

BAXTER CITY COUNCIL MINUTES
January 21, 2014

The regular meeting of the Baxter City Council was called to order at 7:00 p.m. by Mayor Olson who led in the pledge to the flag.

MEMBERS PRESENT: Council Members Mark Cross, Todd Holman, Jim Klein, and Mayor Darrel Olson.

MEMBERS ABSENT: Rob Moser

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

PUBLIC COMMENTS

None

CONSENT AGENDA

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

- A. Approve City Council Minutes from January 7, 2014
- B. Approve City Council Work Session Minutes from January 7, 2014
- C. Approve the Payment of Bills and Finance Report
- D. Accept Utilities Commission Minutes from January 8, 2014
 - 1. Approve the Industrial Park Road Stormwater Basin Cleaning and Expansion Project, Final Pay Estimate No. 2 to Anderson Brothers Construction in the amount of \$4,703.58
- E. Accept Architectural Review Commission minutes from January 14, 2014
- F. Accept Planning Commission Minutes from January 14, 2014
- G. Approve purchase of two police squads.

OTHER BUSINESS

Bolton & Menk 2014 Chipsealing and Sealcoating Contract

Mayor Olson explained the Council conducted an extensive discussion of the project during the work session.

MOTION by Council Member Cross, seconded by Council Member Holman to approve the Bolton & Menk 2014 Chipsealing and Sealcoating Contract. Motion carried with Cross, Holman, and Olson voting yes; Klein voting no.

WSN Engineering Contract Amendment for Wildflower Drive, Franklin Drive and Woida Road Project Bituminous trail on Woida Road

Mr. Welch explained the contract amends the Woida Improvement Project Contract to include the construction of a trail along the north side of Woida Road. The proposed contract amendment for \$15,570.00 contains not to exceed language.

MOTION by Council Member Holman, seconded by Council Member Cross to approve the WSN Engineering Contract Amendment for Wildflower Drive, Franklin Drive and Woida Road Project Bituminous Trail on Woida Road. Motion carried unanimously.

WSN Engineering Contract Amendment for Wildflower Drive, Franklin Drive and Woida Road Project Section 6 Stormwater Improvements

Mr. Welch explained the contract includes storm water management improvements discussed during the previous council meeting. The contact for \$14,380.00 contains not to exceed language. The additional expense of the stormwater improvements will not be assessed against property owners. Mayor Olson also added the Woida Road trail project will not be assessed against property owners.

MOTION by Council Member Holman, seconded by Council Member Klein to approve the WSN Engineering Contract Amendment for Wildflower Drive, Franklin Drive and Woida Road Project Section 6 Stormwater Improvements. Motion carried unanimously.

WSN Engineering Proposal for 2014 Falcon Drive

Mr. Welch explained the contract is for the design and construction of the 300' extension of Falcon Drive, north of Isle Drive, and a right turn lane onto Isle Drive. The contract for \$16,300.00 contains not to exceed language.

MOTION by Council Member Klein, seconded by Council Member Cross to approve the WSN Engineering Proposal for 2014 Falcon Drive. Motion carried unanimously.

Safe Routes to School Grant Application

Chief Exsted explained the resolutions presented are to validate the City will maintain the improvements and will sponsor the grant.

MOTION by Council Member Cross, seconded by Council Member Klein to approve Resolution No. 2014-06 Agreeing to Act as Sponsor Agency. Motion carried unanimously.

MOTION by Council Member Holman, seconded by Council Member Cross to approve Resolution No. 2014-07 Agreeing to Maintain Facility. Motion carried unanimously.

Adopt Resolution No. 2014-05 affirming city staff's interpretation of the city's zoning ordinance regarding the discontinuance of a non-conforming use

The request is an appeal of staff's zoning interpretation of the City's non-conforming use ordinance in relation of the discontinuance of the use of a duplex at 13437 Maplewood Drive. The duplex is located in an R-1 District. Once occupancy is discontinued for a period of over one year, the non-conforming use of a duplex is lost and the property must conform. The duplex has failed a rental inspection and occupancy has been denied. Staff denied a building permit due to the loss of the grandfathered status. On January 10, 2014 the Planning and Zoning Commission affirmed staff's interpretation. Mr. Doty explained the two letters received via email from neighbors have been entered into the public record.

Floyd Jensen, 12701 Executive Acres, explained he has owned the duplex for ten years. Mr. Jensen stated the property was originally used as a hotel. Mr. Jensen stated he was not aware of the ordinance that disallowed the use as a duplex. Mr. Jensen asked the City's building inspector to review the property and draft a work order for repairs. Due to the property losing value, it was not financially feasible to invest in repairs. The best use of the property is as a duplex. The parcel is not large enough to support the construction of a garage. Mr. Jensen asked the council for one year to establish the property.

Kenneth Wotczak, 13413 Maplewood Drive, stated the duplex has not been maintained for the last ten years and does not fit the neighborhood. Mr. Wotczak inquired about the vacation of the property neighboring the duplex. Mayor Olson explained an incomplete application for the vacation has been received by the City. If a complete application is received, the neighborhood will receive notice of a public hearing. Mr. Doty explained at this time the applicant has decided to reconsider the request.

Scott Hangge, 13395 Maplewood Drive, stated he is new to the area. He is in attendance to learn about the duplex because it does not seem to fit the neighborhood. Mr. Hangee inquired if it would be feasible to tear down the duplex and build a single family home. Mr. Hangee stated the duplex is an eyesore for the neighborhood.

Tim Nelson, 13425 Maplewood Drive, stated it took one phone call to find out what can be done with the property. It did not take much digging other than one phone call.

Mr. Jensen stated the property has been used as a duplex for a long period of time. The property is run down and he hasn't been successful in finding a good tenant. The property has a work order that must be completed prior to a tenant moving into the property. Due to the size of the property, a garage cannot be built without acquiring additional property. Mr. Jensen stated he is asking the Council to provide him with a one year time frame so he can find someone to complete the repair work.

MOTION by Council Member Klein, seconded by Council Member Holman to approve Resolution No. 2014-05 affirming city staff's interpretation of the City's zoning ordinance regarding the discontinuance of a non-conforming use. Motion carried unanimously.

CITY COUNCIL COMMENTS

Holman: Council Member Holman explained he and Mayor Olson attended the Resilient Region Five meeting last week Tuesday. The Distributive Leadership Model was used for each of the themes. Each theme reported on their accomplishments. The City will see some of the themes brought forward in our Comprehensive Plan update.

Olson: Mayor Olson explained he attended the transportation and changing population themes. The committee has been able to leverage approximately \$21million in last six months by working together. The City of Baxter has built the community for young families, but due to the changing population demographic, the thought process will have to change. Mayor Olson expressed appreciation for the time the volunteers have contributed to the project.

Mayor Olson announced the Council will enter into a closed session. Upon the conclusion of the closed session and the regular council meeting, the Council will resume the work session to finish discussion on the Woida Project and Whiskey Creek agenda items.

CITY ATTORNEY’S REPORT

Closed Meeting under MN Statute 13D.05, Subd. 3(c)(3) to develop an offer for the purchase of real property.

Closed Meeting under MN Statute 13D.05, subd. 3 (b) Zoning Violation

At 8:25 p.m. Mayor Olson opened the regular meeting.

Mr. Person summarized the Council discussed three right-of-way acquisition items. The properties discussed were 14681 Wildflower Drive, 14663 Wildflower Drive, and 7118 Clearwater Road. Council provided staff with parameters of potential values to settle.

Mr. Person stated staff will discuss potential settlement terms with the property owner of 1383 Cherrywod Drive.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Klein to adjourn the regular Council Meeting at 8:26 p.m. to resume the work session. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk