



# BAXTER CITY COUNCIL AGENDA

**Tuesday, October 4, 2016**

The regular meeting of the Baxter City Council will be held on Tuesday, October 4, 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. Public Comments**

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

## **5. 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 September 20, 2016 (pp. 3-6).

B. Approve City Council Work Session Minutes from September 20, 2016 (pp. 7-9).

C. Approve the Payment of Bills and Finance Report (Addendum A).

D. Accept Long Range Planning Commission Minutes from September 26, 2016 (pp. 11-14).

E. Accept Architectural Review Commission Minutes from September 27, 2016 (pp. 15-16).

F. Approve Revised Architectural Review Application for Jack Pine Brewery located at 15593 Edgewood Drive (pp. 17-18).

G. Approve Temporary Liquor License for the Brainerd American Legion event on October 8, 2016 (pp. 19).

## **6. Pulled Agenda Items**

## **7. Other Business**

- A. PUBLIC HEARING at 7:00 p.m., or thereafter, to conduct the assessment hearing for the 2016 Dellwood Drive Improvement Project
- B. Consider Approving Resolution 2016-083 Adopting Dellwood Drive Assessment (pp. 20).
- C. Adopt Resolution No. 2016-084 Approving Comprehensive Plan Amendment for the Dellwood Drive planning area (pp. 21-22).

**8. Council Comments**

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

**8. City Administrator's Report**

**9. City Attorney's Report**

**10. Adjourn**

**BAXTER CITY COUNCIL MINUTES**  
**September 20, 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 Trevor Walter.

**PUBLIC COMMENTS**

No public comments were received.

**CONSENT AGENDA**

- A. Approve City Council Minutes from September 6, 2016.
- B. Approve City Council Work Session Minutes from September 6, 2016.
- C. Approve City Council Budget Work Session Minutes from August 30, 2016.
- D. Approve the Payment of Bills and Finance Report.
- E. Accept Planning & Zoning Commission Minutes from September 13, 2016.
- F. Approve Agreement between Minnesota State Colleges and Universities, Central Lakes College, and the City of Baxter for Student Supervised Pre-Internship Training.
- G. Approve Animal Control Agreement with Animal Control Enforcement Services (Don Hannahs) for 2016.
- H. Approve the sale of the 2010 Chevy Impala.
- I. Approve Temporary Liquor License for the Brainerd American Legion event on September 29, 2016.
- J. Renew the National Joint Powers Alliance Health Partners Health Insurance Contract for 2017 and Authorize Execution of the Contracts.
- K. Adopt Resolution No. 2016-078 Setting the Preliminary 2017 Property Tax Levy at \$5,807,000.00.
- L. Adopt Resolution No. 2016-079 Approving the Preliminary 2017 Governmental Funds Budget.
- M. Set the Public Information Meeting to Review the 2017 Budget and Levy with Public Testimony for Monday, December 5, 2016 at 6:00 p.m.
- N. Approve Resolution No. 2016-080 Approving a revised tree removal plan for a conditional use permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive.
- O. Approve the Final Pay Estimate No. 4 for the Oscar Kristofferson Picnic Pavilion to Baratto Brothers Construction in the amount of \$18,900.00 and start the one-year Warranty period as of September 6, 2016.

- P. Accept the Jack Pine Brewery Development Agreement.
- Q. Approve Tanner Agreement.
- R. Approve Resolution 2016-081 Vacating Property and Deed to MnDOT.
- S. Accept Utilities Commission Minutes from September 7, 2016.
  - 1. Direct staff to remove the existing Bypass Lane sign for northbound traffic located south of the intersection on Dellwood Drive and Novotny Road and replace with “Right Turn Lane & Bypass” sign with the addition of orange flagging over the top of the new signage.
  - 2. Approve the DSG Partial Pay Estimate No. 1 in the amount of \$619,940.43 for the 2016 Fixed Network Water Meter Replacement Project.
  - 3. Approve the Anderson Brothers Change Order No.1 in the increased amount of \$9,799.20 for the 2016 Fairview Road Improvements Project.
  - 4. Approve the Anderson Brothers Partial Pay Estimate No. 3 in the amount of \$470,068.12 for the 2016 Fairview Road Improvements Project.
  - 5. Approve the SEH Construction Services Fee Increase Request in the not to exceed amount of \$20,272.00 for the 2016 Fairview Road Improvements Project.
  - 6. Approve the SEH Agreement for Professional Services in the not to exceed amount of \$237,407.00 for the 2018 Cypress Drive Improvements Project from College Road to Excelsior Road.
  - 7. Approve the Anderson Brothers Change Order No. 1 in the increased amount of \$12,947.34 for the 2016 Golf Course Drive Improvements Project.
  - 8. Approve the Anderson Brothers Partial Pay Estimate No. 1 in the amount of \$442,941.94 for the 2016 Golf Course Drive Improvements Project.
  - 9. Approve the Tri-City Paving Change Order No. 2 for a time extension request for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project.
  - 10. Approve the Tri-City Paving Partial Pay Estimate No. 2 in the amount of \$528,112.29 for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project.
  - 11. Approve the DeChantal Excavating Change Order No. 1 for additional site work including graveling, grading and bituminous driveway in the increased amount of \$3,575.50 for the Lift Station No. 8 Reconstruction Project.
  - 12. Approve the DeChantal Excavating Final Pay Estimate No. 2 in the amount of \$31,016.50 for the Lift Station No. 8 Reconstruction Project.
- T. Approve 2016-2017 Contract for Chamber of Commerce Services.

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

### **PLANNING AND ZONING ACTIONS**

**Adopt Resolution No. 2016-082 approving a conditional use permit to allow the placement of fill and grading in a shoreland overlay district and shore impact zone for property located at 13821 Kenwood Court.**

Community Development Director Doty reviewed the request for a conditional use permit (CUP) for grading within the shoreland overlay district. The property owner is requesting to place up to 60 yards of black dirt and up to 15 yards within the shore impact zone on White Sand Lake for property located at 13821 Kenwood Court.

Mr. Doty explained that the flagstone patio and fire pit shown on the site plan are not part of this approval and would require separate approvals from the City in the future prior to installation.

**MOTION** by Council Member Barrows, seconded by Council Member Nystrom to adopt Resolution No. 2016-082 approving a conditional use permit to allow the placement of fill and grading in a shoreland overlay district and shore impact zone for property located at 13821 Kenwood Court. Motion carried unanimously.

**City of Brainerd Request for Detachment and Annexation of Brainerd Public Utilities Property**  
Mayor Olson stated the City of Baxter had received a letter from friends across the river requesting further discussion on the detachment and annexation of Brainerd Public Utilities property. City Attorney recommended going into a closed session but any comments would be taken at this time.

Brainerd Mayor Ed Menk stated he was formally requesting detachment and annexation of the property and was given the charge to bring the issue to Baxter by the Brainerd City Council. Brainerd City Administrator Jim Thoreen stated he had material for distribution to the Council which he left with Interim City Administrator Steele.

### **COUNCIL COMMENTS**

No council comments were received.

### **CITY ATTORNEY'S REPORT**

#### **Closed Session under Minnesota Statutes 13D.05, Subd 3 (b) Attorney Client Privilege**

City Attorney Person asked council to go into a closed session to discuss the City of Brainerd Request for Detachment and Annexation of Brainerd Public Utilities Property.

**MOTION** by Council Member Cross, seconded by Council Member Nystrom to enter into a closed session at 7:15 p.m.

Mayor Olson opened the regular meeting at 7:50 p.m.

City Attorney Person recapped the discussion and looked for affirmation. The City of Brainerd has asked to revisit moving the current Wastewater Treatment Plant into the city of Brainerd; they presented zoning controls and conditional use permits that were done in 2007. It highlighted all the concerns of the council regarding the residents that would be affected.

After weighing cost consideration of legal fees and staff cost, the council consensus is to keep the status quo as the last 30 years as the City Councils have always worked together.

**MOTION** by Council Member Cross, seconded Council Member Barrows to keep the status quo that has been working for the past 30 years. Motion carried unanimously.

Mayor Olson stated the city council met with residents in the area and heard concern both from those in attendance and others who sent in written statements regarding the annexation and the decision was based on residents' requests and concerns.

### **ADJOURNMENT**

**MOTION** by Council Member Cross, seconded by Council Member Barrows to adjourn the meeting at 7:53 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Mary Haugen  
Administrative Assistant

**BAXTER CITY COUNCIL MINUTES**  
**Work Session**  
**September 6, 2016**

Mayor Darrel Olson called the Work Session to order at 5:45 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: Interim City Administrator Kelly Steele, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter.

**STS AGREEMENT**

Interim Administrator Steele stated in November of 2007 the City entered into a three year lease agreement with the Minnesota Department of Corrections and Crow Wing County Sheriff's Office.

The lease provides space in the Public Works Facility for Sentence to Serve to store some equipment in the building. The lease agreement provides for renewal options and the City has received notice from the State of Minnesota that they would like to enter into the next two year renewal option, which would run from December 1, 2016 through November 30, 2018.

Staff has discussed this renewal and has no concerns with the renewal at this time. In the future the City may need to review this agreement since the City is growing and acquiring more equipment and the space being used may be necessary for city purposes.

Interim Administrator Steele stated there is no guarantee the City will continue to receive the same level of service that is currently being provided due to changes in management. Mayor Olson and the City Council had no concerns with continuing the agreement.

**2018 CYPRESS DRIVE IMPROVEMENTS PROJECT FROM COLLEGE ROAD TO EXCELSIOR ROAD**

SEH Consulting Engineer Hedlund introduced environmental specialist Al Sunderman and railroad specialist Dave McKenzie. Mr. Hedlund and staff have been working on the Cypress Drive project for over the past 10 years.

Mr. Hedlund gave an update of the project history and handed out a schedule that was provided in the packet. Mr. Hedlund explained that in order to keep the project on schedule for construction in 2018, design, environmental, and railroad agreement work needs to resume immediately on this project. The tasks are time sensitive, time specific, and have sequencing interdependencies.

The City has \$677,509.00 in secured Federal Funds programmed for 2018. If the project is not constructed in 2018, \$195,185.00 of the total will be lost and the other \$482,324.00 may be lost, per recent discussions with MNDOT.

Over the last couple of years, design has been put on hold while SEH and the City negotiated with BNSF, with assistance from the MNDOT Railroad office, to obtain consent to create a new highway/railroad at grade crossing at Cypress Drive.

BNSF has advised they prefer to move into the process of executing a formal BNSF Construction and Maintenance Agreement (CMA). The CMA process requires detailed design and right of way information for the Cypress Drive corridor across BNSF property including construction requirements, cost splits, and environmental considerations.

Finalizing the preliminary design and completing Environmental Site Assessments are necessary to execute the CMA, as well as for completing Federal Funding environmental review so right of way acquisition can commence hence the urgency to resume work immediately.

Council Member Holman inquired on the detailed design and if there will be opportunity to look at the design? Mr. Hedlund stated he will bring in the big preliminary roll drawings. Council Member Holman inquired if there is an opportunity for the Utilities Commission and residents to see the final design? Mr. Hedlund stated a public informational meeting can be worked into the schedule should the project move forward.

Public Works Director/City Engineer Walter stated the biggest concern of the Utilities Commission was if MnDOT would approve the crossing.

### **2016 FAIRVIEW ROAD IMPROVEMENTS PROJECT CONSTRUCTION SERVICES FEE INCREASE REQUEST**

SEH Consulting Engineer Hedlund reviewed the construction services fee increase request.

Construction observation for private utilities started prior to and independently of the Anderson Brothers Construction start date. Typically only the general contractor is observed by the field inspector, however, the utility relocating company was also inspected. Utility relocate were not completed until July.

Construction observation of Anderson Brothers Construction contract work was estimated at 40 hours per week for 11 weeks, but the projected average weekly for the necessary coverage was 50 hours per week. SEH staff had been requested by the City to be on-site for these hours.

Mr. Hedlund stated it was a very complicated project and the removal of an existing abandoned asbestos covered steel gas pipe needed to have a full time inspector on site during this process because of compaction issues under the street and contamination of the class 5 base material.

Council Member Nystrom inquired why does the expense of the additional hours inspecting the utility company come to the city. Mr. Hedlund stated that it's a quality assurance to the city.

Public Works Director/City Engineer Walter stated that utility permits are routed through the department. These permits are normally only one or two day project and are inspected by staff and this was a two month project. Mr. Walter stated the removal of an existing abandoned asbestos covered steel gas pipe was in the best interest of the City to completely remove the potentially hazardous material.

Council Member Holman inquired if the cost full within the entire cost of the project? Mr. Walter stated it was covered although contingencies are tight.

Council Member Barrows inquired if we are logging the abandoned lines so in the future the next group digging knows what is underground? Mr. Walter stated the abandoned lines are not shown on the City's as-builts; however, the utility companies are supposed to keep track of the lines which most likely do not occur.

Mr. Walter stated an hourly inspection fee for utility relocation inspection could be added. Mayor Olson inquired if staff can make comments related to these matters in our own house notes. Mr. Walter stated notes could be added to the as-builts.

### **2016 GOLF COURSE DRIVE PROJECT CHANGE ORDER NO. 1**

Bolton & Menk Consulting Engineer Rardin reviewed Change Order No. 1 which addressed the following items:

- Change in contract time. September 30 was the original substantial completion date and the contractor is asking for one additional week. This will not change the final completion date.
- Addition of erosion control items and the added protection of 773 feet of Bioroll around the Johnson Pond.
- Additional cost associated with addressing three watermain relocations.

Mayor Olson inquired if the project was far enough along to say whether there would be any additional change orders? Mr. Rardin stated the concrete work would be completed on Wednesday and the bituminous base on Thursday and the project will be water tight at that point. He is aware of some changes that will be addressed shortly but contingencies will cover these items.

### **LIFT STATION NO. 8 RECONSTRUCTION PROJECT CHANGE ORDER NO. 1**

WSN Consulting Engineer Welch reviewed the Lift Station No. 8 Reconstruction Project Change Order No. 1 for additional site work for safety which included grading and bituminous driveway improvement.

### **ADJOURNMENT**

**MOTION** by Council Member Cross, seconded by Council Member Barrow to adjourn at 6:27 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Mary Haugen  
Administrative Assistant

**LONG RANGE PLANNING COMMISSION MEETING**  
**September 26, 2016**

The Long Range Planning Commission meeting was called to order at 6:00 p.m. by Chair Donnay.

MEMBERS PRESENT: Chair Kevin Donnay, Commissioners Cathy Clark, Bob Ryan, Mark Cross, Rock Ylimeini and Council Liaison Todd Holman

MEMBERS ABSENT: Lori Rubin

STAFF PRESENT: Community Development (CD) Director Josh Doty

OTHERS: Craig Reikofski, Jesse Hopkins and Mark and Judy Zahn

**Approval of Minutes**

Motion by Commissioner Ylimeini, second by Commissioner Ryan to approve the minutes of the August 22, 2016 meetings. Motion carried unanimously.

**Dellwood Area Comprehensive Plan Amendment**

Chair Donnay stated that in the August 22, 2016 meeting a recommendation was made to City Council and on September 6, 2016 the Dellwood portion was tabled due to a lack of a super majority vote and it was asked that staff bring it back to the Long Range Planning Commission for a second look at the two options and further discussion.

Chair Donnay asked Commissioner Cross and Council Liaison Holman to fill the Commission in on what the Council is looking for from the Commission. Commissioner Cross indicated that during the council meeting a few additional slides were added that showed what is taking place on the Brainerd side of the land. Council Liaison Holman stated that there was a 3-5 vote on the action, however the vote needed to be a super majority vote. He indicated that he and Council Member Barrows were the two that thought there should be more discussion. Council Liaison Holman also informed the Commission that Brainerd City Administrator Jim Thoreen was present at the LRPC the meeting, he didn't speak or introduce himself, but he was present to represent Brainerd. He indicated that the Brainerd side of the story really did not get told even though this location borders both Cities. Council Liaison Holman stated that he had put a slide show together to show the Commission more information. The slides showed the 371 corridor, Brainerd Comprehensive Plan showed current and present use, the future use being a park setting along that area, the transportation section and that layout, nothing showing a future connection/major corridor, the City of Baxter Comprehensive Plan and what we show for that area. Council Liaison Holman stated that he started with the City of Baxter in 1999 as a Planner and prior to that he had worked in the County. When Menards came to town he was learning as he went, and the comprehensive plan allowed for commercial use with a conditional use permit (CUP). He indicated that he owns some of the issues that are present because he was the Planner and there was little known about how to control the lighting/noise/trucks for the residents other than the wall. There was a gentlemen that stated the City took away the sunset, it struck him hard and he still thinks about that. He further stated that it was a minority vote at Council and it was not meant to discourage this Commission, just to bring that additional information to the Commission for them to review. Council Liaison Holman also stated that the PUD process wasn't really discussed prior to the option being chosen. He also stated that Baxter and Brainerd should have come together to discuss this area, as both comprehensive plan calls for "working with your neighbors". He wrapped up his presentation with discussion on transportation, working with the residents and working on a wetland permit approval or a collector road possibility. Council Liaison Holman stated that he was asked by

Chair Donnay why he didn't bring this up earlier, he responded that he thought the Brainerd representative would have stated/made a comment and that his role as a Council Liaison is to list and bring information back from this Commission to the Council. He apologized for not speaking sooner and having to have an additional meeting to resolve this amendment.

Chair Donnay asked CD Director Doty if there was anything else that staff needed to add. CD Director Doty stated that he does not have anything new and noted that the Commission is not being asked to vote tonight.

Commissioner Ylimeini asked CD Director Doty if the architectural standards have changed since 1999 when Menards was built. CD Director Doty indicated that there have been many ordinance amendments since that time. Commissioner Ylimeini asked if there were more screening now than in 1999, CD Director Doty indicated that yes, there is more screening requirements.

Commissioner Ylimeini indicated that the Cypress Road project should continue to Woida Road. He stated that there are always opticals in building a road. He stated that right now Baxter has a "road to nowhere". Commissioner Ryan stated that we are here because of a road, that road is going to happen, everyone has known about that road for over 10 years and was not built by the city, but was paid for by the developer, who is no longer involved. He brought up the signage issue, access issue and the tiers being possibly 4-5 tiers back from a road. He asked what if the City of Brainerd had a park there already, what if it were one of the Baxter parks, would this Commission still look at the land being commercial. Commissioner Ylimeini stated that Brainerd does not show a road going to that park, Commissioner Ryan indicated that was his point. Commissioner Ylimeini stated that they must have been looking at Baxter's comprehensive plan as a way to get there.

Commissioner Cross stated that there are a lot of different types of commercial that could go in, that the developers can be tasked with putting the infrastructure in, just as Menards did. Commissioner Ryan stated that the Menards building was a re-zone in order for them to build in that location and they agreed. Once it is colored red as commercial, the potential is still there for a developer to buy a rezoned parcel and expect the City to have utilities brought to it. Commissioner Ylimeini stated that there is utilities there, just not extended into the property. He further stated that Baxter has never brought utilities onto anyone's lot/parcel, that is their responsibility.

CD Director Doty stated that he would just add that utilities are close, however not all are touching every property.

Mr. Craig Reikofski, 15532 Dellwood Dr. (current landowner) asked CD Director Doty if he could put the slide back up with the Brainerd park showing. He asked how they are going to make his 40 acres a park, they haven't approached him to purchase. He indicated that they logged an area a few years ago but that is it. Mr. Reikofski indicated that the Commission can disregard the idea of his land becoming a park.

Mr. Reikofski showed the Commission his property and stated that if the property was zoned residential he would have to build a road to the residential lots between two commercial lots. He asked CD Director Doty for clarification regarding his land. His home and contacting business are on one lot, making it legally non-conforming. CD Director Doty stated he is grandfathered in, however it does not allow for any expansion, it would be problematic. Mr. Reikofski stated that he is not allowed to build another pole barn, the regulations are forcing him to move. Mr. Reikofski asked Commissioner Ryan for clarification on the road situation. Commissioner Ryan indicated that there will be a road that will go through that area.

Chair Donnay stated that the Commission's job is to look forward at the development in Baxter. He stated that when there is a "red" box on a parcel of land, that means several different commercial opportunities can go onto the parcel and with the flexibility of a PUD or CUP application could make the project move forward. He

asked CD Director Doty is that correct, CD Director Doty stated commercial zoning does not necessarily require a PUD or CUP but those applications could be proposed. He indicated that the color is what is intended to show how the City wants the land to develop.

Commissioner Ylimeini stated that he wondered if when Brainerd was doing their comprehensive plan, maybe it was just labeled park/green space because they did not know what to do with the property at that time.

Commissioner Clark stated that she does not have the history of this area as some of the other Commissioners have, therefore she is speaking as a resident that has traveled to many different areas. She looked at this area as a "vision" and sees it being Commercial. She does not see it as residential. She also suggested that in the future, Brainerd and Baxter should be discussing these situation with each other. Commissioner Clark stated that if she would have known the Brainerd City Administrator was in the audience, she would have asked the questions, in the future she would like to see communication take place and she is willing to participate in making that happen. She expressed that driving up and looking at the location made her agree with the commercial zoning.

Chair Donnay indicated that the notes/minutes moving forward will hopefully assist the Council with their approval.

### **Vacation Home Rentals**

Chair Donnay asked CD Director Doty to elaborate. CD Director Doty referenced his staff report and the complaint received. He explained that the complaint was that there is extra people, cars, high turnover and a festive activity more so than normal. CD Director Doty walked the Commission through the number of rentals in Baxter. He indicated that out of 970 rentals, staff could only find 3 vacation rentals in Baxter around the lakes on several vacation rental websites. CD Director Doty stated that there are a lot more vacation rentals in other areas around Baxter. He asked if there was any interest in researching a vacation rental ordinance or if it is something that Baxter does not want to regulate.

Commissioner Ylimeini stated that he thinks that the City should stay out of it, one complaint is nothing. He does not think it is a big deal and it does not need to be regulated. Commissioner Cross disagreed and stated that it puts strain on the lakes, infrastructure, and it is a totally different class than residential, it's more of a resort. Commissioner Clark agreed with Commissioner Cross, however she agreed that one complaint is not a big deal, but it should be looked at in case it becomes a bigger issue. Commissioner Ryan agreed with Commissioner Cross and Clark. He indicated that these are small recreation lakes for the City of Baxter residents to enjoy and if the residents trash the lake it is their fault, not someone that does not pay taxes in the City. Commissioner Ryan stated that the weekly deal is a commercial use and they should be paying a higher commercial rate, he noted the one right down the road on Memorywood. Commissioner Ylimeini stated that if there is a public access on the lake than anyone can use that lake, there is no way to police the access. Commissioner Ryan also agreed with the public access, he too has taken his boat to White Sand Lake and has noted that it is really well maintained by the residents. Commissioner Cross stated that he has seen regulations on jet ski's at rental vacations in other cities that he has built in.

Chair Donnay stated staff should research the this topic. The Commission agreed that it could be as easy as modify the current rental regulations.

### **Other Business**

The next meeting is scheduled for October 24, 2016 at 6:00 p.m.

### **Adjournment**

Motion by Commissioner Clark, second by Commissioner Y to adjourn the meeting at 7:19 p.m.

Motion carried unanimously.

Approved By:

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Chair Kevin Donnay

Submitted By:

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Shanna Newman  
CD Administrative Assistant

**ARCHITECTURAL REVIEW COMMISSION MINUTES**  
**September 27, 2016**

The Architectural Review Commission (ARC) meeting was called to order at 7:30 a.m. by Chair Donnay.

COMMISSIONERS PRESENT: Chair Kevin Donnay, Commissioners Bob Ryan, and Gary Handlos

COMMISSIONERS ABSENT: Council Liaison Mark Cross

STAFF PRESENT: CD Director Doty and Planner Matthew Gindele

OTHERS PRESENT: Jessie Hopkins

**APPROVAL OF MINUTES**

**MOTION** made by Commissioner Ryan, seconded by Commissioner Handlos to approve the August 8, 2016 meeting minutes. Motion carried unanimously.

**Review of Proposed Revised Jack Pine Brewery-Edgewood Dr.**

Chair Donnay asked Planner Gindele to review the application with the Commission. Planner Gindele reviewed the staff report and proposed revised materials with the Commission. The materials previously requiring approval from the Commission were cement board panels with anodized aluminum reveals and prefinished metal insulated panels (more than 50% required approval), the remaining materials had met the architectural requirements. He stated that the applicant would like to revise the building material to contain cement board siding with cedar wood rails and prefinished metal insulated panel with vertical corrugations, both items require Commission approval. Planner Gindele reviewed the materials provided with the Commission and the locations of the materials on the building.

Chair Donnay stated that the amount of metal is still the same, 50%, it is just the material change.

Planner Gindele indicated that staff is requesting approval with the staff comments.

Chair Donnay asked the applicant to come forward and answer any questions the Commission may have. The Commission had no questions and Mr. Jesse Hopkins, representing the owner, stated that he had no addition comments.

**MOTION** by Commission Ryan, seconded by Commissioner Handlos recommending City Council approve the proposed Jack Pine Brewery on Edgewood Drive with cement board panel siding with cedar wood rails and prefinished metal insulated panel with vertical corrugation being over the allowed amount as presented by staff. Motion carried unanimously

Chair Donnay asked Mr. Hopkins if the project was still on schedule. Mr. Hopkins stated they would have liked to have started construction already, however the closing delay caused construction to be held up a bit. CD Director Doty stated that Council will have this items on their October 4, 2016 meeting.

**OTHER BUSINESS**

CD Director Doty stated that there were two other applications that could have possibly required approval, however staff was able to work with the applicants to gain administrative approval of the project. Staff wanted the Commission to see the recent projects that had been approved administratively.

CD Director Doty stated that previously the Commission had reviewed a townhome project for David Peterson on Grand Oaks Dr., he is now looking to build additional townhomes with a similar look to those previously

approved, only these will be built across from Oscar Kristofferson Park. CD Director Doty reviewed the drawings with the Commission.

Planner Gindele indicated the other project was the Road Way Inn on Fairview Rd. He stated that the hotel has recently been purchased and needed to be brought up to the new corporate standards. Currently the building has brick and vinyl siding, vinyl siding is not an allowed material in the commercial district. The owner intends to paint some of the vinyl and siding, add EFIs and stone wainscot to the south elevation and on the south side, facing Fairview Rd. the applicant was removing more than 30 percent, requiring that side to become compliant, therefore they removed the vinyl siding and the north side brick is being painted.

Chair Donnay stated that it is nice when the regulation work and meetings can be eliminated. CD Director Doty agreed.

### **NEXT MEETING**

The next regular scheduled meeting is October 6, 2016.

### **ADJOURNMENT**

**MOTION** by Commissioner Ryan, seconded by Commissioner Handlos to adjourn. Motion carried unanimously. The meeting adjourned at 7:45 a.m.

Approved by:

Submitted By:

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Chair Kevin Donnay

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Shanna Newman  
CD Administrative Assistant

## REQUEST FOR COUNCIL ACTION

October 4, 2016

**Department Origination:** Community Development

**Agenda Item:** Approve the architectural plan with staff comments for Jack Pine Brewery to be located on Edgewood Drive

**Approval Required:** Simple Majority Vote of the Council

### **BACKGROUND**

Nor-son, Inc. has submitted an amended application for architectural review of a 7,458 square foot building located on Edgewood Drive just south of the Arrowwood Lodge. The applicant is proposing a new building in a new location for the Jack Pine brewery and taproom on a vacant lot. The applicant proposes the use of cement board panel siding with cedar wood rails, prefinished metal insulated panel siding with vertical corrugations, prefinished metal base flashing, anodized aluminum windows; the building also includes stained timber accents on the front façade. A previous application submitted by the applicant for this project proposed the same materials with the exception of the cedar wood rails and the vertical corrugations incorporated into the metal siding. Rather, the previous application used anodized aluminum reveals in place of the cedar wood rails and a flat textured metal panel in place of the now proposed metal panel with vertical corrugations. The building includes a flat roof and incorporates an earth tone color scheme including brown/bronze and green. Two roof top units are indicated on the plans that are shown to be 100% screened by parapet walls that encompass the entire building. Elevations and color schemes are indicated in the attached plans.

A complete review of the proposed design and materials as they relate to the architectural ordinance is included in the table below.

ARC Standard	Required	Proposed	Comments
<b>Exterior Materials</b>	See allowed C-1 and C-2 materials	Cement board panel siding ( <del>with accented anodized aluminum reveals</del> cedar wood rails)	requires recommendation by the Arc Commission and approval by the City Council
		Prefinished metal insulated panel <del>with vertical corrugations</del>	>50%/façade requires recommendation by the Arc Commission and approval by the City Council
		Stained wood timber (maximum 10% accent material)	OK
		Anodized aluminum windows (architectural glass)	OK

		Prefinished metal base flashing (maximum 10% accent material)	OK
<b>Size/Mass</b>	Proportional	Comparable to adjacent buildings	OK
<b>Articulation – South/Front (facing Edgewood Drive)</b>	Max 50’ Unbroken Expanse for faces >60’ and facing street	Articulation provided with projecting timber piers	OK
	<b>STAFF COMMENTS:</b> A stand-alone canopy protruding forward of the front of the building constructed of steel and “glu-laminate” also helps break up the front façade. Signage, including the silhouetted jack pine tree, shall meet all signage requirements and shall be permitted under a separate sign permit.		
<b>Articulation – West/Side</b>	Max 50’ Unbroken Expanse for faces >60’ and facing street	N/A	OK
	<b>STAFF COMMENTS:</b> Although not required, the applicant should consider adding a window to this face to help break up the monotony of the solid metal panel wall that will be visible from Edgewood Dr. and HWY 371.		
<b>Articulation – North/Rear</b>	Max 50’ Unbroken Expanse for faces >60’ and facing street	N/A	OK
<b>Articulation – East/ Side</b>	Max 50’ Unbroken Expanse for faces >60’ and facing street	N/A	OK
<b>Accessory Structures</b>	Existing building coordinated color	N/A	N/A
<b>Color</b>	Earth tone	Brown/bronze, green	OK
<b>Height/Roof Design</b>	Max 45’/Flat or 6:12+	28.5’/Flat	OK

### **FINANCIAL IMPLICATIONS**

There are no financial implications to the city with this application.

### **ARCHITECTURAL REVIEW COMMISSION**

The Architectural Review Commission reviewed the application for architectural plans for a new building that includes metal siding that is greater than 50% of the façade and cement board panel siding (with cedar wood rails) located on Edgewood Drive on Monday, September 27, 2016 and recommended approval of the application.

### **COUNCIL ACTION REQUESTED**

**MOTION** to approve the use of metal siding with vertical corrugations that is greater than 50% of the façade and cement board panel siding (with cedar wood rails) for a new building to be located on Edgewood Drive.

## REQUEST FOR COUNCIL ACTION

October 4, 2016

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**Department Approval:** Administration

**Agenda Section:** Consent

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**Items Description:** Approve Temporary Liquor License for the Brainerd American Legion event on October 8, 2016

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**Approval Required:** Simple Majority of Vote of the Council

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### **BACKGROUND**

The Brainerd American Legion has applied for a temporary license for the on-sale of intoxicating liquor for their event on October 8, 2016 at the Northland Arboretum. State statutes and the Baxter City Code allow for the issuance of temporary liquor license for the on-sale of intoxicating liquor in connection with a social/fundraising event within the City.

### **FINANCIAL IMPLICATIONS**

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

### **STAFF RECOMMENDATION**

Staff recommends the issuance of the temporary on-sale liquor license as all requirements for the license have been met.

### **COUNCIL ACTION REQUESTED**

Motion to approve the issuance of a temporary on-sale liquor license to the Brainerd American Legion for their event on October 8, 2016 at the Northland Arboretum.

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

**RESOLUTION ADOPTING ASSESSMENT FOR THE 2016 DELLWOOD DRIVE NORTH  
IMPROVEMENT PROJECT, MUNICIPAL PROJECT NUMBER 4115**

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 4115, an improvement of Dellwood Drive between Novotny Road and CSAH 49 (Wise 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 4<sup>th</sup> day of October, 2016.**

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

**ATTEST:**

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Kelly Steele, Assistant City Administrator/Clerk

City Seal

**CITY OF BAXTER, MINNESOTA  
RESOLUTION 2016-084**

**A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO ESTABLISH  
FUTURE LAND USE FOR PROPERTIES RECENTLY ANNEXED INTO THE CITY OF  
BAXTER LOCATED EAST OF DELLWOOD DRIVE, EAST/NORTHEAST OF WHISPERING  
WOODS LANE AND NORTHEAST OF WOIDA ROAD AND TO ALLOW OTHER RELATED  
COMPREHENSIVE PLAN AMENDMENTS**

WHEREAS, The City of Baxter has requested Comprehensive Plan Amendments to plan for newly annexed land into the city; and

WHEREAS, the properties that are specifically affected by the amendments are more specifically described as follows:

030322300B0009	030322300AA0009	030322300C00009
030323200AB0009	030323100BA0009	030323100B00889
030323100A00009	030323400AC0009	03032400AD0009
030323400E00009	030323400F00009	030323400AE0009
030323400D00009	034290010010009	034290010020009
034290010030009	034290010040009	034290010050009
034290010060009	030323300AC0009	

WHEREAS, the Long Range Planning Commission has reviewed the proposed Comprehensive Plan Amendments at a duly called public hearing on August 22, 2016 and recommends approval;

WHEREAS, the City Council considered the Long Range Planning Commission recommendation at their September 6, 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 Comprehensive Plan Amendment to establish future land use for properties recently annexed into the City of Baxter located East of Dellwood Drive, East/Northeast of Whispering Woods Lane and Northeast of Woida Road and to allow other related amendments to the Comprehensive Plan, based upon the finding the following findings:

1. The future land use for the properties would not negatively impact other elements of the existing Comprehensive Plan except for related map and text amendment to items such as the Functional Classification and Future Transportation Plan, Water Plan and Sewer Plan.
2. The proposed future land use would be compatible with the future land use and zoning of the surrounding properties.

Whereupon, said Resolution is hereby declared adopted on this 4<sup>th</sup> day of October 2016.

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Darrel Olson, Mayor

ATTEST:

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Kelly Steele, Assistant City Administrator/Clerk

*City Seal*