

BAXTER CITY COUNCIL MINUTES
January 16, 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 Steve Barrows, Todd Holman, and Mark Cross were present. Council Member Quinn Nystrom was absent.

City Administrator Bradley Chapulis, Assistant City Administrator Kelly Steele, Public Works Director Trevor Walter, 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

City Administrator Chapulis asked to pull Consent Agenda F. Adopt Social Media Policy and add Consent Agenda J. 2018 Pay Equity Report and submittal to the Department of Minnesota Management and Budget.

MOTION by Council Member Barrows, seconded by Council Member Cross to pull Consent Agenda F. Adopt Social Media Policy and add Consent Agenda J. 2018 Pay Equity Report and Submittal to the Department of Minnesota Management and Budget. Motion carried unanimously.

5. Public Comments

None

6. Consent Agenda

- A. Approve City Council Minutes from January 2, 2018
- B. Approve City Council Work Session Minutes from January 2, 2018
- C. Approve the Payment of Bills and Finance Report (Addendum A and Addendum A-1).
- D. Approve the Internship Agreement with NJPA, Approve the Park and Trails Maintenance Intern Job Description, and Authorize Staff to Commence the Process to Fill the Park and Trail Maintenance Intern Position
- E. Approve Temporary Liquor License for the Brainerd Lake Curling Association Event on February 17, 2018 at the Northland Arboretum
- F. Adopt Social Media Policy
- G. Approve installation of heaters at the Loren Thompson Park and Oscar Kristofferson Park warming houses in the amount of \$2,888.00
- H. Accept Utilities Commission Minutes from January 3, 2018
 1. Approve the SEH Professional Services Contract Amendment in the not to exceed amount of \$143,876.00 for the 2018 Cypress Drive Improvements Project.
 2. Adopt Resolution 2018-005 Approving Plans and Specifications for the 2018 Cypress Drive Improvement Project

3. Approve the WSB Proposal for Geotechnical Evaluation in the Lump Sum amount of \$4,550.00 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
 4. Approve the WSB Proposal for Professional Services for Right-of-Way Acquisition in the amount of \$11,378.00 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
 5. Approve the Eagle Construction Company, Inc. Partial Pay Estimate No. 1 in the amount of \$4,275.00 for the 2017 – 2018 Water Treatment Plant Flume Replacement Project.
- I. Accept Planning Commission Minutes from January 9, 2018
 - J. Approve City’s Pay Equity Report and Authorize Submittal of Report to the Department of Minnesota Management and Budget

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

K. Pulled Agenda Items

L. Other Business

A. Planning and Zoning Actions and Architectural Review Actions

1. Adopt Resolution 2017-006 approving conditional use permit to allow boat sales and repair with outdoor display and Variance to the surfacing requirements for property located at 15808 Edgewood Drive

Community Development Director Doty explained the request is for two different conditional use permits and a variance for property located at 15808 Edgewood Drive. The conditional use permits would allow boat sales and boat repair on the subject property. The variance would allow surfacing for the display of boats on a woodchip surface, when a hard surface is required by the ordinance.

The subject property has two buildings. The subject business is located at 15779 Edgewood Drive. Their proposal is to maintain operation of the business as it is today and to expand their business at the new site. The primary building on the new site would be used for boat repair, warehousing of parts, detailing, and the accessory building would be used for cold storage of boats. The retail display would include the display of seven boats. The primary function of the building would be for repair.

The applicant would require additional outside storage for repaired boats. The request includes ten outside parking stalls for repaired boats. Staff finds the request meets the parking requirements.

One requirement for the sales of boats would not be met because the code requires parking to be a hard surface and the applicant is proposing the use of woodchips. The other conditional use standards have been met for the retail portion of the site and the second set of conditions which relates to boat repair.

The variance request is for woodchips. Staff added the condition that the proposal would use ADA approved woodchips. The intent of the applicant is for it to be designed as a pervious surface yet maintain the integrity of the surface so there are not ruts as they travel the boats to and from the display location by TH 371.

The Utilities Commission recommended denial to the Planning Commission for the variance portion of the request. The Utilities Commission's concerns were of the permanent nature of the variance request. Staff reviewed the concerns in advance of the Planning and Zoning Commission meeting, which was after the Utilities Commission. Staff found the variance and the proposed findings would be specific to allow the display of seven boat spaces. In the future, the use would not transfer to other retail uses if the subject business did decide to move on from the property. The Planning Commission is recommending approval of the conditional use permits and variance.

Council Member Holman explained he understands the purpose of the paving is to prevent run off. Council Member Holman questioned if this is all self-contained or does it run into city infrastructure. The Utilities Commission recommended storm water treatment be required as if it was a paved surface. The applicant explained they are trying to design it to be a pervious surface to absorb and have some holding capacity. At this point, the resolution in front of the council does require storm water treatment as if it were a paved surface. The applicant would have to prove prior to the start of construction how they would meet the city's storm water treatment requirements for a 100-year design. The City is requiring treatment as if it were paved. Until the applicant submits the final cross section and design, it is hard to determine if there would be some credit provided for the woodchip area or if would there would have to be separate ponding. The intent of the ordinance is every lot keeps their water on their lot. A condition could be added to the approval that woodchips would not float into the ditch.

Tim Ramerth, with WSN, explained he is representing the applicant. Mr. Ramerth would like to expound on the discussion of the storm water. The new ordinance states any disturbance under one acre falls under an erosion sediment control plan. Anything over one acre requires storm water pollution prevention. The subject property would be approximately ½ acre or less of disturbance, so the request falls under the erosion sediment control plan. The Utilities Commission discussion was if a new impervious surface were created, the applicant would have to complete storm water management. There are many factors that reside with this property, this property is lower than the adjacent properties, the intent is to keep a this a pervious surface. Because the intent is going to be a low access, the applicant is going to move the boats out in the spring. If any patrons want to go look at the boats, it would be via foot traffic. If the applicant wants to swap any boats out it would be in the summer and they would pull the boats off in the fall, so very low use and very low compaction. Mr. Ramerth explained we are very fortunate that our soils are insidious sands, there is not a lot of finer material. As long as the applicant removes the finer material, puts down fabric and woodchip mulch on top of that, there would be little compaction. This would meet the intent of the ordinance and the applicant would not have to complete a storm water plan for this

project. The applicant is leasing the property, so they are trying to reduce their expense and keep it natural.

2. **MOTION** by Council Member Barrows, seconded by Council Member Holman to Adopt Resolution 2017-006 approving conditional use permit to allow boat sales and repair with outdoor display and Variance to the surfacing requirements for property located at 15808 Edgewood Drive. Council Member Cross asked for clarification if one of the conditions is for a 100-year storm water treatment plan. Community Development Director Doty explained this is a condition and the applicant is making the case that the surface would be pervious, and the condition would be mute. Public Works Director Walter explained whether the subject property is one acre or less, they still must complete a 100-year storm water plan. If they prove that is it a pervious surface and that it will drain sufficiently then they do not have to design a 100-year storm water treatment. Public Works Director Walter explained the last time this property was developed there already was a 100-year stormwater design for the existing impervious surfaces, and all the applicant has to do is submit that plan along with engineering proof that the surface is a pervious surface and they would meet the intent of the ordinance. This would meet the intent of what the Planning and Zoning Commission discussed. Council Member Cross inquired if the existing site would keep 100-year storm water on the site. Public Works Director Walter explained there was an AUAR completed that was tied to the wetland to the north, the plan entails multiple lots. There is a pond in the northwest corner of this lot and there is an overflow pipe that goes into the roadway drainage system. The applicant needs to prove everything is working the way it was originally designed and that the 100-year stormwater is resolved. Motion carried unanimously.

11. Council Comments

Steve Barrows: Council Member Barrows explained on January 2, 2018, the Baxter City Council met in a closed session under Minnesota Statute 13D.05, subd. 3 to complete an introductory performance review of City Administrator Brad Chapulis. The review took into consideration the many roles and responsibilities of the position. Mr. Chapulis was commended for his immediate work focusing on economic development, capital improvements projects, and community engagement. Council Member Holman and Council Member Barrows were the facilitators.

MOTION by Council Member Cross, seconded by Council Member Holman to accept the summary review. Motion carried unanimously.

Todd Holman: Council Member Holman inquired about scheduling the formal annual review date. City Administrator Chapulis explained he would provide future communication regarding a proposed review date of May 22.

Mark Cross: Council Member Cross reminded everyone to watch out for motorcycles.

Darrel Olson: Mayor Olson reminded everyone of the Chamber afterhours next Tuesday at Baxter Harley Davidson.

12. City Administrator’s Report

City Administrator Chapulis explained the first council meeting in February is moved to Wednesday, February 7th due to the caucus on February 6th.

13. City Attorney’s Report

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

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.

MOTION by Council Member Cross, seconded by Council Member Barrows to enter into a closed session at 7:29 p.m. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Barrows to return to the open session at 7:46 p.m. Motion carried unanimously.

Attorney Person explained the council received updates on negotiations for the Cypress Drive Project. No action would be taken at this time.

The Council returned to the finish the work session discussion on the 2018 mill and overlay and full depth reclamation improvement project. The Council suggested Mr. Rickert contact Sullivan Township regarding the work on Cedar Scenic. Mr. Rickert will provide final costs for consideration on February 20. The estimated costs for Baxter Drive are now higher due to brining the TH 210 intersection into compliance with ADA standards.

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,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator