

**BAXTER CITY COUNCIL MINUTES**  
**January 15, 2019**

**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 Connie Lyscio, Zach Tabatt, Todd Holman, and Mark Cross were present.

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

**3. Pledge of Allegiance**

All joined Mayor Olson in the Pledge of Allegiance.

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

None.

**5. Public Comments**

None.

**6. Consent Agenda**

- A. Approve City Council Minutes from January 8, 2019
- B. Approve the Payment of Bills and Finance Report
- C. Accept Planning Commission Minutes of January 7, 2019
- D. Adopt Resolution 2019-007 Amending Feasibility Report for the 2019 Mill and Overlay and Full Depth Reclamation Improvement Project HOLMAN PULLED
- E. Accept Utilities Commission Minutes of January 9, 2019
  1. Approve the Landwehr Construction Inc. Partial Pay Estimate No. 6 in the amount of \$341,536.51 for the 2018 Cypress Drive Improvements Project.
  2. Approve Pratt's Affordable Excavating, Inc. Partial Pay Estimate No. 10 in the amount of \$6,644.61 for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project.
  3. Approve the Anderson Brothers Construction Change Order No. 5 in the increased amount of \$2,658.70 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
  4. Approve Anderson Brothers Construction Partial Pay Estimate No. 6 in the amount of \$9,753.24 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
  5. Approve the WSB Proposal for the Biological Filtration Water Treatment Plant Study in the not to exceed amount of \$10,500.00 contingent on cutting back the travel time expense wherever possible.
  6. Approve the Crow Wing County Highway Department invoice from BNSF in the amount of \$21,277.41 for the 2017 County State Aid Highway 48 Railroad Crossing and Trail Improvements Project.
  7. Approve the Water Treatment Plant Filter 2 & 4 Media Replacement Specification and

- Contract Documents and direct staff to advertise for bids.
8. Approve the De Nora Water Technologies Proposal for the supply of two B Plate Filter Cells for Filter No. 2 & 4 in the lump sum amount of \$21,300.00.
  9. Approve the SEH, Inc. Agreement for Right-of-Way Ordinance and Permit Application Update Support in the lump sum fee of \$2,500.00
  10. Approve the Advanced Engineering Agreement for Professional Services for the Water Treatment Plant Filter Consoles Replacement in the not to exceed amount of \$24,880.00.

**MOTION** by Council Member Cross, seconded by Council Member Tabatt to approve the consent agenda, excluding agenda item 6D. Motion carried unanimously.

## **7. Pulled Agenda Items**

Council Member Holman asked to pull Consent Agenda 6D for further discussion. Council Member Holman asked staff to consider three options: 1) Find an equity number for full depth reclamation projects, specific in the Greenwood portion of the project, being cost similar across the city; 2) honor the letter mailed to property owners anticipating the project as an mill and overlay and; 3) anything else staff can bring back as a recommendation for council consideration at the next meeting to still allow the project to move forward. Council Member Tabatt suggested the council have a deeper discussion over the assessment policy. Mayor Olson stated assessments should be equal and to include Basswood in the review. Public Works Director Walter explained the council is only being asked to approve the amended feasibility report tonight, not order the improvement project. The ordering of the improvement project is scheduled for February 5.

**MOTION** by Council Member Cross, seconded by Council Holman to approve the amended feasibility study and direct staff to look at the three options proposed by Council Member Holman and present at the February 5, 2019 council meeting. Motion carried unanimously.

## **8. Other Business**

### **A. Planning and Zoning Actions**

#### **1. Adopt Resolution 2019-006 approving a Conditional Use Permit and a Variance to allow an accessory structure to deviate from the size and design standards of the accessory structure ordinance for property located at 3669 Cedar Scenic Road.**

Community Development Director Doty explained the application is for a conditional use permit and a variance to allow an accessory structure to deviate from the size and design standards of the accessory structure ordinance for property located at 3669 Cedar Scenic Road. The accessory structure would be located in front of the primary structure. The proposal exceeds 1,800 square feet in accessory structure. The zoning ordinance allows properties that are over 2 1/2 acres to go through a conditional use process to deviate from those square foot and design standards. The applicant is proposing to convert an existing garage into a home and a home into a garage. Two living structures on the lot are not allowed. There are three ordinance standards that the applicant must meet. The findings are identified in the proposed resolution. The Planning and Zoning Commission has held a public hearing and is recommending approval. Some conditions include painting the accessory structure to match the primary structure and removing the kitchen from the accessory structure.

**MOTION** by Council Member Cross, seconded by Council Member Lyscio to Adopt Resolution 2019-006 approving a Conditional Use Permit and a Variance to allow an accessory structure to deviate from the size and design standards of the accessory structure ordinance for property located at 3669 Cedar Scenic Road. Motion carried unanimously.

**9. Council Comments**

**Connie Lyscio:** Council Member Lyscio explained it was nice to hear many positive comments on the council discussion to postpone the North Forestview Drive Improvement Project.

**Todd Holman:** Council Member Holman explained it is now a good time to review the City's assessment policy to determine if the policy too aggressive and how it compare with other communities.

**Mark Cross:** Council Member Cross explained he agrees with the comments made by Council Member Holman and that it was good to hear the positive feedback from the last council meeting.

**Darrel Olson:** Mayor Olson read an article about the Baxter Walmart's donations to Gillette Children's Hospital being top in the state and in the top 10 of the country.

**10. City Administrator's Report**

No report.

**11. City Attorney's Report**

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

**PID** 03361000090E0009, 336100090F009, 032630010040009, 020244200AAA009, 020244103BAA009, 020244103BAA009, 020244103BAA009, 020244103AA0009, 032290010010009, 020244103AA0009, 010193203BC0009, 020241400A00009, 010192304ABE009, 010192205ABA009, 010184300AAC009, and 010184200ACB009.

City Attorney Person asked the council to enter a closed session as provided on the agenda.

The council entered a closed session at 7:20 p.m.

**MOTION** by Council Member Holman, seconded by Council Member Cross to return to the open session at 8:12 p.m. Motion carried unanimously.

**MOTION** by Council Member Cross, seconded by Council Member Tabatt to proceed with the purchase agreement for the approximate 13-acre purchase from Good Samaritan. Motion carried unanimously.

City Administrator Chapulis explained negotiations are continuing on the other parcels.

**12. Adjourn**

**MOTION** by Council Member Cross, seconded by Council Member Holman to adjourn at 8:14 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