

**BAXTER CITY COUNCIL MINUTES**  
**January 2, 2018**

**1. Call Meeting to Order**

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

**2. Roll Call**

Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross were present.

City Administrator Bradley Chapulis, Assistant City Administrator Kelly Steele, Finance Director Jeremy Vacinek, Police Chief Jim Exsted, and Community Development Director Josh Doty were present.

**3. Pledge of Allegiance**

All joined Mayor Olson in the Pledge of Allegiance

**4. Additions or Changes to the Agenda**

No additions or changes were brought forward.

**5. Public Comments**

None

**6. Guest Presentation**

**A. Naomi Nelson, Human Trafficking**

Chief Exsted explained Naomi Nelson was unable to attend. Kate LePage, Saving Grace Case Manager with Lutheran Social Services (LSS), is here to present information. Ms. LePage works with area law enforcement and other advocates related to human trafficking and sex trafficking. The Baxter Police Department has been involved in human trafficking for almost three years. The Office of Justice's two-year grant program for sex trafficking initiatives just ended. During this time, the Brainerd Lakes Area Sex Trafficking Team was created with players who would be involved in the law enforcement investigations. The team recently transitioned from a law enforcement direction to an advocacy and support role with LSS. Law enforcement has transitioned to a risk assessment role. January is human and sex trafficking month. LSS is preparing several events during the month of January.

Ms. LePage explained LSS has four events scheduled in January. LSS will be screening the documentary I am Jane Doe at Central Lakes Community College and the Franklin Arts Center. On January 24 LSS will be holding an internet safety presentation for parent and children at the YMCA. On January 27 LSS will provide a survivor talk at the Franklin Arts Center.

Chief Exsted explained, when the team was originally formed, the team invited the Brainerd Dispatch to participate. Chelsey Perkins, with the Brainerd Dispatch, did a

great job covering the team's work. Council Member Nystrom and Crow Wing County Commissioner Rachel Nystrom also participated in the group.

Chief Exsted explained the risk assessment team will attempt to identify youth before they become a victim.

Ms. LePage asked foster home providers with an opening to contact LSS.

**7. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Presentation**

Mayor Olson explained the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the City of Baxter by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. This is the sixth consecutive award for the City of Baxter.

Mayor Olson and the Council presented the award to Finance Director Vacinek and Assistant Finance Director Susannah Jensen.

**8. Consent Agenda**

- A. Approve City Council Minutes from
- B. Approve City Council Work Session Minutes from
- C. Approve the Payment of Bills and Finance Report (Addendum A and Addendum A-1).
- D. Accept Architectural Commission Minutes from December 14, 2017
- E. Approve 2018 Brainerd Dispatch Advertising Agreement in the Amount of \$5,000
- F. Approve 2018 Meeting Calendar for City Council and Commissions
- G. Approve Resolution No. 2018-001 Establishing the 2018 Council Appointments
- H. Approve Resolution No. 2018-002 Establishing the 2018 Annual Designations
- I. Approve Resolution No. 2018-005 Authorizing Eminent Domain to Acquire the Property Areas Needed for the 2018 Cypress Drive Improvement Project – City Project No. 4027

Mayor Olson clarified the council minutes to be approved are from the December 19, 2017 regular council meeting and work session.

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

**9. Pulled Agenda Items**

**10. Other Business**

**A. Planning and Zoning Actions and Architectural Review Actions**

**1. Adopt Ordinance 2018-001, Resolution 2018-003 approving findings of fact, and Summary Ordinance 2018-002 approving Zoning Ordinance amendments in Title 10 of the Baxter City Code**

Community Development Doty explained there are several comprehensive code amendments proposed to several sections of the ordinance. The primary purpose is to change several areas in definitions, yard section, screening and landscaping, architectural design standards, parking, and certificate of occupancy.

The first changes are related to questions raised on how to measure building setbacks and how to measure to the foundation. Builders do not have to account for insulation at the time of a footing inspection. The update provides clarification that foundation insulation, siding, and siding insulation is not part of the setback requirements. The update provides there is no setback for window wells, except window wells cannot extend into drainage or utility easements, unless approved by the city engineer. Ground coverage, landscaping, and grass coverage was reduced from 90% coverage to 70% coverage. The proposed coverage percentage is the same thickness required for storm water ponds. The proposed change in C1, C2, and I districts is to allow architectural composites. The proposed change allows for over 30% of concrete block on buildings that require a high level of durability.

Council Member Holman inquired if the composite materials have long lasting qualities. Community Development Director Doty explained composite materials are typically a thicker material. Council Member Cross explained if a building is using a composite material, that the material is still limited to the coverage limit.

The proposed change provides clarification that parking lot sidewalks are to be ADA accessible and to prevent vehicle bumpers from overhanging walkways and landscaping.

At the time of temporary occupancy there are often incomplete items. The proposed change would allow the city to collect cash, a financial guarantee, or escrow for several items not completed. This provision would require an escrow agreement to provide clarification as to why the city is collecting money and the purpose of the collection.

The Planning and Zoning Commission has recommended approval.

**MOTION** by Council Member Cross, seconded by Council Member Barrows to adopt Ordinance 2018-001, Resolution 2018-003 approving findings of fact, and Summary Ordinance 2018-002 approving Zoning Ordinance amendments in Title 10 of the Baxter City Code. Motion carried unanimously.

**2. Approve Escrow Agreement to be administered for site improvements that are not completed at the time of a request for temporary occupancy**

Community Development Director Doty explained this agenda item is related to the zoning ordinance amendment. The request is approval of the escrow agreement staff would use with temporary occupancy applications.

**MOTION** by Council Member Cross, seconded by Council Member Barrows to Approve Escrow Agreement to be administered for site improvements that are not completed at the time of a request for temporary occupancy. Motion carried unanimously.

**3. Approve an expansion for Menards Located at 15236 Dellwood Drive:**

**i. Adopt Resolution 2018-004 approving Conditional Use Permits to allow an expansion of the garden center and equipment sales yard and to allow a new accessory warehouse and shipping building and Variances for minimum parking for the site, architectural requirements, setbacks, fence height, placement forward of the principal structure for the accessory structure, and for existing site non-conformities for Menards**

Community Development Director Doty explained the request is for three conditional use permits and a variance to allow an expansion at Menards.

The primary expansion would be on the south side of the site. The yard entrance would be relocated to expand their yard, to allow an accessory building, expansion of the garden center to the east, to add shipping on the east side, and add climate control to a portion of the structure.

The front elevation would not change. The accessory building would be built south of the store with green metal and a metal roof. A conditional use permit for the garden center is requested due to a proposed 14' high fence and for an accessory building. Staff finds the garden center, equipment sales yard, and warehouse accessory shipping building would meet conditional use permit standards. Variances are needed for the warehouse accessory shipping building due to not meeting the setback and the forward-facing placement of the building. A variance is also needed for the minimum number of parking stalls.

As part of the submittal of the application, the applicant submitted a parking lot study. The study showed half of the parking stalls were used. The parking removed to achieve the expansion is located secondary to the store. The parking demand per the ordinance is with retail use. The proposed yard area has less parking requirements than an expansion to the actual store.

Community Development Director Doty explained there are also variances to allow the existing site nonconformities with the expansion.

Menards submitted an architectural review application, which has been reviewed by the Architectural Review Commission and the Planning and Zoning Commission. The architectural review was required due to no roof articulation. Both commissions recommended approval. The Architectural Review Commission also review a request for over of 50% metal on the exterior of the building and the commission recommended approval.

A variance for a 14' screen fence is also requested. A condition requires 8' coniferous trees to be planted around the fence and the accessory building. The fence is to be painted an earth tone color and maintained. The trees were added to soften the 30' tall building that will only have one type of exterior material.

The adjacent hotel management submitted a letter in support of Menard's request.

The Planning and Zoning Commission is recommending approval.

Council Member Holman inquired what the occupancy code is for the building by the hotel and what is proposed to be stored in the building. Community Development Director Doty explained the building would be used for storage. Council Member Holman inquired if changes are needed to the request to accommodate fire protection based on the use of the adjacent hotel. Any changes required by the fire code would be required at the time of the building permit. The fire department and Baxter building official would review the permit to assure they will be able to fight fires.

Applicant Todd Edwards, with Menards, explained the fire department would have a Knox Box on the gate entry, the gate width would accommodate fire truck access and room for turn arounds. The building is only 80' wide. To get 360 degrees access the building needs to be 150-160 feet wide. To fight a fire from one side of the building is not a problem. The building would be for cold storage of building materials and would only be three sided.

**MOTION** by Council Member Barrows, seconded by Council Member Nystrom to Adopt Resolution 2018-004 approving Conditional Use Permits to allow an expansion of the garden center and equipment sales yard and to allow a new accessory warehouse

and shipping building and Variances for minimum parking for the site, architectural requirements, setbacks, fence height, placement forward of the principal structure for the accessory structure, and for existing site non-conformities for Menards, subject to the facts and findings. Motion carried unanimously.

**ii. Approve Architectural Review Application including a variance for providing no roof articulation and approval of architectural metal over 50 percent, subject to specific findings and conditions listed in the January 2, 2018 Request for Council Action**

Community Development Director Doty explained the request is for the Menards project. The Architectural Review Commission reviewed the application and recommended approval, subject to findings and conditions. One finding is the proposed material is not approvable to other applications moving forward.

**MOTION** by Council Member Cross, seconded by Council Member Barrows to approve Architectural Review Application including a variance for providing no roof articulation and approval of architectural metal over 50 percent, subject to specific findings and conditions listed in the January 2, 2018 Request for Council Action. Motion carried unanimously.

**4. Approve Architectural Review Application to allow an Accessory Pool Building at Pine Grove Estates Apartments located South of Clearwater Road and East of Forest Drive**

Community Development Director Doty explained Kuepers Inc. is requesting architectural review for a 300-square foot accessory pool building located in the middle of the Pine Grove Estates Apartments development. The building is designed to allow restrooms, showers and mechanical space for an adjacent swimming pool. Due to the nature of the building, the request includes different color and style of concrete block. The Architectural Review Commission recommended approval.

**MOTION** by Council Member Cross, seconded by Council Member Holman to Approve Architectural Review Application to allow an accessory pool building at Pine Grove Estates Apartments located south of Clearwater Road and east of Forest Drive. Motion carried unanimously.

**11. Council Comments**

**Quinn Nystrom:** Council Member Nystrom explained she will be absent from the January 16 Council meeting and January 22 Parks and Trails meeting.

**Steve Barrows:** Council Member Barrows explained he attended the funeral of longtime resident and former Council Member Jim Klein. Council Member Barrows would like to

take the opportunity to remember Jim and his family for his commitment to the City and many years of dedicated service.

**12. City Administrator’s Report**

None.

**13. City Attorney’s Report**

A. Closed Session, Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property

B. Closed Session, Minnesota Statute 13D.03, subd. 1 (b), Labor Negotiations

Attorney Person asked the Council to enter into a closed session under Minnesota Statute 13D.05, subd. 3 (c), to discuss the purchase of property and under Minnesota Statute 13D.03, subd. 1 (b) for labor negotiations.

**MOTION** by Council Member Cross, seconded by Council Member Barrows to enter into a closed session at 7:47 p.m. Motion carried unanimously.

**MOTION** by Council Member Nystrom, seconded by Council Member Barrows to return to the open session at 8:24 p.m. Motion carried unanimously.

**MOTION** by Council Member Barrows, seconded by Council Member Cross to approve the recommendation by Springstead regarding the MOU negotiated with AFSCME and that the Police Administrative Assistant position is brought into compliance. Motion carried unanimously.

**14. Adjourn**

**MOTION** by Council Member Cross, seconded by Council Member Barrows to adjourn at 8:25 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Kelly Steele  
Assistant City Administrator