



# CITY COUNCIL MEETING AGENDA

Wednesday, November 06, 2024 at 7:00 PM  
Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

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## CALL TO ORDER

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## PRESENTATIONS

## ADDITIONS OR CHANGES TO THE AGENDA

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

**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 October 15, 2024
2. Approve City Council Minutes from October 15, 2024
3. Approve the Payment of Bills and Finance Report (Addendum A)
4. Approve Temporary Liquor License for Jack Pine Brewery for Temporary Liquor Sales on November 16, 2024 at the Northland Arboretum
5. Appoint Lance Herbst to the Assistant Police Chief Position at Grade 17, Step 7 of the Non-Union Employee Schedule and Authorize Staff to Commence the Process to Fill the Sergeant Position.
6. Approve the CCS Contracting, Inc. Change Order 1 in the amount of \$12,710.96 for the Lift Station No. 15 Reconstruction project
7. Approve the CCS Contracting, Inc. Pay Estimate 2 in the amount of \$48,390.96 for the Lift Station No. 15 Reconstruction project
8. Approve PFM Proposal to Develop CIP Cashflow Models and Financing Options
9. Adopt Ordinance 2024-016 approving amendments to the City Code to restrict Camping

## PULLED AGENDA ITEMS

## OTHER BUSINESS

10. Adopt Resolution No. 2024-089 Amending Resolution No. 2024-081 to Correct Title of and Date of Receipt for Feasibility Report for the 2025 Commercial Full Depth Reclamation Improvements Project, Municipal Project No. 4425

**COUNCIL COMMENTS**

11. Connie Lyscio
12. Zach Tabatt
13. Jeff Phillips
14. Mark Cross
15. Darrel Olson

**CITY ADMINISTRATOR'S REPORT**

**CITY ATTORNEY'S REPORT**

**ADJOURN**



REQUEST FOR ACTION  
CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Consent Agenda

**Department Origination:** Administration

**Agenda Item:** Approve City Council Work Session Minutes from October 15, 2024

**Approval Required:** Simple Majority Vote

**BACKGROUND**

The meeting minutes from the October 15, 2024 city council work session have been prepared.

**FINANCIAL IMPLICATIONS**

**STAFF RECOMMENDATIONS**

Staff recommends the city council approve the meeting minutes.

**COUNCIL ACTION REQUESTED**

Motion to approve the city council work session minutes from October 15, 2024.



# CITY COUNCIL WORK SESSION MINUTES

Item 1.

Tuesday, October 15, 2024 at 6:00 PM

Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

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## CALL TO ORDER

Mayor Olson called the meeting to order at 6:00 p.m.

## ROLL CALL

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

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

## BUSINESS ITEMS

1. CIP/Pavement Management Plan/Assessment Policy Discussion  
Assistant City Engineer Thompson presented the capital improvement plan, pavement management plan, and assessment policy discussion. This discussion included the pavement management plan objectives, pavement management plan history, street and utility projects, and the plan implementation.

Street and utility projects are planned to be completed every other year. The proposed future schedule is:

- 2026 – North Lyndale and Clearwater Road area, and Brentwood Circle (water only)
- 2028- Jadewood and Jewelwood area and Olivewood Drive area
- 2023- Ashely Road, Welton Road, Baywood Road, Black Oak Road, and Spring Wood Drive
- 2032 – Eagle Ridge area

The city wide average PASER rating is one matrix to review the city’s street system as a whole, however it is staff’s recommendation that it should not be used for determining improvements or goals. The PMP should be used to guide the improvement that will provide the greatest value over the life of a street and should be reviewed on a per street basis.

The PASER rating system has been a valuable resource, but completing the rating every three years does not provide as much data as if the ratings were completed every two years. The current three rotation will have a rating completed in 2025. Staff recommends the following ratings be completed in 2027. The financial implication associated with implementing a two-year rotation would be approximately \$7,500 per two years versus three years.

The city continues to follow the PMP as it related to PASER ratings and improvements, however the timeline associated with the improvements has been expedited or in certain situations has resulted in bypassing a mill and overlay and performing a full depth reclamation

Staff recommends continuing to implement the current PMP and make adjustments based on results observed from micro surfacing.

The council would like staff to provide a cost benefit analysis for providing city water and sewer to the proposed neighborhoods as some of the neighborhoods are sparsely populated.

City Administrator Chapulis explained this item will be brought forward again for further council discussion in November.

**ADJOURN**

**MOTION** by Council Member Cross, seconded by Council Member Phillips to adjourn at 6:46 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

\_\_\_\_\_  
Darrel Olson  
Mayor

\_\_\_\_\_  
Kelly Steele  
Assistant City Administrator



REQUEST FOR ACTION  
CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Consent Agenda

**Department Origination:** Administration

**Agenda Item:** Approve City Council Minutes from October 15, 2024

**Approval Required:** Simple Majority Vote

**BACKGROUND**

The meeting minutes from the October 15, 2024, City Council meeting have been prepared.

**FINANCIAL IMPLICATIONS**

**STAFF RECOMMENDATIONS**

Staff recommends the city council approve the meeting minutes.

**COUNCIL ACTION REQUESTED**

Motion to approve the City Council Minutes from October 15, 2024.



# CITY COUNCIL MEETING MINUTES

Item 2.

Tuesday, October 15, 2024 at 7:00 PM

Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

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## CALL TO ORDER

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

## ROLL CALL

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

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

Dave Lange, 13838 Cherrywood Drive, explained he has been keeping track of pavement jobs in the area. The Glenwood Drive roadway doesn't appear to have a cold mix and it was not up to temperature. The road is a mess and should be under warranty.

**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 October 1, 2024
2. Approve City Council Minutes from October 1, 2024
3. Approve the Payment of Bills and Finance Report (Addendum A)
4. Accept the Utilities Commission Minutes from October 2, 2024
5. Approve ASTECH Pay Estimate No. 2 in the amount of \$94,028.91 for the 2024 Micro Surfacing Project

6. Accept the 2024 Water CAMP Report
7. Approve the Thein Well Company Change Order No. 2 in the Increased Amount of \$7,450.50 for the 2024 Well Rehabilitation Project
8. Approve the Traut Companies Change Order No. 1 in the Increased Amount of \$23,492.50 for Additional Well Exploration Services related to the 2024 Well Replacement Exploration
9. Approve the Anderson Brothers Construction Company of Brainerd, LLC Partial Pay Estimate No. 11 in the amount of \$99,923.35 for the 2023 Commercial and Residential Full Depth Reclamation and Quiet Zone Improvements Project
10. Approve the RL Larson Excavating, Inc. Change Order No. 6 in the increased amount of \$19,162.66 and extend the Final Completion Date to July 11, 2025 for the 2024 South Forestview Improvements Project, Municipal Project No. 4138
11. Approve RL Larson Excavating, Inc Partial Pay Estimate No. 6 in the amount of \$698,703.87 for the 2024 South Forestview Area Improvements Project, Municipal Project No. 4138
12. Approve the Knife River Corporation – North Central Change Order No. 5 in the Increased Amount of \$27,290.39 for the 2024 Mill & Overlay and Full Depth Reclamation Improvements Project, Municipal Project Number 4424
13. Approve the Knife River Corporation – North Central Partial Pay Estimate No. 5 in the amount of \$777,280.94 for the 2024 Mill & Overlay and Full Depth Reclamation Improvements Project, Municipal Project Number 4424
14. Approve the Widseth Agreement for Professional Engineering Services in the Not to Exceed Amount of \$9,950 for the 2028 Olivewood Drive, Jadewood Drive and Jewelwood Drive Area Improvements Feasibility Report
15. Approve the Widseth Agreement for Professional Engineering Services in the Not to Exceed Amount of \$8,500 for the 2030 Welton Road Area Improvements Feasibility Report
16. Adopt Resolution No. 2024-082 to Enter into the Cooperative Construction Agreement with MnDOT and City of Baxter and Crow Wing County for SP 1805-81
17. Approve the Trade-ins of 2005 Toro 3500-D Groundmaster and 2003 John Deere 1445 Mowers and Purchase of the 2023 John Deere Z950M Mower from Midwest Machinery Co.
18. Adopt Resolutions 2024-085 & 2024-086 Approving the Reassessment of PID 40070529 and a Compromise Agreement / Settlement Stipulation between Baxter PS 2016 LLC and the City related to the 2024 Mill & Overlay and Full Depth Reclamation and Reconstruction Improvements Project, Municipal Project Number 4424
19. Accept Planning Zoning Commission Minutes from October 8, 2024
20. Accept Donation from the Greater Lakes Association of Realtors for a Community Entrance Kiosk Map on Paris Road



21. Adopt Ordinance 2024-015 and Resolutions 2024-083 and 2024-084 approving a Zoning Ordinance Text Amendment to allow columbaria as a conditional use accessory to a religious institution and a conditional use permit to allow a columbarium at 6190 Fairview Road
22. Authorize Contract Execution for Employee Dental Insurance Renewal with Delta Dental Pathfinder 6 Plan
23. Authorize Contract Execution of Lincoln Financial Life and Disability Insurance Coverage for Sourcewell Ancillary Programs
24. Renew the Sourcewell Health Insurance Contract for 2025 with Blue Cross Blue Shield and Authorize Contract Execution
25. Authorize Execution of a Contract with USICG (formerly Hildi Inc.) to Provide a Required Other Post-Employment Benefits Actuarial Valuation Study in Conjunction with GASB 75
26. Adopt Resolution 2024-087 to Remove the Assessment on Parcel 40120511 of the 2024 Mill and Overlay and Full Depth Reclamation Project, City Project No. 4424
27. Approve 2025 Delayed Payment of Tax on Special Assessments for Applicants with Eligible Hardships
28. Approve Revision to the Hardship Deferral Criteria of the Special Assessment Policy
29. Approve Conditional Hire of Dan Lasher as Patrol Officer
30. Approve Conditional Hire of Justin Thesing as Patrol Officer

**MOTION** by Council Member Cross, seconded by Council Member Lyscio to approve the consent agenda. Motion carried unanimously.

#### **PULLED AGENDA ITEMS**

None.

#### **OTHER BUSINESS**

31. Adopt Resolution No. 2024-080 Ordering Preparation of Report for the 2025 Commercial Full Depth Reclamation Improvements Project Municipal Project No. 4425

Alex Bitter, Widseth, explained the project area is Audubon Way, Edgewood Drive (north of Novotny Road to CSAH 77). Lake Forest Road and Whispering Woods Lane (west of Pearl Drive, extending 175' to the east).

The total estimated project cost is \$3,160,898. The benefiting assessable project cost is \$2,249,268 and the estimated city cost is \$911,630.

The improvement hearing is scheduled to be held on November 7, 2024.

Council members questioned the PASER ratings of the proposed streets and if improvements are needed at this time.

Public Works Director Walter explained that at times the improvements are driven by other factors such as striping, inflow and infiltration issues, and not wanting staff to patch a busy segment of roadway.

- 32. Adopt Resolution No. 2024-081 Receiving Revised Feasibility Report and Calling the Improvement Hearing for the 2025 Commercial Full Depth Reclamation Improvements Project Municipal Project No. 4425

**MOTION** by Council Member Lyscio, seconded by Council Member Tabatt to Adopt Resolution No. 2024-080 Ordering Preparation of Report for the 2025 Commercial Full Depth Reclamation Improvements Project Municipal Project No. 4425 and Adopt Resolution No. 2024-081 Receiving Revised Feasibility Report and Calling the Improvement Hearing for the 2025 Commercial Full Depth Reclamation Improvements Project Municipal Project No. 4425. Motion carried unanimously.

**COUNCIL COMMENTS**

- 33. Connie Lyscio – Explained tomorrow is national boss day and thanked Mayor Olson for his leadership.
- 34. Zach Tabatt – No comment.
- 35. Jeff Phillips – No comment.
- 36. Mark Cross - No comment.
- 37. Darrel Olson - No comment.

**CITY ADMINISTRATOR'S REPORT**

City Administrator Chapulis explained the first council meeting in November has been moved to Wednesday, November 6<sup>th</sup> due to the General Election being held on Tuesday.

**CITY ATTORNEY'S REPORT**

No report.

**ADJOURN**

**MOTION** by Council Member Cross, seconded by Council Member Lyscio to adjourn at 7:27 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

\_\_\_\_\_  
Darrel Olson  
Mayor

\_\_\_\_\_  
Kelly Steele  
Assistant City Administrator



REQUEST FOR ACTION  
CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Consent Agenda

**Department Origination:** Finance

**Agenda Item:** Approve the Payment of Bills and Finance Report (Addendum A)

**Approval Required:** Simple Majority Vote

**BACKGROUND**

Attached is the November 6, 2024 Addendum A to approve the checks and October ACH transactions for the City of Baxter.

**FINANCIAL IMPLICATIONS**

Claims totaling \$861,310.07 on Addendum A will be paid.

**STAFF RECOMMENDATIONS**

Finance Director Vacinek recommends approval of Addendum A to pay outstanding claims presented for payment for the City of Baxter.

**COUNCIL ACTION REQUESTED**

Approve the payment of bills and finance report (Addendum A)

ACCOUNTS PAYABLE  
BLANKET APPROVAL DOCUMENT  
WARRANT REQUEST DATE: 11/06/2024



ADDENDUM A

| LINE | VENDOR NAME                               | AMOUNT    |
|------|---|-----------|
| 1    | ACE HARDWARE                              | 28.78     |
| 2    | LANDWERX LLC                              | 270.00    |
| 3    | TAYLOR, DERRICK & RENEE                   | 284.00    |
| 4    | BERNARD C PETERSON                        | 696.00    |
| 5    | HOLDEN ELECTRIC COMPANY INC               | 215.13    |
| 6    | MN DEPT OF LABOR AND INDUSTRY             | 4,679.35  |
| 7    | MN DH DRINKING WATER PROT SECT            | 23.00     |
| 8    | MN DPS BUREAU OF CRIM APPREHENSION        | 600.00    |
| 9    | MORTON SALT                               | 17,702.48 |
| 10   | NAPA AUTO PARTS - BAXTER                  | 168.66    |
| 11   | OFFICE SHOP                               | 125.34    |
| 12   | PIKE PLUMBING AND HEATING OF BRAINERD INC | 699.04    |
| 13   | ACE HARDWARE                              | 4.20      |
| 14   | ACTIVE911 INC                             | 267.75    |
| 15   | AFSCME COUNCIL 65                         | 1,324.40  |
| 16   | AMERICAN DOOR WORKS                       | 881.22    |
| 17   | AMERICAN STEEL INC                        | 28.08     |
| 18   | ANDERSON BROTHERS CONSTRUCTION COMPANY    | 28,158.11 |
| 19   | ASL INTERPRETING SERVICES INC             | 45.09     |
| 20   | AT&T MOBILITY                             | 2,025.41  |
| 21   | AW RESEARCH LABS INC                      | 287.10    |
| 22   | BERNARD C PETERSON                        | 435.00    |
| 23   | BOBCAT OF BRAINERD                        | 86.49     |
| 24   | BOLTON & MENK INC                         | 5,419.00  |
| 25   | BRAINERD CITY OF                          | 30,297.78 |
| 26   | BRAINERD GENERAL RENTAL                   | 667.00    |
| 27   | CARGILL INC                               | 6,798.29  |
| 28   | CENTERPOINT ENERGY                        | 83.39     |
| 29   | CONSOLIDATED TELEPHONE CO - CTC           | 684.29    |
| 30   | DBS RESIDENTIAL SOLUTIONS INC             | 2,564.84  |
| 31   | DELTA DENTAL OF MN                        | 3,489.74  |
| 32   | DIAMOND INDUSTRIAL CLEANING EQUIPMENT     | 297.50    |
| 33   | EMERGENCY AUTOMOTIVE TECHNOLOGIES INC     | 944.67    |
| 34   | FERGUSON WATERWORKS 2518                  | 333.24    |
| 35   | FRANCOTYP-POSTALIA INC                    | 222.00    |
| 36   | FURTHER                                   | 61.50     |
| 37   | GALLS LLC                                 | 81.98     |
| 38   | HACH COMPANY                              | 1,059.38  |
| 39   | HAWKINS INC                               | 684.04    |
| 40   | HOLDEN ELECTRIC COMPANY INC               | 1,680.13  |
| 41   | JOHN HENRY FOSTER MN INC                  | 350.75    |
| 42   | JOSHUA MOSER                              | 990.00    |
| 43   | JP Cooke Company                          | 122.54    |
| 44   | KRIS ENGINEERING INC                      | 4,649.05  |
| 45   | LAKES AREA LOCK AND DOOR INC              | 700.00    |
| 46   | LAND SERVICES CWC - CROW WING COUNTY      | 240.00    |
| 47   | LANDWERX LLC                              | 6,447.50  |
| 48   | LEGACY AUTOMOTIVE LLC                     | 934.45    |
| 49   | LOCATORS & SUPPLIES INC                   | 2,553.62  |

|    |   |            |
|----|---|------------|
| 50 | M R SIGN CO INC                           | 593.71     |
| 51 | MICHAEL R. O'BRIEN                        | 1,803.00   |
| 52 | MIDWEST MACHINERY COMPANY                 | 332.10     |
| 53 | MISSION SQUARE - ICMA 303264              | 200.00     |
| 54 | MOODY'S INVESTORS SERVICE INC             | 20,000.00  |
| 55 | MOTOROLA SOLUTIONS INC                    | 2,980.80   |
| 56 | NAPA AUTO PARTS - BAXTER                  | 39.73      |
| 57 | NCPERS GROUP LIFE INS.                    | 128.00     |
| 58 | NELSON SANITATION & RENTAL INC            | 1,160.00   |
| 59 | OFFICE SHOP                               | 467.08     |
| 60 | ONE WAY CLEANING INC                      | 816.00     |
| 61 | ORTON OIL COMPANY                         | 16,812.30  |
| 62 | PAPER STORM                               | 62.40      |
| 63 | PEOPLE'S SECURITY COMPANY INC             | 32.99      |
| 64 | PIKE PLUMBING AND HEATING OF BRAINERD INC | 3,716.44   |
| 65 | PLUNKETT'S PEST CONTROL INC               | 709.00     |
| 66 | POSTMASTER                                | 3,000.00   |
| 67 | SADUSKY RENOVATIONS INC                   | 1,095.00   |
| 68 | SHORT ELLIOTT HENDRICKSON INC             | 18,885.74  |
| 69 | SIGN SOLUTIONS USA LLC                    | 1,742.30   |
| 70 | STREICHER'S INC                           | 1,921.70   |
| 71 | SUNDGAARD, JOSEPH                         | 74.95      |
| 72 | TEAM LABORATORY CHEMICAL LLC              | 1,290.50   |
| 73 | TIMOTHY PARKER                            | 250.00     |
| 74 | TOSHIBA AMERICA BUSINESS SOLUTIONS        | 46.92      |
| 75 | ULINE INC                                 | 216.15     |
| 76 | VERIZON WIRELESS                          | 675.17     |
| 77 | VISIT BRAINERD                            | 37,810.46  |
| 78 | WASTE MANAGEMENT CORPORATE SERVICES INC   | 664.96     |
| 79 | WATERLY LLC                               | 1,012.50   |
| 80 | WEX BANK                                  | 1,067.80   |
| 81 | WHITE CAP LP                              | 204.95     |
| 82 | WINNERS TROPHY & ENGRAVING LLC            | 50.00      |
| 83 | WRUCK SEWER AND PORTABLE RENTAL LLC       | 240.00     |
| 84 | WSN                                       | 170,551.34 |
| 85 | CCS CONTRACTING INC                       | 48,390.96  |
| 86 | EBSO                                      | 91,251.37  |
| 87 | FEDERAL WITHHOLDING                       | 30,499.17  |
| 88 | MN DEFERRED COMP                          | 6,936.31   |
| 89 | MN WITHHOLDING                            | 6,482.16   |
| 90 | PERA RETIREMENT                           | 31,072.05  |

A/P TOTAL: \$636,677.32

|    |                           |            |
|----|---------------------------|------------|
| 91 | <u>ACH</u>                |            |
| 91 | PAYROLL 21 DIRECT DEPOSIT | 104,723.32 |
| 92 | MN DEPT OF REVENUE        | 11,401.00  |
| 93 | PAYROLL 22 DIRECT DEPOSIT | 108,508.43 |

ACH TOTAL: \$224,632.75

GRAND TOTAL: \$861,310.07



REQUEST FOR ACTION  
CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Consent Agenda

**Department Origination:** Administration

**Agenda Item:** Approve Temporary Liquor License for Jack Pine Brewery for Temporary Liquor Sales on November 16, 2024 at the Northland Arboretum

**Approval Required:** Simple Majority Vote

**BACKGROUND**

The Jack Pine Brewery has applied for a temporary on-sale liquor license to sell alcohol on November 16, 2024 at the Northland Arboretum.

State statutes and city code allow the city to issue a temporary on-sale intoxicating liquor license to specific types of organizations, including certain brewers. The temporary license may be issued to an approved organization for the on-sale of intoxicating liquor in connection with a social event sponsored by the licensee. The license may authorize sales on premises other than premises the licensee owns.

Temporary liquor licenses must be approved by both the city council and the Department of Public Safety, Alcohol Enforcement Division. Upon city council approval of the license, the license will be forwarded to the state for their consideration of approval.

**FINANCIAL IMPLICATIONS**

The cost of administering the issuance of the temporary liquor license is off set by the application fee.

**STAFF RECOMMENDATIONS**

Staff recommends approval of a temporary on-sale intoxicating liquor license issued to Jack Pine Brewery for the November 16, 2024 event at the Northland Arboretum.

**COUNCIL ACTION REQUESTED**

Motion to approve the issuance of a temporary on-sale intoxicating liquor license to Jack Pine Brewery for an event to be held on November 16, 2024 at the Northland Arboretum.



# REQUEST FOR ACTION CITY COUNCIL

Agenda Date: 10/1/2024  
Agenda Section: Consent  
Agenda

**Department** Police  
**Origination:**

**Agenda Item:** Appoint Lance Herbst to the Assistant Police Chief Position at Grade 17, Step 7 of the Non-Union Employee Schedule and Authorize Staff to Commence the Process to Fill the Sergeant Position.

**Approval Required:** Simple Majority Vote

### **BACKGROUND**

Due to Assistant Chief Matt Maier’s appointment to Chief, which takes effect on December 11, 2024, a vacancy was created in the position of Assistant Chief. This non-union position opening was posted internally.

Applications received for the position were scored and interviews were conducted. An offer of employment, conditional upon Council Approval, was extended to Lance Herbst at Grade 17, Step 7 for the non-union employee schedule. The agreed upon start date for Mr. Herbst was set for Wednesday, December 11, 2024.

### **FINANCIAL IMPLICATIONS**

There are no additional financial implications with the Assistant Chief appointment

### **STAFF RECOMMENDATIONS**

Staff and the interview panel recommend the appointment of Mr. Herbst to the Assistant Chief position at Grade 17, Step 7 of the non-union employee pay schedule, effective December 11, 2024.

### **COUNCIL ACTION REQUESTED**

Motion to appoint Mr. Herbst to the Assistant Chief position at Grade 17, Step 7 of the non-union employee schedule.



REQUEST FOR ACTION  
CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Consent Agenda

**Department Origination:** Public Works

**Agenda Item:** Approve the CCS Contracting, Inc. Change Order 1 in the amount of \$12,710.96 for the Lift Station No. 15 Reconstruction project

**Approval Required:** Simple Majority Vote

**BACKGROUND**

The Council awarded the construction contract for the Lift Station 15 Reconstruction Project to CCS Contracting, Inc. on May 21, 2024, for the lump sum bid of \$97,200. The notice to proceed was issued on June 11, 2024. The contract includes reconstruction of the lift station in accordance with the guidance provided in the City’s Lift Station Maintenance Plan.

In accordance with the Article 11 of the Standard General Conditions of the Construction Contract, the contract documents may be amended or supplemented by Change Order. Change Orders amend or adjust contract price or contract times and can be initiated by the Owner or the Contractor.

Change Order No. 1 in the amount of \$12,710.96 includes the following items:

|   |            |
|---|------------|
| Lowering Valve Vault  | \$4,762.41 |
| The valve vault was lowered approximately 5” to match the height of the wetwell and create a level driveway and working surface next to the 32.5’ deep lift station. Work included excavation, cutting down the concrete structure and backfilling/compacting the excavation. |            |

|  |            |
|--|------------|
| Concrete Pad Next to Control Panel   | \$3,700.70 |
| The slope and between the control panel on the wet well and existing electrical ground mounted transformers was too steep to pave in with bituminous and required a formed up concrete pad to make it safe area for staff to operate and maintain the control panel. |            |

|   |          |
|---|----------|
| Vent Pipe Extension   | \$835.70 |
| Per the State Electrical Code, the vent must be located a minimum of 60” from the control cabinet. At the standard 4’ vent pipe height, the required clearance could not be met and the vent pipe needed to be extended vertically. |          |

|   |          |
|---|----------|
| Pipe Supports   | \$454.30 |
| Pipe supports were installed in the valve vault to support the pipe and valves for future maintenance activities. |          |

|   |            |
|---|------------|
| Holden Electric   | \$2,957.85 |
| The following three modifications were completed by Holden Electric at the direction of City Staff: |            |

- Conduit for Antenna Cable: Conduit for the communications antenna was extended to the top of the wood pole closer to the antenna location. This was done to limit interference from the control cabinet and to add additional protection for the antenna cable.



- Relocate Power Meter: The power meter was relocated from the control panel to the wood pole containing the communications antenna and yard light.
- Raise Yard Light: The yard light needed to be raised to avoid conflicts with the vac truck boom operation during lift station maintenance activities. The vac truck boom needs to clear the raised vent pipe which resulted in conflicts with the yard light.

The change order will revise the contract value from \$97,200.00 to \$109,910.96.

Please note, the Change Order was inadvertently omitted from the October Utilities agenda and is being brought directly to Council for action. This is being done to ensure the contract is paid in a timely manner in accordance with the Contract Documents. The Utilities Commission will receive the change order information in the November project update.

#### **FINANCIAL IMPLICATIONS**

The change order revises the construction contract from \$97,200.00 to \$108,605.66. The City budgeted \$236,500 for this project. With this change order, total project cost is estimated to be \$181,310 which is \$55,190 below budget.

#### **STAFF RECOMMENDATIONS**

Staff recommends approval of Change Order 1 in the amount of \$12,710.96.

#### **COUNCIL ACTION REQUESTED**

**Motion** to Approve the CCS Contracting, Inc. Change Order 1 in the amount of \$12,710.96 for the Lift Station No. 15 Reconstruction project.

|   |                           |                  |
|---|---------------------------|------------------|
| Date of Issuance:                           | Effective Date:           | Council Approval |
| Owner: City of Baxter                       | Owner's Contract No.:     |                  |
| Contractor: CCS Contracting, Inc.           | Contractor's Project No.: |                  |
| Engineer: Widseth Smith Nolting             | Engineer's Project No.:   | 2023-12183       |
| Project: Lift Station No. 15 Reconstruction | Contract Name:            |                  |

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

Description: Change In Completion Dates

Attachments: Change Order Summary and attachments

| CHANGE IN CONTRACT PRICE  | CHANGE IN CONTRACT TIMES  |
|---|---|
| Original Contract Price:<br><br><u>\$97,200.00</u>                          | Original Contract Times:<br>Substantial Completion: <u>August 30, 2024</u><br>Ready for Final Payment: <u>September 6, 2024</u><br>days or dates                        |
| Increase from previously approved Change Orders:<br><br><u>\$0</u>          | Increase from previously approved Change Orders:<br><br>Substantial Completion: <u>0</u><br>Ready for Final Payment: <u>0</u>   |
| Contract Price prior to this Change Order:<br><br><u>\$97,200.00</u>        | Contract Times prior to this Change Order:<br>Substantial Completion: <u>August 30, 2024</u><br>Ready for Final Payment: <u>September 6, 2024</u><br>days or dates      |
| Increase of this Change Order:<br><br><u>\$ 12,710.96</u>                   | Increase of this Change Order:<br>Substantial Completion: <u>0</u><br>Ready for Final Payment: <u>0</u><br>days or dates  |
| Contract Price incorporating this Change Order:<br><br><u>\$ 109,910.96</u> | Contract Times with all approved Change Orders:<br>Substantial Completion: <u>August 30, 2024</u><br>Ready for Final Payment: <u>September 6, 2024</u><br>days or dates |

|                              |                         |                                   |
|------------------------------|-------------------------|-----------------------------------|
| ACCEPTED:                    | RECOMMENDED:            | ACCEPTED:                         |
| By: _____                    | By: <u>Arii Weil</u>    | By: <u>Paul Jahn</u>              |
| Owner (Authorized Signature) | Engineer                | Contractor (Authorized Signature) |
| Title: _____                 | Title: Project Engineer | Title: <u>President</u>           |
| Date: _____                  | Date: 10/28/2024        | Date: <u>10-28-2024</u>           |

RECOMMENDED:

By: \_\_\_\_\_

Utilities Commission

Title \_\_\_\_\_

Date \_\_\_\_\_





# REQUEST FOR ACTION CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Consent Agenda

**Department Origination:** Public Works

**Agenda Item:** Approve the CCS Contracting, Inc. Pay Estimate 2 in the amount of \$48,390.96 for the Lift Station No. 15 Reconstruction project

**Approval Required:** Simple Majority Vote

### **BACKGROUND**

The Council awarded the construction contract for the Lift Station 15 Reconstruction Project to CCS Contracting, Inc. on May 21, 2024, for the lump sum bid of \$97,200. The notice to proceed was issued on June 11, 2024.

This pay estimate includes work completed between August 19, 2024 and September 20, 2024. Work completed during this time frame includes the following:

- Installed new controller and radio in the control cabinet
- Valve vault piping and fitting replacement
- Remaining site removals
- Bituminous paving
- Concrete pad construction
- Site restoration

Pay Estimate 2 is presented in the amount \$48,390.96. The payment includes work as outlined above and in the Change Order 1 documentation.

### **FINANCIAL IMPLICATIONS**

The Contractor has earned \$109,910.96 to date which represents 100% of the original contract plus Change Order 2. In accordance with the agreement, \$3,000 is being retained based on the value of turf restoration. This results in a payment of \$48,390.96 for this period.

The City budgeted \$236,500 for this project. The total project cost is estimated at \$108,310 which is \$55,190 below budget.

### **STAFF RECOMMENDATIONS**

Staff have no concerns with the work completed to date and recommend making progress payment as outlined in Pay Estimate 2.

### **COUNCIL ACTION REQUESTED**

**Motion** to Approve the CCS Contracting, Inc. Pay Estimate 2 in the amount of \$48,390.96 for the Lift Station No. 15 Reconstruction project.







REQUEST FOR ACTION  
CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Consent Agenda

**Department Origination:** Finance

**Agenda Item:** Approve PFM Proposal to Develop CIP Cashflow Models and Financing Options

**Approval Required:** Simple Majority Vote

**BACKGROUND**

As part of the Capital Improvement Plan (CIP) workplan discussed and approved at the September 17, 2024 council meeting, the preparation of cashflow models to aid in the development of a CIP and discussions on potential changes to the city’s special assessment policy were identified. Public Financial Management (PFM), the city’s financial advisor, assisted with the initial creation of the various cashflows 20 years ago. PFM briefly reviews the debt service tax capacity cashflow maintained by Finance and provides some ongoing consultation as part of our annual bond issues for that particular financing.

PFM has provided a proposal and quote to develop CIP cashflow models for the city’s debt service tax capacity, the three utility enterprise funds, and local option sales tax. The financial services will include assistance in identifying and analyzing the financing options for the city’s proposed CIP, including various special assessment options. The various special assessment levels will aid in discussions on potential changes to the city’s assessment policy. Attached is a copy of the proposal.

**FINANCIAL IMPLICATIONS**

Utilizing the city’s financial advisor and finance staff, the initial third-party cost for the financial planning services and development of the five planning models for the city’s debt service tax capacity, sales tax, and enterprise funds is \$22,500. As shown in Exhibit B, the initial cost for the debt service tax capacity analysis and each of the three utility funds is \$5,000 each. The sales tax analysis initial cost is \$2,500. Annual updates thereafter are \$1,000 per city fund, or \$5,000 annually for updates.

The professional services for the initial preparation of the models are proposed to be funded primarily from a Sourcewell grant. An application to Sourcewell’s Third-Party Services Reimbursement grant program is anticipated to cover up to \$20,000 of the cost. The balance will be covered within the existing respective budgets of the various operations. The \$5,000 annual cost thereafter for updates will be incorporated in the individual budgets.

**STAFF RECOMMENDATIONS**

Based upon the council’s approved CIP workplan from September 17, 2024, Finance Director Vacinek recommends approval of the PFM proposal to develop CIP cashflow models and financing options, including various special assessment options.

**COUNCIL ACTION REQUESTED**

Motion to approve the PFM proposal to develop CIP cashflow models and financing options



August 7, 2024

Mr. Jeremy Vacinek  
 Finance Director  
 City of Baxter, MN  
 13190 Memorywood Drive  
 Baxter, MN 56425

Dear Jeremy,

The purpose of this letter (this “Engagement Letter”) is to confirm our agreement that PFM Financial Advisors LLC (“PFM”) will act as financial advisor to the City of Baxter, Minnesota (the “Client”). PFM will provide, upon request of Client, services related to financial planning, budget and strategic advice and planning, and planning services related to debt issuance, as applicable and set forth in Exhibit A to this Engagement Letter. Most tasks requested by Client will not require all services provided for in Exhibit A and as such the specific scope of services for such task shall be limited to just those services required to complete the task.

**pfm**

801 Grand  
 Suite 3300  
 Des Moines, IA 50309  
 515.243.2600

pfm.com

PFM is a registered municipal advisor with the Securities and Exchange Commission (the “SEC”) and the Municipal Securities Rulemaking Board (the “MSRB”), pursuant to the Securities Exchange Act of 1934 Rule 15Ba1-2. As of the date of this letter, Client has **not** designated PFM as its independent registered municipal advisor (“IRMA”) for purposes of SEC Rule 15Ba1-1(d)(3)(vi) (the “IRMA exemption.”). Client agrees not to represent that PFM is Client’s IRMA with respect to any aspect of a municipal securities issuance or municipal financial product, without PFM’s prior written consent.

MSRB Rules require that municipal advisors make written disclosures to their clients of all material conflicts of interest, certain legal or disciplinary events and certain regulatory requirements. Such disclosures are provided in PFM’s Disclosure Statement delivered to Client prior to or together with this Engagement Letter.

PFM’s services will commence as soon as practicable after the receipt of this Engagement Letter by Client and a request by Client for such service. Any material changes in or additions to the scope of services described in Exhibit A shall be promptly reflected in a written supplement or amendment to this Engagement Letter. Services provided by PFM which are not included in the scope of services set forth in Exhibit A of this Engagement Letter shall be completed as agreed in writing in advance between the Client and PFM. Upon request of Client, an affiliate of PFM or a third party referred or otherwise introduced by PFM may agree to additional services to be provided by such affiliate or third party, by a separate writing, including separate scope and compensation, between Client and such affiliate or third party.

For the services described in Exhibit A, PFM’s professional fees will be paid as provided in Exhibit B. All fees shall be due to PFM within thirty (30) days of the date of invoice. In addition to fees for services, PFM will be reimbursed for necessary, reasonable, and documented out-of-pocket expenses incurred, including travel, meals, lodging, telephone, mail, and other ordinary cost and any actual extraordinary cost for graphics, printing, data processing and computer time which are incurred by PFM. Upon request of Client, documentation of such expenses will be provided.

This Engagement Letter shall remain in effect until all related activities associated with this engagement are complete unless canceled in writing by either party





upon thirty (30) days written notice to the other party. Upon any such termination, PFM will be paid for all services performed and costs and expenses incurred up to the termination date.

PFM shall not assign any interest in this Engagement Letter or subcontract any of the work performed under this Engagement Letter without the prior written consent of Client; provided that PFM retains the right to enter into a sale, merger, internal reorganization, or similar transaction involving PFM's business without any such consent.

All information, data, reports, and records ("Data") in the possession of Client or any third party necessary for carrying out any services to be performed under this Engagement Letter shall be furnished to PFM. PFM may rely on the Data in connection with its provision of the services under this Engagement Letter and the provider thereof shall remain solely responsible for the adequacy, accuracy and completeness of such Data.

All notices and other communication required under this Engagement Letter will be in writing, sent by certified mail, return receipt requested, or by nationally recognized courier, with written verification of receipt. Notices shall be addressed to the party for whom it is intended, at the addresses on the first page of this Engagement Letter.

All materials, except functioning or dynamic financial models, prepared by PFM pursuant exclusively to this Engagement Letter will be the property of Client. Subject to the preceding exception, upon termination of this Engagement Letter, PFM will deliver to Client copies of any and all material pertaining to this Engagement Letter.

The Minneapolis and Des Moines offices of PFM will provide the services set forth in this Engagement Letter. PFM may, from time to time, supplement or otherwise amend team members. The Client has the right to request, for any reason, PFM to replace any member of the advisory staff. Should Client make such a request, PFM will promptly suggest a substitute for approval by Client.

PFM will maintain insurance coverage with policy limits not less than as stated in Exhibit C. Except to the extent caused by willful misconduct, bad faith, gross negligence or reckless disregard of obligations or duties under this Engagement Letter, PFM shall have no liability to any party under this Engagement Letter.

PFM, its employees, officers and representatives at all times will be independent contractors and will not be deemed to be employees, agents, partners, servants and/or joint ventures of Client by virtue of this Engagement Letter or any actions or services rendered under this Engagement Letter. Nothing in this Engagement Letter is intended or shall be construed to give any person, other than the parties hereto, their successors and permitted assigns, any legal or equitable rights, remedy or claim under or in respect of this Engagement Letter or any provisions contained herein. In no event will PFM be liable for any act or omission of any third party or for any circumstances beyond PFM's reasonable control including, but not limited to, fire, flood, or other natural disaster, war, riot, strike, act of terrorism, act of civil or military authority, software and/or equipment failure, computer virus, or failure or interruption of electrical, telecommunications or other utility services.



This Engagement Letter shall be construed, enforced, and administered according to the laws of the State of Minnesota. PFM and the Client agree that, should a disagreement arise as to the terms or enforcement of any provision of this Engagement Letter, each party will in good faith attempt to resolve said disagreement prior to pursuing other action.

This Engagement Letter represents the entire agreement between Client and PFM and may not be amended or modified except in writing signed by both parties. For the sake of clarity, any separate agreement between Client and an affiliate of PFM or a third party referred or introduced by PFM shall not in any way be deemed an amendment or modification of this Engagement Letter. The invalidity in whole or in part of any provision of this Engagement Letter shall not void or affect the validity of any other provision.

Please have an authorized official of Client acknowledge receipt of this Engagement Letter and respond to us to acknowledge the terms of this engagement.

Sincerely,

**PFM FINANCIAL ADVISORS LLC**

---

Jon Burmeister  
Managing Director



**EXHIBIT A**  
**SCOPE OF SERVICES**

PFM shall provide, upon request of Client, municipal advisory services related to the financial planning and development of planning models, examples of which, not intended to be exclusive, are set forth as follows:

- Review of Client’s audited financial statements.
- Review Client’s internal budget documents and cash balance reports.
- Review capital improvement plan and review funding sources for the capital projects.
- Development and preparation of several financial and capital planning models:
  - Debt Service Tax Capacity Analysis planning model
  - Sewer Enterprise Fund financial and capital planning model
  - Water Enterprise Fund financial and capital planning model
  - Stormwater Enterprise Fund financial and capital planning model
  - Local Option Sales tax financial and capital planning model
- Develop financial options analyses (using financial and capital planning models listed above):
  - Analysis of the existing financial arrangements
  - Analyze debt capacity
  - Identify and analyze financing alternatives and debt structuring options
  - Develop scenarios
  - Analyze and compare to objectives/constraints
  - Evaluation of alternative security structures
  - Evaluation of alternative funding and financing approaches
  - Sensitivity analysis
- Assist Client with the development of Client's financial plan by assessing capital needs, identifying potential revenue sources, analyze financing alternatives such as pay-as-you-go, lease/purchasing, short-term vs. long-term financings, assessments, user fees, impact fees, developer contributions, public/private projects, and grants and provide analysis of each alternative as required as to the budgetary and financial impact.
- Develop preliminary financial plan objectives:
  - Review and revise with staff
  - Presentation and review with City Council
  - Assist with financial plan review and approval (as appropriate)
- Attend virtual meetings with Client’s staff, consultants and other professionals.



**EXHIBIT B**  
**COMPENSATION FOR SERVICES**

**1. Annual Retainer**

For financial planning services and development of planning models, PFM shall receive an annual fee in the amount as outlined below (“Retainer”), payable upon invoice. The projects outlined below will be updated upon the City’s request. The Retainer shall be reviewed and revised upon mutual agreement.

| <b><u>Project</u></b>               | <b><u>Annual Fee</u></b> |
|-------------------------------------|--------------------------|
| Debt Service Tax Capacity Analysis  | \$5,000                  |
| Sewer Enterprise Fund               | \$5,000                  |
| Water Enterprise Fund               | \$5,000                  |
| Stormwater Enterprise Fund          | \$5,000                  |
| Local Option Sales Tax              | \$2,500                  |
| Multi-Year Updates for All Projects | \$1,000 per year         |

**2. Hourly Project Fees (Non-Transaction Related)**

In the event Client requests that PFM perform significant special projects, fees will be negotiated in advance of the project. Fees will be generally based upon the following hourly rates for the indicated levels of experience or their equivalents.

| <b><u>Experience Level</u></b> | <b><u>Hourly Rate</u></b> |
|--------------------------------|---------------------------|
| Managing Director              | \$350.00                  |
| Director                       | \$300.00                  |
| Senior Managing Consultant     | \$250.00                  |
| Senior Analyst                 | \$200.00                  |
| Analyst                        | \$175.00                  |
| Associate                      | \$125.00                  |

**3. Reimbursable Expenses**

In addition to fees for services, PFM will be reimbursed for necessary, reasonable, and documented out-of-pocket expenses incurred, including travel, meals, lodging, printing, telephone, postage, data processing and other ordinary costs which are incurred by PFM. Appropriate documentation can be provided.



**EXHIBIT C**  
**INSURANCE STATEMENT**

PFM has a complete insurance program, including property, casualty, general liability, automobile liability and workers compensation. PFM maintains professional liability and fidelity bond coverages which total \$5 million and \$5 million single loss/ \$10 million aggregate, respectively. PFM also carries a \$5 million cyber liability policy.

Our Professional Liability policy is a “claims made” policy and our General Liability policy claims would be made by occurrence.

**1. Deductibles/SIR:**

- Automobile \$100 comprehensive & \$1,000 collision
- Cyber Liability \$100,000
- General Liability \$0
- Professional Liability (E&O) \$200,000
- Financial Institution Bond \$50,000

**2. Insurance Company & AM Best Rating**

- Professional Liability (E&O)..... Lloyds of London; (A; Stable)
- ..... AXIS Surplus Insurance Company; (A; Stable)
- Financial Institution Bond ..... Berkley Regional Insurance Company; (A+; Stable)
- Cyber Liability..... Greenwich Insurance Company (A+; Stable)
- General Liability..... Valley Forge Insurance Company; (A; Stable)
- Automobile Liability..... Continental Insurance Company; (A; Stable)
- Excess/Umbrella Liability..... Continental Insurance Company; (A; Stable)
- Workers Compensation &  
Employers Liability ..... Continental Insurance Company; (A; Stable)



REQUEST FOR ACTION  
CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Consent Agenda

**Department Origination:** Community Development

**Agenda Item:** Adopt Ordinance 2024-016 approving amendments to the City Code to restrict Camping

**Approval Required:** Simple Majority Vote

**BACKGROUND**

The City is requesting City Code Amendments to restrict Camping withing Baxter. The regulations are intended to prohibit camping, where the intent of said camping is to have a temporary place to live. This type of camping has been occurring in the City of Baxter, the City of Brainerd, and other parts of Crow Wing County.

The City discussed Camping at the July 16, 2024, Work Session. Prior to the July 16<sup>th</sup> Work Session, City staff had met with Brainerd staff and there was support for a collaborative and consistent approach moving forward. The City of Brainerd approved a camping ordinance. The proposed (attached) camping ordinance very similar to the City of Brainerd Code.

**FINANCIAL IMPLICATIONS**

None.

**STAFF RECOMMENDATIONS**

Staff recommends the City Council Adopt Ordinance 2024-016 approving amendments to the City Code to restrict Camping.

**COUNCIL ACTION REQUESTED**

Motion to Adopt Ordinance 2024-016 approving amendments to the City Code to restrict Camping.

**CITY OF BAXTER, MINNESOTA  
ORDINANCE 2024-016**

**AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY  
CODE**

THE CITY OF BAXTER ORDAINS:

**SECTION 1. Amendments.** The text of Title 4 (Public Health and Safety) to add Chapter 6, Camping, of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

**TITLE 4, PUBLIC HEALTH AND SAFETY  
CHAPTER 6, CAMPING**

**4-6-1: PURPOSE:**

A. Settlements of unhoused individuals (also known as "encampments") in public spaces is a growing social, public safety, and environmental concern faced by cities of all sizes, including Baxter. The dynamics of homelessness, both short and longer term, are extremely complex, reflecting a wide range of contributing factors.

B. Historically, in Baxter, encampments tend to result in accumulation of garbage and human waste, which creates a health hazard and can contaminate the ground and water. Other typical hazards include drug paraphernalia (e.g., needles) and unchecked fires associated with cooking, often involving explosive fuels. Encampments are also prone to a heightened physical safety and property risk for those in the encampments as well as those who may be present in the same area. Encampments also tend to cause damage or disruption to the soil and forested areas.

C. Many in the community, including public and private entities, have responded to the needs of those experiencing housing instability, providing significant levels of resources and services.

D. In addition to the City's efforts to connect unhoused individuals with resources and services, the City also has an obligation to make best efforts to provide a safe and clean environment for other members of the community who want or need to use public spaces. Access to parks, trails, schools, green spaces, public transportation, and the protection of public utilities and infrastructure is a community good for all.

E. While many unhoused individuals are able to exist in a space that does not cause public disruption, it is also true that many encampments do create significant harms, for both the unhoused individuals as well as members of the public attempting to use the same spaces. Law enforcement personnel, who have had primary responsibility for responding to encampment areas, need to be supported with effective tools to address these complex situations.

Encampments and unsheltered individuals who create the most social harm cannot be ignored or just moved from one space to the next.

4-6-2: DEFINITIONS:

CITY: Refers to the City of Baxter, Minnesota.

CAMP: To set up, or to remain in or at a campsite.

CAMPSITE: Any place where any tent, lean-to, shack, or other structure, any vehicle or part thereof, or any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained for the purpose of establishing or maintaining a temporary place to live.

PUBLIC RIGHT-OF-WAY: The area on, below or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service. Public right-of-way includes outlots, parks, and drainage and utility easements.

4-6-3: PROHIBITION:

A. No person shall camp in or upon any public property or public right-of-way in the City except in any location where camping has been expressly allowed by the officer or agency having the control, management and supervision of the public property or public right-of-way in question.

B. No person shall camp upon any private property in the City without the express written consent of the property owner or the owner's agent, and only in such locations where camping may be conducted in accordance with any other applicable city law.

C. Any camping or campsite materials or personal property associated with a camping area that is in violation of this ordinance may be removed and disposed of or cleaned up and disposed of by the City or its designated contractors. The City will continue to utilize encampment protocols that will provide notice (verbal or in writing), and a reasonable period of time (generally a maximum of 48 hours) for persons to access available services and seek shelter options.

4-6-4: CRIMINAL PENALTY:

A. Any violation of this section is deemed a misdemeanor, as defined in Minnesota Statute §609.02, subd. 3, currently a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.

B. No person may be prosecuted under this chapter unless:



1. The person has been informed of the various charitable and social services available to the person, including shelter options as well as daytime services; and

2. The person has been warned that their conduct is a violation of this section, subject to criminal prosecution. An individual who has been warned and then relocates to another space that a reasonable person would understand is also covered by this section is not entitled to a new warning.

4-6-5: PRIORITIZATION OF ENFORCEMENT:

A. Subdivision 1. Recognizing that enforcement resources are insufficient to cover all included spaces at all times, prioritization will be given to the following spaces:

1. In, or within 100 feet of, a City Park.

2. Within 250 feet of a preschool, kindergarten, elementary or secondary school, or a licensed childcare center.

3. The area of the sidewalk or trail corridor on City sidewalks intended for pedestrian travel or access to public transit.

4. Upon or within 250 feet of a lot or parcel containing an electric utility substation or electric power generation facility.

5. Upon or within 250 feet of a lot or parcel containing a water utility pumping facility or water storage facility.

6. Areas posted as no-trespassing by authorized City personnel.

**SECTION 3. Effective Date.** This amendment shall take effect upon its passage and publication.

**SECTION 4. Summary Publication.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City Council adopted an ordinance amending Title 4, "Public Health and Safety to add Chapter 6 which prohibits camping in or upon any public property or public right-of-way in the City.

Whereupon, said Ordinance is hereby declared adopted on this 6th day of November 2024.

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**Darrel Olson, Mayor**

**ATTEST:**

---

**Kelly Steele, City Clerk**

*City Seal*



ITEM REPORT  
CITY COUNCIL

Agenda Date: 11/6/2024  
Agenda Section: Other Business

**Department Origination:** Public Works

**Agenda Item:** Adopt Resolution No. 2024-089 Amending Resolution No. 2024-081 to Correct Title of and Date of Receipt for Feasibility Report for the 2025 Commercial Full Depth Reclamation Improvements Project, Municipal Project No. 4425

**Approval Required:** Simple Majority Vote

**BACKGROUND**

On October 15, 2024, Council adopted Resolution No. 2024-081 receiving a feasibility report and ordering the improvement hearing for the 2025 Commercial Full Depth Reclamation Improvements Project Municipal Project No. 4425. Resolution No. 2024-081 included a typographical error in the title erroneously calling the report a "Revised" feasibility report when in fact there was no revision to the report and the report received on October 15, 2024 was the original report. Resolution No. 2024-081 also incorrectly stated that the feasibility report was received by council on August 20, 2024 when in fact it was received by council on October 15, 2024.

This amended resolution is meant to clarify the record that there is only one feasibility report. This amended resolution does not impact the ordering of the improvements that was accomplished via Resolution No. 2024-081. The Improvement Hearing is still scheduled for 6:00 pm on November 7, 2024.

**FINANCIAL IMPLICATIONS**

None.

**STAFF RECOMMENDATIONS**

Staff recommend the adoption of the attached resolution amending Resolution No. 2024-081.

**COUNCIL ACTION REQUESTED**

**MOTION** to Adopt Resolution No. 2024-089 Amending Resolution No. 2024-081 to Correct the Title of and Date of Receipt of Feasibility Report for the 2025 Commercial Full Depth Reclamation Improvements Project Municipal Project No. 4425.

**CITY OF BAXTER, MINNESOTA  
RESOLUTION NO. 2024-089**

**RESOLUTION AMENDING CITY RESOLUTION 2024-081 TO CORRECT TITLE OF  
AND DATE OF RECEIPT FOR FEASIBILITY REPORT FOR THE 2025  
COMMERCIAL FULL DEPTH RECLAMATION IMPROVEMENTS PROJECT,  
MUNICIPAL PROJECT NUMBER 4425**

WHEREAS, by Resolution No. 2024-081 dated October 15, 2024 the council received a feasibility report that was prepared by Widseth, and called for the Improvement Hearing for the 2025 Commercial Full Depth Reclamation Improvements Project Municipal Project No. 4425;

WHEREAS, Resolution No. 2024-081 included a typographical error in the title erroneously calling the report a “Revised” feasibility report when in fact there was no revision to the report and the report received on October 15, 2024 was the original report;

WHEREAS, Resolution No. 2024-081 included the incorrect date of August 20, 2024 for the receipt of said feasibility report when the receipt was actually October 15, 2024;

WHEREAS, council wishes to amend Resolution No. 2024-081 to correct the record that the feasibility report adopted by council was the Feasibility Report for the 2025 Commercial Full Depth Reclamation Improvements Project Municipal Project No. 4425 and was received by council on October 15, 2024.

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

1. The title of Resolution No. 2024-081 dated October 15, 2024 is amended to:

**RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING HEARING ON  
IMPROVEMENTS FOR THE 2025 COMMERCIAL FULL DEPTH RECLAMATION  
IMPROVEMENTS PROJECT, MUNICIPAL PROJECT NUMBER 4425**

2. The date of receipt of the feasibility report in Resolution No. 2024-081 is amended to October 15, 2024.
3. The remaining content of Resolution No. 2024-081 is otherwise unchanged and remains in full force and effect.

**Whereupon, said Resolution is hereby declared adopted on this 11<sup>th</sup> day of November, 2024.**

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**Darrel Olson, Mayor**

**ATTEST**

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**Kelly Steele, Asst. City Administrator/Clerk**

*City Seal*

**CITY OF BAXTER, MINNESOTA  
RESOLUTION NO. 2024-081**

**RESOLUTION RECEIVING REVISED FEASIBILITY REPORT AND CALLING  
HEARING ON IMPROVEMENTS FOR THE 2025 COMMERCIAL FULL DEPTH  
RECLAMATION IMPROVEMENTS PROJECT, MUNICIPAL PROJECT NUMBER  
4425**

WHEREAS, pursuant to a resolution the council adopted October 15, 2024 a report has been prepared by Widseth with reference to Improvement No. 4425, the improvement of the following:

- Audubon Way
- Edgewood Drive (north of Novotny Road)
- Lake Forest Road
- Whispering Woods Lane (west of Pearl Drive extending 175' to the east)

and this report was received by the council on August 20, 2024; and

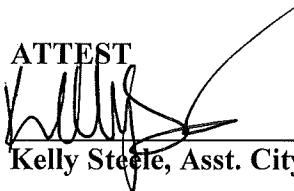
WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate the individual assessments for affected parcels.

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

1. The council will consider the improvements of such streets and project area in accordance with the report and the assessment of abutting for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvements of \$3,160,898.72.
2. A public hearing shall be held on such proposed improvements on Thursday, November 7, 2024 in the council chambers of the city hall at 6:00 p.m. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

Whereupon, said Resolution is hereby declared adopted on this 15<sup>th</sup> day of October, 2024.

  
\_\_\_\_\_  
Darrel Olson, Mayor

ATTEST  
  
\_\_\_\_\_  
Kelly Steele, Asst. City Administrator/Clerk

City Seal