

BAXTER CITY COUNCIL MINUTES
February 21, 2017

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.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson, Council Member Quinn Nystrom, Steve Barrows, and Mark Cross.

COUNCIL MEMBERS ABSENT: Todd Holman

STAFF PRESENT: Interim City Administrator Kelly Steele, Community Development Director Josh Doty, Police Chief Jim Exsted, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter.

PUBLIC COMMENTS

Dave Schonrock, 6056 Fairview Road - addressed the council regarding concerns of noise levels; road conditions; and speed, careless, reckless, and distractive driving and franchise fees.

Mr. Schonrock stated the noise levels exceed 142 decibels and city and law enforcement are required to enforce. Mr. Schonrock stated the city of Little Falls, has a no horn zone for the zoo since animals have hearing 10 times greater than ours. Mr. Schonrock requested a barrier on Knollwood Drive; he stated he would pay for the barriers if the city doesn't have the money. He felt the city can do more to control the noise. Mr. Schonrock commented on speed, careless, reckless, and distractive driving and asked the police department to step up and stop more vehicles to slow people down.

Mr. Schonrock commented that Fairview Road is starting to bust apart already and felt that either materials or workmanship was below standard. He then inquired on why was Inglewood Drive was seal coated after two months? Baxter roads in poor condition and Excelsior Road recently broke his plow. He felt there is a need to do a thorough investigation on where the money is spent. Ditches in front of Fairview Road homes now have water standing in their yards that didn't before. The road was raised although has city staff denied. He requested the city fill in his ditch with dirt and then he can cut it.

Mr. Schonrock then addressed franchise fees and gave the Webster Dictionary definition. He requested removal of the \$3.00 fee and charge more to people who come here for use of the roadways.

CONSENT AGENDA

- A. Approve City Council Minutes from February 2, 2017.
- B. Approve City Council Minutes from February 7, 2017.
- C. Approve City Council Work Session Minutes from February 7, 2017.
- D. Approve the Payment of Bills and Finance Report (Addendum A and Addendum A-1).

- E. Accept Planning & Zoning Commission minutes from February 14, 2017.
- F. Accept Utilities Commission minutes from February 8, 2017.
 - 1. Request KLM Engineering, Inc. returns to the March 8, 2017 Utilities Commission meeting with both a conventional bid and design build engineering proposal for the 2018 North Water Tower Rehabilitation Improvements Projects.
 - 2. Accept the KLM Engineering, Inc. Elevated North Water Tank Inspection Report.
 - 3. Approve the Pine Grove Estates 100-Year Stormwater Management Plan.
 - 4. Approve the Pine Grove Estates Stormwater Pollution Prevention Plan contingent that no stockpiling of materials, placement of construction equipment and construction materials will be allowed in the storm water ponding areas.
 - 5. Approve the Pine Grove Estates Civil Plans contingent on final approval from the Public Works Director/City Engineer and require a Developer's Agreement for the Phase 1 Improvements.
 - 6. Approve the Progressive Consulting Engineers Polymer Feed System Pilot Testing Proposal in the not to exceed amount of \$8,000.00.
 - 7. Approve the Progressive Consulting Engineers Proposal for Engineering Services for the 2018 Flume Installation at the Water Treatment Plant in the not to exceed amount of \$45,000.00.
 - 8. Approve the Bolton & Menk Proposal for Engineering Services for the 2017 Pavement Management Program Assistance in the not to exceed amount of \$12,500.00.
 - 9. Approve the Bill Ludenia Appraisals Quote on Parcels 25, 36, 38 and 43 for the 2018 Cypress Drive Improvements Project in the lump sum amount of \$5,400.00.
 - 10. Approve the SEH Contract for Engineering Services for the Feasibility Report, Final Design, Right-of-Way Acquisition and Bidding for the 2018 Cypress Drive Improvements Project in the not to exceed amount of \$425,095.00.
 - 11. Approve proceeding forward with Option No. 3 for the 2017 Excelsior Road Residential Roadway Improvements Project which includes improvements to Grand Oaks Drive for a bike and pedestrian trail connection.
 - 12. Approve the WSN Proposal for Professional Engineering Services for the first Annual Water Audit Implementation Project in the lump sum of \$7,600.00.
 - 13. Approve the Crow Wing Power Utility Relocation Invoice for the 2016 College Road and Cypress Drive Turn Lane Improvements Project in the amount of \$29,769.59.
 - 14. Approve the 20 Year Lift Station Maintenance Plan Update (2017 – 2037) for the Sanitary Sewer Lift Stations.
 - 15. Accept the South Forestview Storm Water Outlet Feasibility Study.
 - 16. Approve the WSN Agreement for Professional Engineering Services for the Inglewood Drive Railway Crossing and Associated Roadway Improvements Feasibility Study Update in the not to exceed amount of \$10,470.00.
- G. Adopt Resolution 2017-010 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2017 Elder Drive Improvement Project.
- H. Adopt Resolution 2017-011 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2017 Chip Seal Improvement Project.
- I. Adopt Resolution 2017-012 Receiving Feasibility Report and Calling Hearing on Improvement for the 2017 Excelsior Road and Edgewood Drive Commercial Area Improvement Project.

- J. Approve Agreement with Richard Dean allowing two temporary structures for Dean's Auto Salvage located at 12742 Evergreen Drive.
- K. Approve the Kelly Lindstrom Contract for Appraisal Review Services for Five Parcel Appraisal Reports for the 2018 Cypress Drive Improvements Project.
- L. Approve Revisions to the Special Assessment Policy.
- M. Approve moving the Baxter Water Quality Project for the Whiskey Creek Tributary to the Mississippi River from 2017 to 2018 in the City 5-year Capital Improvements Plan.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda with the exception of items I and J. Motion carried unanimously.

PULLED AGENDA ITEMS

I. Adopt Resolution 2017-012 Receiving Feasibility Report and Calling Hearing Improvement for the 2017 Excelsior Road and Edgewood Drive Commercial Area Improvement Project.

Interim Administrator Steele pulled the item for the three (3) items that Mr. Welch referenced needing corrections at the work session.

MOTION by Council Member Cross, seconded by Council Member Barrows to Adopt Resolution 2017-012 Receiving Feasibility Report and Calling Hearing Improvement for the 2017 Excelsior Road and Edgewood Drive Commercial Area Improvement Project with the changes addressed by WSN Consulting Engineer Welch. Motion carried unanimously.

J. Approve Agreement with Richard Dean allowing two temporary structures for Dean's Auto Salvage located at 12742 Evergreen Drive.

Interim Administrator Steele stated this item was pulled at the request of the property owner.

MOTION by Council Member Cross, seconded by Council Member Barrows to table the Agreement with Richard Dean allowing two temporary structures for Dean's Auto Salvage located at 12742 Evergreen Drive. Motion carried unanimously.

PLANNING AND ZONING ACTIONS

Adopt Ordinance No. 2017-001 amending the City's official zoning map from C-2 (Regional Commercial) and R-2 (Medium Density Residential) to PUD (Planned Unit Development) and Resolution 2017-013 approving a preliminary and final replat for "First Addition to Pine Grove Estates" and Resolution 2017-014 approving a PUD general and final plan for three 35-unit apartment buildings and two 8-unit townhomes located east of Forest Drive and south of Clearwater Road.

CD Director Doty explained this item was for a number of different applications. Basically it is an extension of the existing apartment buildings on Clearwater Road. CD Director Doty reviewed the site location, site plan, the project amenities, landscaping, the phasing of the project and the history of the previous plat.

In addition a rezoning from C-2, Regional Commercial and R-2 Medium Density Residential to PUD, Planned Unit Development, PUD General Plan and PUD Final Plan will also need to be approved to allow 14.6 acres to accommodate three new 35-unit apartment buildings and two new 8-unit townhomes.

CD Director Doty explained how the standards had been reviewed, including a previous traffic study, access/fire lanes and right of way that is being proposed which is 7-feet. He explained that the park fees had been previously paid with the former plat; so there will not be any additional park fees. CD Director Doty stated staff and the developer worked together to make sure that there will be sidewalk connections throughout the development and connects to the commercial district.

CD Director Doty stated that the Utilities Commission reviewed this project and had a few requirements/conditions. The Architectural review was completed administratively as it meets the regulations.

Council Member Cross commented that on a Class 5 access be maintained after the second building is built to provide fire access. Kuepers Owner Steve Kuepers had no concerns with that request.

MOTION by Council Member Nystrom, seconded by Council Member Barrows to adopt Ordinance No. 2017-001 amending the City's official zoning map from C-2 (Regional Commercial) and R-2 (Medium Density Residential) to PUD (Planned Unit Development) and Resolution 2017-013 approving a preliminary and final replat for "First Addition to Pine Grove Estates" and Resolution 2017-014 approving a PUD general and final plan for three 35-unit apartment buildings and two 8-unit townhomes located east of Forest Drive and south of Clearwater Road, subject to the access being added. Motion carried unanimously.

Adopt Resolution 2017-015 approving a Conditional Use Permit to allow a garden center use for farmers market produce sales in a C-2 Regional Commercial district located at 7915 Highway 210.

Community Development Director Doty stated this was a request for a Conditional Use Permit to allow a garden center use for farmers market produce sales at the Viking Harley Davidson dealership located at 7915 State Highway 210. CD Director Doty reviewed the site plan layout, gave history of the farmers market being at the Gander Mountain location since 2005, currently in 2016 a PUD was issued for the Gander Mountain site, which disallowed the farmers market use.

CD Director Doty stated that the Utilities Commission and MnDOT both reviewed the request and had minimal concerns.

MOTION by Council Member Barrows, seconded by Council Member Cross to adopt Resolution 2017-015 approving a Conditional Use Permit to allow a garden center use for farmers market produce sales in a C-2 Regional Commercial district located at 7915 Highway 210. Motion carried unanimously.

COUNCIL COMMENTS

No council comments were received.

CITY ADMINISTRATOR'S REPORT

Interim Administrator Steele stated the council had originally picked five finalists for interviews and two alternates. Ms. Steele informed the council that one of the finalists had recently accepted a city administrator position with a different city. Ms. Steele inquired if they would like to add an alternate since one of the finalist had dropped out.

Council Member Barrows stated he wanted to keep the number of candidates where the council set it earlier at five and move one up for consideration. The two alternates gained the same number of votes from the council when candidates were initially ranked but the council did create a priority list between them.

Council Member Nystrom said she'd rather err on the side of caution and extend the interview invitation to both alternates since the council doesn't know if another candidate may drop out before the interviews are conducted in March.

Council Member Mark Cross said he could see both sides and didn't have a strong opinion either way. Mayor Darrel Olson stated there is a cost associated with interviewing the candidates with a travel stipend offered.

MOTION by Council Member Cross, seconded by Council Member Nystrom to change the number of candidates to be interviewed to six. Motion failed with Council Member Barrows and Mayor Olson voting against.

City Attorney Person suggested the council could extend the interview to the first alternate and agree the second alternate would move into the list of finalists if any of the remaining candidates dropped out. The council voted in favor of that idea at 3-1 with Nystrom opposed.

MOTION by Council Member Cross, seconded by Mayor Olson to extend the interview to the first alternate and agree the second alternate would move into the list of finalists if any of the remaining candidates dropped out. Motion carried with Council Member Nystrom opposed.

CITY ATTORNEY'S REPORT

Closed Session, Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property and Minnesota Statute 13D.03, Labor Negotiations.

City Attorney Person asked council to go into a closed session to discuss the purchase of property and labor negotiations.

MOTION by Council Member Cross, seconded by Council Member Nystrom to enter into a closed session at 7:24 p.m.

Mayor Olson opened the regular meeting at 8:40 p.m.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve purchase agreement for 8026 Basswood Road South. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Nystrom to approve the LELS tentative agreement. Motion carried unanimously.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn at 8:43 p.m.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Mary Haugen
Administrative Assistant