

**BAXTER CITY COUNCIL MINUTES**  
**Work Session**  
**September 1, 2015**

Mayor Darrel Olson called the Work Session to order at 5:33 p.m.

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

COUNCIL MEMBERS ABSENT: Council Member Todd Holman

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

**CWP Overhead Lines – Isle Drive Project**

Chuck Rickart, WSB, provided the Council with a memo containing the history of the project. Mr. Rickart explained Crow Wing Power temporarily moved an underground power line overhead to allow for the safe construction of underground work. Since moving the power line overhead, Crow Wing Power has indicated they do not plan to move the power line back underground. Crow Wing Power has provided an estimated cost of \$40,000 to move the power line underground. Mr. Rickart explained the overhead power line provides conflict with existing light poles.

Mr. Rickart is looking for Council direction if the council wants the power lines to be placed back under ground. If the power lines remain above ground, the poles need to be moved. Crow Wing Power indicated it would cost \$2,800 to move the poles. If the Council wants the lines to be moved back under ground, the council needs to determine if they want to participate in the expense. These costs were not included in the engineer's estimates, and are not typically included because utilities need to move their facilities to accommodate municipalities. Mr. Rickart explained the power line issue is not delaying the roadway work but is preventing grading. If the power poles were going to be permanent, Crow Wing Power should have applied for a permit. Scott Beck from Crow Wing Power is in attendance. The Council consensus was to move the power lines back underground and the City not pay for the expense.

Tom Rutske, Johnson Properties, explained he was not aware there would be unsightly power lines located over the corner of his prime property. Mr. Rutske agreed to be assessed \$500,000 to improve the value of the property, but the power lines have diminished the value of the property just by their appearance. Mr. Rutske finds the overhead power lines to be unacceptable and it appears that something was missed. If Crow Wing Power installed conduit underground,

it appears it was their intent to put the power lines back underground. The City might have to take some responsibility to make this situation right.

### **Utility Connections for Woida, Wildflower, Franklin Project**

City Administrator Heitke explained prior to and during construction, staff worked diligently to encourage and accomplish as many private utilities connections during the construction of the public improvements. Out of 68 total connections, 54 were accomplished, leaving 14 connections yet to be made. The City Code states after utilities are usable, no sooner than one year, a notice will be sent to the property owners providing 120 days to connect to city services. The consulting engineer has provided November 24, 2014 as the date services were available for connection. The property owners have until March 24, 2016 to connect. City Attorney Person estimated the court process to take three to nine months. A question to the council is if the city is invoking non-user fees from the date they could connect to city services. If nonuser fees are going to be assessed, the one-year period would be November 24, 2015 and staff would like to notify the property owners immediately. City Attorney Person explained the ordinance would allow the city to begin charging nonuser fees on November 24. Finance Director Vacinek explained the city established the nonuser fee because the City still has costs to maintain the infrastructure. The Council consensus was to begin charging nonuser fees and for staff to notify the property owners.

### **Oscar Kristofferson Park Pavilion**

Community Development Director Doty explained the Council provided consensus in July to starting moving forward with the new pavilion and kitchen. Since the Council meeting, staff has developed a preliminary park site plan for the pavilion identifying the location and surrounding improvements. A preliminary design has been received from St. Croix Recreation, which matches the construction type selected for Berrywood Park and Whipple Beach. The Parks and Trails Commission has not made a formal council recommendation, but did reach a consensus to continue moving forward with a 42-foot by 62-foot pavilion with a kitchen.

The existing pavilion is located on a low point, resulting in grading work needing to be completed in the existing basketball court location for the new pavilion. It was determined that different parties do not typically rent both existing pavilions at the same time. The council asked staff to provide a sign to indicate the pavilion has been reserved. The Park and Trails Commission needs to review the removal of the basketball court.

Staff has contacted WSN to prepare a proposal to provide design, bidding, and administration of the project because WSN has provided the City with the original design for the Whipple Beach pavilion kitchen. The WSN proposal is under the amount required for an RFP. The WSN contact approval is on the regular council agenda.

Staff estimates the cost for the improvement project to be \$250,000, including \$10,850 for WSN. The improvement will be paid for from the park dedication fund. Staff will have a complete cost estimate for the project after the design is completed. Staff will bring the cost estimate, plans, and specifications to the Parks and Trails Commission for a recommendation and the City Council for formal approval before bidding the project.

### **Jewelwood Park Layout**

Community Development Director Doty explained the Council approved a state bid in the amount of \$54,074 in August to allow Jewelwood Park improvements. Staff has ordered the playset equipment. Staff has estimated \$100,000 is needed to complete the other site improvements such as, engineering, grading, bituminous trails, on-street parking, port-a-potty, benches, and trash receptacles.

In August, the Parks and Trails Commission conducted a neighborhood meeting with residents from around the park. Approximately 15 people attended the meeting and provided positive comments about the park.

During the regular council agenda, staff will be seeking council approval for approving the Jewelwood Park plans and to allow improvements in the amount of \$150,000. Funding for the improvements would come from the park dedication fund.

### **2015 Mill and Overlay Project Discussion**

Scott Hedlund, SEH, provided an update on the mill and overlay project. A letter has been received from Anderson Brothers Construction regarding their future claim for requesting an extension of the contract completion date. Mr. Hedlund provided the council with a letter addressing the Anderson Brothers Construction letter. Mr. Hedlund explained he has asked Anderson Brothers Construction for an updated project schedule, but has not been provided with one because they explained they are unable to provide an updated schedule due to project over runs. Portions of the project may have to be delayed until next year. Mr. Hedlund explained city staff and his firm have different options as to which sections of curb require replacement. Staff walked the project areas after the project was bid and indicated additional sections of curb that need replacement. There will be a change order for the concrete overruns. It appears the overruns will be covered in the contingency fund. Mr. Hedlund explained additional work was added to the project, but the work is not progress controlling work. All of the curb work south of TH 210 has been completed. The Council expressed their frustration of the added concrete work after the project has begun and explained staff should have walked the project in advance. The estimated cost for the added concrete is \$150,000 to 160,000. Anderson Brothers Construction explained they could provide a project schedule after all the curb has been marked. Mr. Hedlund wanted the council to be aware Anderson Brothers Construction may ask for a time extension.

### **Amending Location of Utility Lines Ordinance**

City Attorney Person explained staff is seeking council input on implementing an ordinance requiring any facility that is currently underground, any relocation or replacement of said facility shall remain underground unless there is no feasible location in the corridor to place such facilities. City Attorney Person explained the proposed ordinance amendment would apply to the Crow Wing Power situation on Isle Drive because they have not applied for a permit. City Attorney Person explained the City's right-of-way ordinance applies to county roads located within the City and the county agrees. The Council consensus was to move forward with the ordinance.

### **Budget Work Session 2016 Governmental Fund Budget**

Finance Director Vacinek explained he does not have additional information to present, but rather is looking for council feedback. The Council will adopt the preliminary levy on September 15. The levy can be lowered between now and December, but it cannot be raised. Finance Director Vacinek reviewed future meeting dates in which the council will have an opportunity to review the budget.

**Adjournment**

**MOTION** by Council Member Barrows, seconded by Council Member Cross to adjourn at 6:43 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Kelly Steele  
Assistant City Administrator/Clerk