

BAXTER CITY COUNCIL MINUTES
January 20, 2015

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.

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

MEMBERS ABSENT: None.

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

OATH OF OFFICE

Assistant City Administrator Steele administered the Oath of Office to new Council Member Quinn Nystrom.

PUBLIC COMMENTS

Dave Schonrock, 6056 Fairview Road. Mr. Schonrock addressed the council regarding concerns of noise levels; road conditions; and speed, careless, reckless, and distractive driving. Mr. Schonrock has been taking sound readings since last summer on vehicles traveling on TH 210. Mr. Schonrock asked someone to take the initiative to look into the railroad noise exceeding federal levels. Mr. Schonrock explained if the police department does not have sound measuring tools, he would purchase them. Mr. Schonrock explained his conversation with Anderson Brothers regarding the condition of the City's roads. Mr. Schonrock further explained seal coating and crack filling does not fix the road problems. The money is not spent wisely. Mr. Schonrock asked the police department to step up and stop more vehicles to slow people down.

A resident explained the council is invited to his Briarwood Lane home on Sunday at 1:00 p.m. to see the environment and discuss geology.

Crow Wing County Sheriff Dahl explained he visits with each city council in Crow Wing County every year to highlight his department and answer any concerns residents may have.

CONSENT AGENDA

- A. Approve City Council Minutes from January 6, 2015
- B. Approve City Council Work Session Minutes from January 6, 2015
- C. Approve City Council Special Meeting Minutes from January 15, 2015 Briarwood Lane Improvement Hearing
- D. Approve City Council Special Meeting Minutes from January 15, 2015 Excelsior Road Improvement Hearing

- E. Approve the Payment of Bills and Finance Report
- F. Approve Resolution 2015-03 Ordering Improvement and Preparation of Plans for the 2015 Excelsior Road Improvement Project
- G. Approve Resolution 2015-04 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2015 Excelsior Road Improvement Project
- H. Approve Resolution 2015-05 Ordering Improvement and Preparation of Plans for the 2015 Briarwood Lane Improvement Project
- I. Approve Resolution 2015-06 Receiving Feasibility Report and Calling Hearing on Improvement for the 2015 Dellwood Road and Novotny Road Improvement Project
- J. Adopt Ordinance 2015-01, Amending Chapter 11 to Extend a Sales and Use Tax and Motor Vehicle Excise Tax
- K. Approve Kennedy & Graven Conflict Waiver Related to Sales Tax Revenue Sharing Agreement
- L. Approve Request for Proposals for the Water Treatment Plant
- M. Approve Request for Proposals for Lift Station #3
- N. Approve Planning & Zoning Commission Minutes from January 13, 2015
- O. Accept Utilities Commission Minutes from January 7, 2015
 - 1. Approve the 2015 Sealcoat Project and direct staff to bid the project with Crow Wing County Highway Department – Bolton & Menk Memo
 - 2. Approve the WSN Proposal Amendment for Golf Course Drive Feasibility Study from Excelsior Road to Woida Road in the amount of \$9,430.00
 - 3. Approve the WSN Agreement for Professional Engineering, Surveying and Construction Testing Services for Inglewood Drive from Trunk Highway 210 to Excelsior Road in the Not to Exceed amount of \$105,350.00
 - 4. Approve the WSN Proposal for Engineering Services for Lift Station No 7. Rehabilitation in the lump sum amount of \$9,150.00
- P. Approve Resolution 2015-09 Relating to Parking Restrictions on S.A.P. 230-106-002, Excelsior Road from Cypress Drive to the East City Limits, in the City of Baxter, MN

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the consent agenda with the exception of agenda items I., N., O1, and O3. Motion carries unanimously.

PULLED AGENDA ITEMS

I. Approve Resolution 2015-06 Receiving Feasibility Report and Calling Hearing on Improvement for the 2015 Dellwood Road and Novotny Road Improvement Project

Council Member Holman asked to pull the agenda item to discuss the request for proposal (“RFP”) process. Council Member Holman questioned if the cost of the project triggers an RFP, and if it does not, the City’s negates the ability to RFP due to our financial process. Public Works Director/City Engineer Walter explained WSN was awarded the Dellwood contract prior to the City adopting an RFP policy. The Council discussed reasons to issue RPF for future projects. The Inglewood project can only be financed if it is combined with another project, such as this project.

MOTION by Council Member Holman, seconded by Council Member Cross to approve Resolution 2015-06 Receiving Feasibility Report and Calling Hearing on Improvement for the 2015 Dellwood Road and Novotny Road Improvement Project. Motion carries unanimously.

N. Approve Planning & Zoning Commission Minutes from January 13, 2015

Council Member Holman asked to pull the agenda item. The Planning & Zoning Commission is discussing new planned unit development (“PUD”) language. Under the current ordinance, the applicant had to bring a site plan for council review and comment before the application went through the process with the other commissions. The Planning & Zoning Commission is looking to eliminate this language. Community Development Director Doty explained the PUD sketch plan remains built into the ordinance, which will be presented for council consideration in February. The revised ordinance is drafted so that the zoning administrator can review the application and have the ability to forward the application to the council if there is information that should be ran past the council. Council Member Holman explained if the language states the application must be presented to the council first, it brings the council into preliminary discussions the council may not want to be involved with. The Council discussed the amount of involvement they would like in an application without a staff or commission recommendation. The current ordinance adds one additional meeting step that seems as if it should be eliminated. The Council discussed cost associated to a developer. Community Development Director Doty explained the revised ordinance is drafted as a middle approach.

MOTION by Council Member Holman, seconded by Council Member Barrows to approve Planning & Zoning Commission minutes from January 13, 2015. Motion carries unanimously.

O 1. Approve the 2015 Sealcoat Project and direct staff to bid the project with Crow Wing County Highway Department

Council Member Holman asked to pull the agenda item due to limited discussion during the work session. Council Member Holman explained he supports the general notion that residential streets should be removed from the citywide striping policy. An old subdivision ordinance required developers to strip residential streets in their development projects. The Council discussed moving the striping of Isle Drive to this year because of the Isle Drive extension project and to be consistent with striping Isle Drive. Public Works Director/City Engineer Walter explained the shoulders of Isle Drive could not be striped unless the right turn lane is removed. The Council discussed eliminating the striping of residential streets and striping Isle Drive this year. The Council discussed striping priorities for creating safe routs for school crossings.

MOTION by Council Member Holman, seconded by Council Member Cross to approve the 2015 Sealcoat Project with the removal of the residential streets and add Isle Drive and direct staff to bid the project with Crow Wing County Highway Department. Motion carries unanimously.

03. Approve the WSN Agreement for Professional Engineering, Surveying and Construction Testing Services for Inglewood Drive from Trunk Highway 210 to Excelsior Road in the Not to Exceed amount of \$105,350.00

Council Member Holman asked to pull the agenda item.

MOTION by Council Member Holman, seconded by Council Member Barrows to approve the WSN Agreement for Professional Engineering, Surveying and Construction Testing Services for Inglewood Drive from Trunk Highway 210 to Excelsior Road in the Not to Exceed amount of \$105,350.00. Motion carries unanimously.

OTHER BUSINESS

Planning & Zoning Actions

Adopt Resolution No. 2015-07 Approving Findings of Fact, Ordinance No. 2015-02 and Summary Ordinance No. 2015-03 approving Zoning Ordinance Amendments to related to the city's fencing and parking regulations

Community Development Director Doty explained the ordinance, which relates to fencing is silent to barbwire fencing, meaning barbwire fencing is not allowed. The Council discuss existing barbwire fencing on a property, when annexed into the city, is considered a legal non-conforming use. Existing garage parking requirements did not reflect the City's practice. The current ordinance requires a four-plex to have four garages. Changes to the ordinance would allow one garage for every two units. Single family and senior housing is not addressed by the ordinance changes.

MOTION by Council Member Cross, seconded by Council Member Barrows to adopt Resolution No. 2015-07 Approving Findings of Fact, Ordinance No. 2015-02 and Summary Ordinance No. 2015-03 Approving Zoning Ordinance Amendments Related to the City's Fencing and Parking Regulations. Motion carries unanimously.

Adopt Resolution No. 2015-08 Approving Findings of Fact, Ordinance No. 2015-04 and Summary Ordinance No. 2015 -05 approving City Code Amendments to the Individual Sewage Treatment System regulations

Community Development Director Doty explained the ordinance relates to subsurface sewerage treatment. The MPCA has updated their regulations and under state statute, if a local government elects to regulate, as Baxter does, the City needs to adopt an ordinance as strict as or stricter than the county's ordinance. The proposed ordinance is very similar to the county ordinance. Community Development Director Doty reviewed some of the changes and explained staff and the Planning & Zoning Commission are recommending approval.

MOTION by Council Member Barrows, seconded by Council Member Holman to adopt Resolution No. 2015-08 Approving Findings of Fact, Ordinance No. 2015-04 and Summary Ordinance No. 2015 -05 approving City Code Amendments to the Individual Sewage Treatment System regulations. Motion carries unanimously.

Approve 2015 City Wide Striping

Public Works Director/City Engineer Walter explained the streets indicated in yellow on the map are budgeted for 2015 striping. The Council discussed striping minor and major collector's streets and removing Grand Oaks, Flintwood, and Firewood Drive. Staff needs to draft a striping policy.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the 2015 City Wide Striping with the removal of Grand Oaks, Flintwood, and Firewood Drive. Motion carries unanimously.

COUNCIL COMMENTS

Todd Holman: Council Member Holman explained that due to the holiday on Monday he was not able to ask staff questions related to the consent agenda items he requested to be pulled. Council Member Holman explained the public hearing process for the Comprehensive Plan is conducted through the Long Range Planning commission. When the Comprehensive Plan is presented to the Council, the discussion will not be a repeat of the Long Range Planning Commission process. Council Member Holman encouraged the council to read the document. Council Member Holman explained communication is a place for the City to work on going forward by adding a standing communication commission. The establishment of a communication commission could be discussed during a work session. Council Member Holman also explained there is a need to create a bike safety and road design commission or incorporate such into the Utilities Commission. Council Member Holman would like to set a date during the next work session to conduct the annual city administrator review for a date in March.

Mark Cross: Council Member Cross explained he would miss the first council meeting in February due to a scheduling conflict with his work schedule.

Darrel Olson: Mayor Olson explained the Council has been updated on what he is about to discuss. Mayor Olson stated he worked for Crow Wing County for 25 years prior to his retirement in 2013. As his retirement neared, he met with the Public Employees Retirement Association of Minnesota ("PERA") for an out briefing. Mayor Olson further explained it is recommended to meet with PERA prior to retirement. The outcome of the PERA meeting was everything was in order to facilitate a smooth retirement. Based on this assurance, Mayor Olson explained he retired on April 1, 2013. A few months ago, Mayor Olson explained he received a letter from PERA explaining he had an erroneous retirement because he did not have a 30-day separation from his Crow Wing County position and his elected position of mayor. Mayor Olson attempted to explain to PERA he never worked for the City of Baxter, but rather for the citizens who elected him. PERA threatened to withhold any further retirement payments and require back pay of all benefits received since April 2013 if Mayor Olson does not resign by January 30. Therefore, Mayor Olson explained he would be resigning as mayor of Baxter as of 11:59 p.m. on January 20, 2015. Council Member Holman will continue in his duties as acting mayor. After 30-days, Mayor Olson explained he would like to rejoin the council.

Assistant City Administrator Steele read Resolution 2015-10 Regretfully Accepting the Resignation of Mayor Darrel Olson.

MOTION by Council Member Barrows, seconded by Council Member Holman to approve Resolution 2015-10 Regretfully Accepting the Resignation of Mayor Darrel Olson. Motion carries unanimously.

CITY ADMINISTRATOR’S REPORT

City Administrator Heitke explained the Council needs to be aware of engineering creep. City Administrator Heitke presented a chart outlining the status of various construction projects. City Administrator Heitke further explained he will begin a medical leave on Wednesday and Assistant City Administrator Steele will monitor his emails and phone calls.

CITY ATTORNEY’S REPORT

Discussion of Land Acquisition Negotiations. *Closed Session under MN Statute 13D.05, Subd. 3(c)(3) to develop an offer for the purchase of real property.*

Labor Contract Negotiations. *Closed Session under MN Statute 13D.03*

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

MOTION by Council Member Cross, seconded by Council Member Holman to enter into a closed session at 8:29 p.m. Motion carries unanimously.

MOTION by Council Member Cross, seconded by Council Member Barrows to return to the open meeting at 11:13 p.m. Motion carries unanimously.

Upon returning to the open meeting, City Attorney Person explained there is no action to be taken by the Council for the three land negotiations discussions. City Attorney Person further explained labor contract discussions would continue and no action is required at this time.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Nystrom to adjourn the meeting at 11:14 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Todd Holman
Acting Mayor

Kelly Steele
Assistant City Administrator