discuss objections from the two property owners.

City Administrator Chapulis explained although the assessment committee did not make a recommendation, the council does have the authority to move forward with the project and adopt the assessment roll. The council can take action tonight or allow the assessment committee more time to consider the appeals. If the council does take action on adopting the assessment roll tonight, the assessments for the appeals can still be adjusted.

Council Member Cross explained he and Council Member Lyscio believe how the lots were proposed are not practical for the neighborhood and that city staff are of the technical opinion.

City Administrator Chapulis explained the city is covering approximately 65% of each ERU.

MOTION by Council Member Cross, seconded by Council Member Lyscio Adopt Resolution 2024-025 Adopting Assessment for the 2024 South Forestview Area Improvements Project, Municipal Project No. 4138 and change the assessments to 1 ERU for 11679 River Vista Drive and 11716 River Vista Drive. Council Members Lyscio, Phillips and Cross and Mayor Olson voted yes, and Council Member Tabatt abstained. Motion carried.

27. Adopt Resolution 2024-024 Accepting Bid and Awarding Contract to RL Larson Excavating, Inc. for the 2024 South Forestview Area Improvements Project, Municipal Project No. 4138

Neil Heinonen, with SEH, explained the assessment hearing was held on March 14th and staff recommends moving forward with awarding the project.

MOTION by Council Member Cross, seconded by Council Member Phillips to Adopt Resolution 2024-024 Accepting Bid and Awarding Contract to RL Larson Excavating, Inc. for the 2024 South Forestview Area Improvements Project, Municipal Project No. 4138. Motion carried unanimously.

28. Adopt Ordinance 2024-006 Repealing and Replacing Title 8, Chapter 2 "Sewer Use and Service" of the Baxter City Code

Public Works Director Walter explained Bob Stark, with SEH, has prepared the proposed amendment. Unfortunately, Mr. Stark was unable to attend tonight's meeting. The proposed amendment considers all of the new limits of the plant and significant industrial users.

MOTION by Council Member Lyscio, seconded by Council Member Tabatt Adopt Ordinance 2024-006 Repealing and Replacing Title 8, Chapter 2 "Sewer Use and Service" of the Baxter City Code. Motion carried unanimously.

29. Adopt Enforcement Response Plan for the Industrial Pretreatment Program

Public Works Director Walter explained this is the enforcement plan that had to be prepared as part of the ordinance and the plan needs to be submitted to the MPCA.

MOTION by Council Member Tabatt, seconded by Council Member Lyscio Adopt Enforcement Response Plan for the Industrial Pretreatment Program. Motion carried unanimously.

30. Adopt "Permit (RE)-Issuance Application for Discharge of Industrial Wastewater to the Baxter Collection System" Form

Public Works Director Walter explained this is the permit a Baxter industrial user would have to complete if an industrial user in the city falls under the requirements. At a future council meeting, the council will have to amend the fee schedule to include the fees from the ordinance and this application.

MOTION by Council Member Cross, seconded by Council Member Phillips Adopt "Permit (RE)-Issuance Application for Discharge of Industrial Wastewater to the Baxter Collection System" Form. Motion carried unanimously.

31. Accept Pretreatment Authority Letter for the Wastewater Treatment Plant Delegation

Public Works Director Walter explained this agenda item is a requirement of the MPCA in order to do the pretreatment delegation requirements.

MOTION by Council Member Tabatt, seconded by Council Member Lyscio Accept Pretreatment Authority Letter for the Wastewater Treatment Plant Delegation. Motion carried unanimously.

32. Approve the Memorandum of Understanding for Pretreatment Delegation of the City of Brainerd Wastewater Treatment Plant

Public Works Director Walter explained an agreement between Baxter and Brainerd is needed to handle the operation of the wastewater treatment plant and this agreement is tied to the 2007 capacity rights agreement. The city of Brainerd has approved the agreement. Brainerd Public Utilities still needs to approve the agreement. The agreement needs to be submitted to the MPCA by March 29th.

MOTION by Council Member Lyscio, seconded by Council Member Tabatt to Approve the Memorandum of Understanding for Pretreatment Delegation of the City of Brainerd Wastewater Treatment Plant. Motion carried unanimously.

COUNCIL COMMENTS

33. Connie Lyscio – Council Member Lyscio explained a committee selection member of the 2024 Distinguished Women Hall of Fame has extended an invitation to council and staff to attend the ceremony on March 21.
34. Zach Tabatt – Council Member Tabatt recommended the city review the terms of engineering contracts more closely.
35. Jeff Phillips – No comment.
36. Mark Cross – No comment.
37. Darrel Olson – No comment.

CITY ADMINISTRATOR'S REPORT

City Administrator Chapulis explained he would like to identify dates for a council retreat. The council consensus was a fourth Tuesday evening would work best for a retreat. City Administrator Chapulis will send the council an email with possible dates.

City Administrator Chapulis reminded the council of the special utilities commission meeting scheduled for Wednesday night at 5:30 p.m. to discuss the entire water system. All council members are invited to attend the meeting.

CITY ATTORNEY'S REPORT

None.

ADJOURN

MOTION by Council Member Lyscio, seconded by Council Member Cross to adjourn at 7:47 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator