

BAXTER CITY COUNCIL MINUTES
March 18, 2014

Mayor 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: Council Members Mark Cross, Todd Holman, Jim Klein, Rob Moser, and Mayor Darrel Olson.

MEMBERS ABSENT: None.

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

PUBLIC COMMENTS

None.

CONSENT AGENDA

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

- A. Approve City Council Minutes from March 4, 2014
- B. Approve City Council Work Session Minutes from March 4, 2014
- C. Approve the Payment of Bills and Finance Report
- D. Accept Utilities Commission Minutes of March 5, 2014
 - 1. Direct City staff to draft an agreement for temporary water and sanitary sewer connections to the Tanner Commercial Property on TH 371 which protects the city against future assessments for streets, water, and sanitary sewer on the Novotny Road and Dellwood Drive Project.
 - 2. Approve the WSN Proposal for Engineering Services for Lift Station No. 9 Rehabilitation in the estimated amount of \$8,750.00
 - 3. Approve the Bolton & Menk, Inc. Proposal for Engineering and Bidding Services for the Water Treatment Plant replacement of the Chlorine Generation System in the amount not to exceed of \$13,500.00 with funding allocated in the 2014 WAC Budget
- E. Award the low quote for the 2014 Baxter Drive and Charles Streets Trail Connection Project to Pratt's Affordable Excavating in the lump sum amount of \$24,685
- F. Approve Permit for Retail Sales of Fireworks by B. J. Alan Company at Mills Fleet Farm, B. J. Alan Company at Menards, and TNT Fireworks at Westside Liquor
- G. Approve Regular Employment Status for Josh Doty Due to Successful Completion of Probationary Period
- H. Approve Regular Employment Status for Kelly Steele Due to Successful Completion of Probationary Period
- I. Crow Wing County Tax Forfeited Parcels
- J. Accept Planning Commission Minutes from March 11, 2014

PULLED ITEMS

D1. Direct City staff to draft an agreement for temporary water and sanitary sewer connections to the Tanner Commercial Property on TH 371 which protects the city against future assessments for streets, water, and sanitary sewer on the Novotny Road and Dellwood Drive Project.

Mr. Heitke explained staff is requesting Council remove this item from the consent agenda. Based upon consensus reached during closed session, Mr. Person recommends a motion to approve with the additional terms of adding a reference time to hook up to city utilities after completion of city utilities and requiring the developer to donate an additional 33' feet of right-of-way along Dellwood.

MOTION by Council Member Cross, seconded by Council Member Moser to direct City staff to draft an agreement for temporary water and sanitary sewer connections to the Tanner Commercial Property on TH 371 which protects the city against future assessments for streets, water, and sanitary sewer on the Novotny Road and Dellwood Drive Project and to add a reference time to hook up to city utilities after completion of city utilities and require the developer to donate an additional 33' feet of right-of-way along Dellwood. Motion carried unanimously.

D3. Approve the Bolton & Menk, Inc. Proposal for Engineering and Bidding Services for the Water Treatment Plant replacement of the Chlorine Generation System in the amount not to exceed of \$13,500.00 with funding allocated in the 2014 WAC Budget.

Council Member Klein asked for clarification for the need of another engineer. Mr. Walter explained an engineer is needed to draft the plans and specifications and to administer the bidding process. The best value bidding process, rather than the City's traditional bidding method will be used. Bolton & Menk has successfully completed this type of bidding in other communities. Public Works staff will be able to complete the engineering during the construction phase.

MOTION by Council Member Moser, seconded by Council Member Holman to approve the Bolton & Menk, Inc. proposal for engineering and bidding services for the water treatment plant replacement of the chlorine generation system in the amount not to exceed \$13,500.00 with funding allocated in the 2014 WAC budget. Motion carried unanimously.

OTHER BUSINESS

Resolution No. 2014-16 Approving Plans and Specifications and Advertisement for Bids for the 2014 Franklin Drive, Wildflower Drive, and Woida Road Area Improvements Project.

Mr. Heitke asked council to table this item for discussion in the work session. Mr. Heitke explained Council would not be taking action on this item upon the conclusion of the work session.

MOTION by Council Member Cross, seconded by Council Member Klein to table discussion for the work session. Motion carried unanimously.

Mayor Olson explained there was not sufficient time to discuss the entire work session agenda during the work session. Upon the conclusion of the regular meeting, the Council will resume the work session to finish discussing the remaining agenda items.

Adopt Resolution No. 2014-17 Approving Findings of Fact, Ordinance No. 2014-04 and Summary Ordinance No. 2014-05 approving a Zoning Ordinance Text Amendment to revise the Landscaping regulations (10-4-4C) and the Off Street Parking requirements (10-5-2C and 2D).

Mr. Doty explained on February 18, 2014 Council directed staff to bring the landscape ordinance back to the Planning and Zoning Commission for consideration of additional amendments. The three main changes discussed were to allow more flexibility with native planting and their application within the city, to exempt landscaping islands from the outer perimeter rows in the City, and to allow parking stall depths to be reduced from 20 feet deep to 18 feet deep for bumper overhang when there is curb. Staff has revised the ordinance based upon the Council recommendations, an addition to an added amendment regarding landscape islands. The current ordinance provides for an allowed exception for the spacing of islands, which the Council can consider a longer stretch between parking stalls and islands. Staff is proposing to allow an administrative review process for this exception. The Planning and Zoning Commission has reviewed the changes and recommends approval.

MOTION by Council Member Cross, seconded by Council Member Klein to adopt Resolution No. 2014-17 Approving Findings of Fact, Ordinance No. 2014-04 and Summary Ordinance No. 2014-05 approving a Zoning Ordinance Text Amendment to revise the Landscaping regulations and the Off Street Parking requirements.

Adopt Resolution No. 2014-18 Approving a Minor Subdivision for a plat to consolidate two lots into one lot for a plat to be named “Nystrom Addition” for property at the northwest corner of Isle Drive and the right-of-way for Falcon Drive.

Mr. Doty explained the request is to consolidate two lots into one to allow for the construction of a 20,000 square foot office building. The single family home would be removed to allow for the construction of the office building. Consolidation would create one lot that meets requirements. Park dedication fees in the amount of approximately \$9,500 would be due. An additional seven feet of right-of-way would be required on Falcon Drive and an additional fifteen feet on Isle Drive, which would allow 85 feet of right-of-way on both Isle Drive and Falcon Drive. The application has been reviewed by the Utilities Commission with a recommendation of entering into a signed developer agreement prior to issuing the building permit. The architectural review and occurred and found the project complies with the ordinance. On March 11, the Planning and Zoning Commission recommended approval, provided site access is relocated from Isle Drive to Falcon Drive. Given the Planning and Zoning Commission’s recommendation was different from the submitted site plan, staff asked WSB and Associates to complete a traffic study for this area and to provide a recommendation for access. The traffic study analysis recommends full

access to the property from Falcon Drive and a potential of a right in and right out of the property onto Isle Drive.

The applicant, Brian Nystrom, provided staff and council information about his company. His existing clinic, located next to the new water tower, has been there since 1997 and has out gown the space. Mr. Nystrom selected the new site and purchased it with intention of having an Isle Drive access due to Isle Drive being a well-known street name. Mr. Nystrom explained Essentia Health and Cuyuna Medical Center have multiple access points onto Isle Drive. Mr. Nystrom does not feel the McDermott comparison is the same. Mr. Nystrom provided aerial photos and statistics of his metro clinics to support is request for an Isle Drive access. Mr. Nystrom explained the Falcon Drive access would cause him to lose three parking spaces.

MOTION by Council Member Holman, seconded by Council Member Cross to Adopt Resolution No. 2014-18 Approving a Minor Subdivision for a plat to consolidate two lots into one lot for a plat to be named “Nystrom Addition” for property at the northwest corner of Isle Drive and the right-of-way for Falcon Drive with the recommendation of the Falcon Drive site access. Council Member Holman, Cross, Moser, and Mayor Olson voting yes. Council Member Klein voting no. Motion carried.

Staff will review policies to address the property as Isle Drive.

Adopt Resolution No. 2014-19 Approving a Conditional Use Permit to allow a 30-foot by 40-foot detached accessory building for property located at 12861 Perch Lake Drive.

Mr. Doty explained the applicant is requesting a conditional use permit to allow for the construction of a 30 foot by 40 foot accessory building. Zoning code allows accessory buildings to exceed 1,800 square feet if the property site is greater than 2.5 acres, provided a conditional use permit is approved. The applicant’s property is 3.8 acres. The proposed accessory structure will meet the 100’ setback and will be located rearward of the front line. Staff recommends a condition that the accessory building cannot be used for sleeping, bathing, or cooking. R1 districts are not subject to architectural standards. On March 11, the Planning and Zoning Commission recommend approval.

MOTION by Council Member Moser, seconded by Council Member Cross to adopt Resolution No. 2014-19 approving a conditional use permit to allow a 30-foot by 40-foot detached accessory building for property located at 12861 Perch Lake Drive. Motion carried unanimously.

Christensen PUD Sketch Plan Review

Mr. Heitke recommends the Council table discussion on this item due to not having a sketch plan ready at this time.

MOTION by Council Member Cross, seconded by Council Member Moser to table discussion on the Christensen PUD sketch plan review. Motion carried unanimously.

CITY COUNCIL COMMENTS

Holman: Ask staff to consider developing an access plan.

CITY ADMINISTRATOR'S REPORT

None.

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.

MOTION by Council Member Klein, seconded by Council Member Cross to enter a closed session at 8:06 p.m. Motion carried unanimously.

Council returned to the open session at 8:35 p.m.

MOTION by Council Member Klein, seconded by Council Member Moser to approve the agreement discussed in the closed meeting for 6999 Woida Road. Motion carried unanimously.

MOTION by Council Member Klein, seconded by Council Member Moser to approve the agreement discussed in the closed meeting for 7372 Woida Road. Motion carried unanimously.

MOTION by Council Member Klein, seconded by Council Member Moser to approve the agreement discussed in the closed meeting for 7149 Woida Road. Motion carried unanimously.

ADJOURNMENT

MOTION by Council Member Moser, seconded by Council Member Holman to adjourn the regular Council Meeting at 8:36 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk